



Friends of Del Norte

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Protecting the WILDLANDS, WATERS and WILDLIFE of Del Norte County Since 1973.

MLPA North Coast CEQA Comments

April 14, 2012

Cal. Dept. of Fish and Game

c/o: Horizon Water and Environment

P.O. Box 2727

Oakland, Ca. 94602

Dear DFG and MLPA Staff,

The Friends of Del Norte would like to give our full support and approval to the Draft EIR on the Marine Life Protection Act for Del Norte, Humboldt and Mendocino Counties. As you know, local stakeholders worked very hard under the guidelines on the Marine Life Protection Act, to create a viable network of marine protected areas. We have fully participated in this process and we have studied the Draft EIR. We feel that the Levels of Protection for each Marine Protected Area should remain high as initially designated by the consistent effort of the NCRSG. The levels of protection (LOP) should not be reduced for any reason as our marine wildlife deserves the designated protection levels.

The concerns of our Native Tribes and Tribal Communities have been well expressed and presented throughout this entire process. The stakeholder group, the science advisory team, and the DFG staff and the Blue Ribbon Task Force have fully considered and accommodated these multiple concerns to the very best of their abilities. The North coast Tribes and Tribal Communities know and understand that their concerns will best be met through the California State Legislature, to give them exemption to the laws established through the Marine Life Protection Act. It is time now to move this process forward to become law, without any further delay.

This widely supported network design represents countless considerations and compromises regarding socio-economic and ecological issues. It is our belief that keeping the regulations and boundaries as recommended by the NCRSG is the best way to ensure compliance and a cooperative relationship between ocean users and the Department of Fish and Game, ensuring trusted enforcement on all marine protected areas.

Thank you for considering our comments.

Don Gillespie, President of FDN

BH-1

The Friends of Del Norte is non-profit group advocating sound environmental policies for our region.

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Comment Letter BH – Gillespie, Don

Response to Comment BH-1

Comment noted. The DEIR including a description of the proposed regulations was circulated to solicit public comments regarding the sufficiency of the related environmental analysis. Comments expressing a policy preference are noted and will be considered by the Commission as they contemplate final action.

No changes to the DEIR are necessary.

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California Department of Fish and Game
c/o Horizon Water and Environment
P.O. Box 2727
Oakland, Ca 94692

4/17/12

My name is Ed Oberweiser. I'm a Fort Bragg resident and I'm on the Board of Directors of the Foundation of Sustainable Living (<http://www.thefosl.org/Public/HomePage>).

The ocean is extremely important to the survival of all life on Earth. Scientists acknowledge that at least 40 percent of the Earth's oxygen is produced by the ocean.

Scientists have learned that the Earth's oceans are becoming more acidic due to human activities and exploitation. 90 percent of large ocean predators no longer exist.

The world's fisheries are mined and not sustainably harvested. Clearly the Ocean's fisheries and ecosystems need more protection.

However, the Marine Life Protection Act (MLPA), as written, doesn't prohibit oil drilling or extracting gas off the Northern California Coast. It doesn't prohibit aquaculture, mining for minerals at the bottom of the ocean, harmful military training exercises, or the introduction of dangerous wave energy technology. The North Coast is a very important coastal upwelling area that is crucial for its contribution to the diversity of ocean life.

The U.S. Navy wants to expand its war training exercises. These include new powerful sonar, surface to air gunnery, missiles, bombs and testing for new weapons systems. These activities will release numerous hazardous materials and endanger the Gray whale's yearly migrations. The new more powerful sonar, by the Navy's own admission, can reach as far as 300 miles. This is not addressed by the MLPA or its draft EIR.

BI-1

BI-2

Green Wave Energy LLC has applied for a permit to create a huge energy farm off the coast of Mendocino. This application includes from 150 to 680 huge 600-foot Pelamis wave energy converters that will weigh 1,433 tons each. The draft EIR doesn't address the possibility of one or more of these machines breaking loose and wreaking havoc with the environment. Each converter will be connected by its own individual electric cable to a main cable that will be buried in the ocean floor. These converters and their connections will have serious impacts on life both in the ocean and on its floor. This is not prohibited by the MLPA. This also is not addressed by the draft EIR.

BI-3

Chapter 8 of the draft EIR says the California Environmental Quality Act requires that a draft EIR must evaluate a reasonable range of alternatives to the project.

The range of alternatives considered does not include prohibition of oil drilling, ocean floor mining, fish farming or wave energy machines from Marine Protected Areas.

BI-4

We've seen, in the Santa Barbara Channel, the San Francisco Bay, in Alaska and in the Gulf of Mexico that oil drilling harms ocean life.

Another thing not addressed by the draft EIR is the take of marine mammals by commercial Aquariums such as the Monterey Bay Aquarium. There are lots of aquariums along the California coast and they are taking large numbers of fish native to our coast. They also are not prohibited from doing this by the MLPA.

BI-5

Native American tribes will be prohibited from fishing in certain areas. They have been sustainably harvesting fish for thousands of years. The Native Americans and our local fisherman are not the cause of the declining numbers of marine life in our oceans. Large commercial trawlers from our own country and from other countries with miles of nets dragging the ocean bottom destroyed much of the oceans' life forms.

BI-6

I propose that the MLPA be placed on hold until proper scientific research and study has been done and until citizens have had sufficient time and opportunity to study it.

BI-7

In Fort Bragg we haven't had sufficient access to the draft EIR or the MLPA itself. After requesting copies of the draft EIR, we were told there was one copy available in the Fort Bragg Library. We were told that the MLPA Master plan and the draft EIR could be accessed online by computer. That is not sufficient. Not all of us have large screen computers, high speed internet connections or the capacity to download and print copies of the draft EIR.

BI-8

The Fort Bragg Library isn't open around the clock and can't accommodate all interested citizens. Many of us have jobs with varying working hours. Our off times don't always match the Library's open hours. We were told that we had to pay \$150 for each extra copy. This is not sufficient access.

Again I urge that the MLPA be put on hold until sufficient to access to the draft EIR has been given to the public and an accurate and scientific mapping of the coast has been done.

The draft EIR and the MLPA as written will adversely affect our coastal ecosystem because they don't protect marine life from the most damaging human activities.

Thank you for your consideration



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Comment Letter BI – Oberweiser, Ed

Response to Comment BI-1

See *Master Response 1: Scope of the MLPA and Regulatory Authority*.

Response to Comment BI-2

See *Master Response 1: Scope of the MLPA and Regulatory Authority*.

See *Master Response 2: Analysis of Other Activities within the North Coast Study Region*.

Response to Comment BI-3

See *Master Response 2: Analysis of Other Activities within the North Coast Study Region*.

The DEIR considered potential cumulatively considerable impacts of the Proposed Project and reasonably foreseeable future projects, such as hydrokinetic energy projects, in the Study Region. As stated in Chapter 7 *Other Statutory Considerations*, page 7-9, second paragraph in the subsection “Hydrokinetic Power Projects,” the preliminary permit for the proposed hydrokinetic project near the proposed Point Cabrillo SMR is disclosed. However, that project has yet to be implemented and there is no evidence to suggest that the project will proceed to fruition. Additionally, any hydrokinetic power project must undergo CEQA and NEPA compliance prior to commencing with implementation. The potential effects of those projects will be disclosed under processes separate from this MLPA environmental review process. Cumulatively considerable effects of those projects in consideration of adopted MLPA regulations must be disclosed as part of CEQA and NEPA compliance. Further, only reasonably foreseeable future projects are required to be evaluated in the cumulative impact analysis.

Response to Comment BI-4

See *Master Response 1: Scope of the MLPA and Regulatory Authority*.

Also see *Response to Comment BI-3*.

Response to Comment BI-5

This comment does not address the sufficiency of the EIR. Please refer to *Master Response 1: Scope of the MLPA and Regulatory Authority*.

Response to Comment BI-6

These comments raise complex issues of law and policy and do not address the sufficiency of the EIR. As a matter of law, the MLPA cannot interfere with any tribal right that has been conferred by the federal government.

Response to Comment BI-7

Several comments requested an extension of the DEIR public comment period, and also complained of deficiencies in the NOP and NOA. Although these comments do not raise significant environmental issues in the document, the Commission notes that the purpose of the NOP is only to facilitate interagency coordination (14 CCR 15375). CEQA requires only

substantial compliance with notice requirements, and this was achieved (e.g., see PRC, Section 21092[b][2]).

Also refer to *Master Response 3: Inadequacy or Application of Data Gathered During the MLPA Initiative Planning Process, and Adequacy of the Science Standard*.

Response to Comment BI-8

See *Response to Comment A8-8*.