

Chapter 4

CHANGES AND CORRECTIONS TO THE DEIR

4.1 Introduction

This chapter presents text changes to the DEIR in response to the public review and comment process. Changes made in response to comments are identified in Chapter 3 and reproduced in Section 4.2 *Changes and Corrections to the DEIR Initiated by Public Comments*. DEIR changes are presented in the order they would appear in the DEIR, and page numbers are provided to assist in identifying the location of the revisions. Additional changes to the DEIR to correct other errors in the document are presented in Section 4.3 *DEIR Changes Initiated by EIR Authors*.

4.2 Changes and Corrections to the DEIR Initiated by Public Comments

Executive Summary

Change to the last paragraph of page ES-2 under “Project Development Process”:

During the primary round of proposal development, self-organized community groups proposed eight different MPA networks that were submitted to the North Coast Regional Stakeholder Group (NCRSG). The NCRSG reviewed these proposals, as well as existing MPAs in the Study Region and other data, and underwent two additional rounds of proposal development, culminating in a single proposal submitted to the BRTF. Based on this proposal from the NCRSG, the BRTF presented the Commission with two MPA proposals and recommendations for consideration in determining a preferred alternative. The two alternatives were the “Revised Round 3 NCRSG MPA Proposal” (RNCP) and the “BRTF Enhanced Compliance Alternative” (ECA). The Commission reviewed these proposals for feasibility and achievement of the MLPA Goals and Regional Objectives (see below). The Commission selected the RNCP proposal as the foundation for developing a preferred alternative. This process ultimately resulted in the development of the Proposed Project and its alternatives, which are evaluated in this DEIR.

Change to the discussion of alternatives considered on page ES-9:

The purpose of the alternatives analysis in an EIR is to describe a range of reasonable alternatives to the project that could feasibly attain most of the objectives of the project, including a No Project Alternative. The No Project Alternative allows decision makers to compare the impacts of approving the action against the impacts of not approving the action. Section 15126.6 (b) of the CEQA Guidelines requires that the alternatives reduce or eliminate significant adverse environmental effects of the project; such alternatives may be more costly or otherwise impede to some degree the attainment of the project’s objectives. The range of alternatives considered must include those that offer substantial

environmental advantages over the proposed project and may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors. The analysis evaluates the comparative merits of the alternatives (State CEQA Guidelines, Section 15126.6[a]).

As noted above, the analysis of the Proposed Project's effects did not identify any significant adverse impacts. As such, the CEQA criterion that an alternative should reduce or eliminate one or more of the significant impacts of a proposed project was not applicable to the alternatives evaluation. Instead, the alternatives evaluated were considered with the aim of further reducing any of the Proposed Project's impacts that were already found to be less than significant.

In addition to the No Project Alternative (Alternative 1), the following alternative was evaluated for its potential feasibility and ability ~~The following two alternatives were evaluated for their potential feasibility and their ability~~ to achieve most of the Proposed Project's objectives while further avoiding, reducing, or minimizing the impacts identified for the Proposed Project.

- ~~■ Alternative 1—No Project Alternative~~
- Alternative 2—BRTF Enhanced Compliance Alternative (ECA)

This alternative was ~~These alternatives were~~ determined to be feasible or potentially feasible, and would generally meet the Proposed Project's objectives.

Change to DEIR *Executive Summary* text under the sub-heading titled "BRTF Enhanced Compliance Alternative (ECA) on page ES-10:

The BRTF ECA uses the same general geographies as the MPAs under the Proposed Project, but incorporates tribal uses into the proposed state marine conservation areas (SMCAs) and increases in the LOP in several offshore areas. The following major distinctions are made between the Proposed Project and Alternative 2 MPA designations:

- SMCAs at MacKerricher, Russian Gulch, and Van Damme are not included under Alternative 2.
- The Big River Estuary is changed from an SMCA designation (Proposed Project) to a recommended state marine park (SMP) designation¹ (under Alternative 2).
- The Double Cone Rock SMCA, as described for the Proposed Project, would retain its original name (Vizcaino) under Alternative 2.
- Four SMCAs (Vizcaino, Pyramid Point, Samoa, and Big Flat) are divided into offshore and onshore SMCAs under Alternative 2, though overall boundary areas are maintained.
- Ten Mile Estuary and Navarro River Estuary are changed from an SMCA designation (Proposed Project) to an SMRMA designation under Alternative 2.
- There are no regulatory options for individual MPAs under this alternative.
- ~~• There are no special closures under Alternative 2.~~

For most of the resource topics, the alternatives analysis reveals that this alternative would have similar or fewer adverse environmental impacts overall. In particular, with the exclusion of ~~special closures and several existing MPA locations~~, adverse effects on consumptive activities, ~~recreational opportunities~~, land use conflicts, and demands on law enforcement would be slightly lessened. ~~However, this alternative would result in reduced long-term contribution to improved habitats or marine species.~~ Increases in LOPs and greater specificity on allowable species and gear usage in specific MPA areas under this alternative would result in greater impacts on tribal take practices especially with regard to federally recognized (page ES-11) tribes, although this alternative may increase long-term contribution to improved habitats or marine species in the higher LOP areas. ~~However, the exclusion of special closures would allow greater access for tribes in these areas compared with the Proposed Project.~~ The remaining impacts, including those on non-federally recognized tribal communities, would likely be similar as described for the Proposed Project.

Chapter 1 Introduction

Change to Section 1.1.5 *Location and General Characteristics of the North Coast Study Region*, top of page 1-17:

The straight-line distance between these two points is approximately 225 mi, but the actual length of the shoreline is much longer (about 517~~17~~ mi).

Chapter 2 Project Description

Change to DEIR Chapter 2 *Project Description*, the first paragraph on page 2-2:

The Study Region is part of the California Current Large Marine Ecosystem (LME), one of only four temperate upwelling systems in the world. The California Current LME is considered globally important for biodiversity because of its high productivity and the large numbers of species it supports. The California Current LME extends from Vancouver Island to Baja California and is stimulated by upwelling, which richly supplies surface waters with nutrients. These nutrients support blooms of phytoplankton, which in turn form the foundation for a food web that includes thousands of species of invertebrates, fish, marine mammals, and seabirds (MLPAI 2010a). Recent studies tracking the movement of highly migratory marine wildlife highlight the northern California Current as one of the most important regions in the Pacific Basin for seabirds and other marine wildlife such as sharks, large predatory fish, whales, sea turtles and pinnipeds seeking rich feeding grounds (Block et al. 2011). Another study just released by the Lenfest Ocean Program shows the economic advantage of leaving fish in the water versus removing them for other purposes, based on commercial and recreational fisheries considerations alone (Pikitch et al. 2012).

Change to DEIR Chapter 2 *Project Description*, last paragraph on page 2-6:

At its June 29, 2011 meeting, the Commission selected the RNCP proposal as the foundation for developing a preferred alternative for the north coast MPAs. The Commission also considered three options for incorporating traditional tribal

gathering or take practices in proposed MPAs for the Study Region within its preferred alternative.

New text added to DEIR Chapter 2 *Project Description*, Section 2.4 *Proposed Project Alternatives*, immediately following the first paragraph under the sub-heading “Alternative 2 – BRTF Enhanced Compliance Alternative (ECA)” on page 2-39:

Special Closures

This alternative includes the same seven special closures as in the Proposed Project (see page 2-8, and Chapter 8, Figure 8, of this DEIR).

Chapter 3 Physical Resources

Section 3.4 Water Quality

Change to DEIR Chapter 3 *Physical Resources*, Section 3.4 *Water Quality*, Table 3.4-1 *Areas of Special Biological Significance in the North Coast Study Region* on page 3.4-6:

Table 3.4-1. Areas of Special Biological Significance in the North Coast Study Region

ASBS Site	Area (mi ²)	Nearby Marine Protected Areas
Jughandle Cove	1.4032	Point Cabrillo SMR, MacKerricher SMCA
Trinidad Head	0.46	Samoa SMCA
King Range	39.15	Mattole Canyon SMR, Sea Lion Gulch SMR, Big Flat SMCA
Redwood National Park	97.26	Reading Rock SMR, Reading Rock SMCA

Notes: ASBS = Areas of Special Biological Significance, mi² = square statute mile(s), SMCA = state marine conservation area, SMR = state marine reserve
 All the ASBS sites listed are also state water-quality protection areas.
 Source: MLPAI 2010

Chapter 4 Biological Resources

Change to DEIR Chapter 4 *Biological Resources*, Section 4.2 *Regulatory Setting*, Table 4-1 *Special-Status Species Likely to Occur in the North Coast Study Region*, starting on page 4-3:

Table 4-1. Special-Status Species Likely to Occur in the North Coast Study Region

Common Name	Scientific Name	Federal Status	State Status	Other Status
Fish				
Navarro roach	<i>Lavinia symmetricus navarroensis</i>		SSC(WL)	

Change to DEIR Chapter 4 *Biological Resources*, Section 4.3 *Environmental Setting*, on page 4-28:

Navarro River Estuary: The Navarro River enters the Pacific Ocean approximately 2 mi south of Albion and 8 mi south of Mendocino. The Navarro River has the largest

watershed in Mendocino County, including the Anderson Valley. The estuary covers an area of 0.18 mi² and supports two federally threatened salmonid species (coho and steelhead), surfperch species, Dungeness crab, and starry flounder. The Navarro River is the type locality for the Navarro roach (*Lavinia symmetricus navarroensis*) which is on the CDFG list of Species of Special Concern (Class 3-Watch List). Shorebirds forage at the river mouth, migratory waterfowl use the estuary as a wintering location, and egrets are permanent residents along the river. The Navarro River is identified as an impaired water body because of sediment and elevated temperature concerns (MLPAI 2010a).

Change to DEIR Chapter 4 *Biological Resources*, Section 4.3.1 *Ecosystems and Biological Habitats*, in the subsection "Kelp Forests," on page 4-30 directly preceding Table 4-6:

Bull kelp does not form extensive surface canopies, and bull kelp beds are persistent over time but exhibit marked seasonal and annual fluctuations. Thus the extent of bull kelp is not well documented by overflight surveys, although multiple years of overflight survey data allow assessment of locations that are likely to support kelp forests. Statewide overflight surveys, including the entire Study Region, were conducted by the Department (and Ecosan in 1989) in 1989, 1999, 2002-2005, and 2008. The SAT developed a linear measure of kelp derived from the composite of overflight survey data years to assess length and proportion of habitat included in MPA proposals (MLPA SAT 2010).

Change to DEIR Chapter 4 *Biological Resources*, Section 4.3.1 *Ecosystems and Biological Habitats*, in the subsection "Hard Bottom/Rocky Reefs" on page 4-31 directly preceding Table 4-7:

Table 4-7 shows the extent of hard and soft substrata in the Study Region, where rocky reefs are much less common than soft-bottom habitats at all depth zones. Approximately 6% of the total Study Region area can be characterized as hard-bottom at any depth. The majority of rocky substrata in the Study Region is shallower than 100 meters. Substrate across the majority of the Study Region has been mapped using high resolution multi-beam sonar techniques. This data was considered the best readily available substrate data during the MLPA planning process and represents a substantial advance in our ability to identify the location and extent of subtidal rocky reef and soft bottom habitats. However, areas shallower than 10 meters depth (33 feet) remain unmapped due to safety and logistical considerations associated with data collection in those areas. Throughout the north coast, 99% of the area deeper than 30m depth and 72% of the area shallower than 30m depth is mapped and classified as rocky reef or soft bottom habitat. Because of the difficulty of mapping locations close to shore in the North Coast because of navigational hazards, a significant portion (27%) of nearshore waters are classified as "unknown." To address this issue, the SAT developed a "proxy line" for this nearshore area that indicates the dominant habitat type between 0 and 30 meters in a given location. Available fine scale data, intertidal habitats, kelp abundance, and expert knowledge are all considered when generating this proxy. Thus, although only 7% of the nearshore area is classified as hard-bottom by area, 23% is classified as hard-bottom using the linear proxy.

In order to best accommodate nearshore mapping gaps and reflect the strong depth-dependence of marine communities within the 0-30m depth zone, the SAT

developed a linear measure of substrate in the 0-30m zone called the 0-30m proxy line. This proxy line reflects the best readily available information about substrate within the 0-30m zone, including the areas mapped using multibeam sonar techniques and information from the shoreline [NOAA's Environmental Sensitivity Index (ESI) shoreline] and offshore rock [California Coastal National Monument] datasets. Because marine community composition and the relative abundance of species varies strongly with depth in nearshore areas, nearshore habitats that span the full range of depths from 0-30m are most likely to encompass the full range of biodiversity associated with these habitats. In this respect, a reef or soft bottom area that falls steeply from shore to 30m depth, would likely support a similar level of biodiversity as a gradually sloping reef that spans the 0-30m depth zone over a much larger area. Due to the depth-dependence of nearshore communities, the linear proxy for nearshore rocky reef and soft bottom habitats is scaled to the proportion of soft and hard bottom habitats within the 0-30m depth zone.

As developed, the nearshore proxy line is a line drawn roughly parallel to shore at 12-15m depth. This line is divided into short segments 1/10th of a minute of latitude north-south, and the estimated proportion of hard and soft bottom in the 0-30m zone is associated with each segment. To estimate the proportion of hard and soft bottom in each 1/10th minute segment, the mapped proportion is combined with an estimate from the unmapped areas. The latter value is calculated as the average of offshore and onshore borders of the unmapped areas. For example, if the shoreline is 100% rock and the offshore margin is 50% rock, the unmapped zone between the two would be approximated as 75% rock. This estimate of substrate in the unmapped zone is then scaled to area, and combined with the mapped substrate to generate an overall estimate of rock and sand in the 0-30m zone (MLPA SAT 2010).

Change to DEIR Chapter 4 *Biological Resources*, Section 4.4.1 *Methodology*, starting on page 4-53:

Evaluation of Displacement

One of the key issues identified by many participants involved in designation of MPAs is the displacement of fishing activities from protected to unprotected areas and the negative effects that may result from redirected fishing effort on fish populations outside of protected areas. The key question regarding redirected fishing effort would be whether the expected increase in export of fish in all life stages from MPAs could compensate for the increased fishing pressure in areas outside MPAs. The MLPA requires provisions for monitoring, research, and evaluation at selected sites to determine whether its goals related to biological resources are being met, and to facilitate adaptive management of MPAs (MLPA Section 2853[c][3]). If export did outpace extraction, fishery yields should show a net increase or remain the same despite the displaced effort.

~~Assuming the same amount of fishing pressure in the Study Region before and after an MPA was established, the amount of fishing outside the MPA would increase in proportion to the size of the MPA for the species restrictions applied to the MPA. That is, the fishing that used to occur inside what is now an MPA would be distributed outside the MPA in the remaining nonprotected area in proportion to the size of the MPA. This can be simply calculated. If R is the fraction of area in MPAs~~

~~within the Study Region, fishing intensity outside the MPAs would increase by a factor $1/(1-R)$. For example, if 13% of the habitat was closed to fishing in MPAs, the intensity of fishing outside would increase by $1/(1-0.13) = 1.15$. That is, if the same number of users were fishing the same number of hours in the remaining 87% of the habitat, the fishing intensity would be 15% higher than before. In this example, in the short term, displacement would increase mortality rates outside the MPAs probably by 15%. However, if MPAs enhanced populations beyond their boundaries through movement of adults or young, these increases could be offset or eliminated by MPA benefits. The increased production within the MPA boundaries necessary to counter the increased fishing intensity outside can be calculated as well. The formula is $1+[1/(1-R)]$. For the example above, the result equals 2.15. This means that production inside the boundaries of the MPAs would need to increase by a factor of 2.15 just to balance the added losses outside the MPAs. A higher level of production would be needed to help rebuild depleted populations, one of the goals of the MPLA. The relative time for the Proposed Project or alternatives to achieve the goals of the MLPA also would need to be considered in the impact analysis.~~

Change to DEIR Chapter 4 *Biological Resources*, Section 4.4.1 *Methodology* on page 4-54:

Adaptive Management and Its Role in Evaluating Effects

Adaptive management is a part of the MLPA (FGC, Section 2853[c][3]). The MLPA requires monitoring to determine whether its goals related to biological resources are being met. If the goals of the MLPAMPLA (see Chapter 2, "Project Description") are not being met, then either regulatory or management changes could occur to try and meet the goals. Adaptive management requirements were considered in the impact analysis where appropriate. More details regarding adaptive management requirements for the MLPA are discussed in Chapter 2.

Change to DEIR Chapter 4 *Biological Resources*, Section 4.4.3 *Environmental Impacts*, under *Impact BIO-3: Adverse Impacts on Marine Species Populations and Habitats Inside MPAs from the Removal of a Human Predator* on page 4-59:

According to records of urchin landings between 2003 and 2008 (MLPAI 2011), the following popular sites for take of urchins would be restricted by the Proposed Project:

- Double Cone Rock SMCA (southern border)
- Ten Mile SMR
- ~~Ten Mile Beach SMCA (northern border)~~
- Point Cabrillo SMR (northern border)
- ~~Big River SMCA~~

Change to Section 4.4.3 *Environmental Impacts*, under *Impact BIO-6: Impacts on an Adopted Natural Communities Conservation Plan Conservation Habitat Conservation Plans, or Local, Regional, State, or Federal Policies or Ordinances for the Protection of Biological Resources* on page 4-69:

The MLPAMPLA has similar goals to the existing plans and policies. The Proposed Regulations would be consistent with existing local, state, and federal policies and ordinances protecting biological resources; thus, no adverse impact would occur to

existing local, state, or federal plans and policies. The options to the Proposed Project would slightly modify some of the MPA boundaries from those of the Proposed Project. The existing policies and plans for these options are identical to those described above for the Proposed Project, with the following additions:

Chapter 5 Cultural Resources

Change to Section 5.2.1 *Federal Laws, Regulations, and Policies*. A new subsection immediately following the subsection under “National Historic Preservation Act of 1966” on page 5-3:

American Indian Religious Freedom Act of 1978

Protection and Preservation of Traditional Religions of Native Americans (42 U.S.C. § 1996) became law in 1978 and was amended in 1996. The amended act is commonly known as the American Indian Religious Freedom Act (AIRFA). The AIRFA requires federal agencies to consider the effects of their programs on places and practices of religious importance to American Indian, Eskimo, Aleut, and Native Hawaiians.

Section 2 (a) of the AIRFA states that each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, as appropriate, promptly implement procedures for the purposes of carrying out the provisions of the AIRFA, including, where practicable and appropriate, procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. In all actions pursuant to this section, agencies shall comply with the Executive memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments”

Change to Section 5.2.1 *Federal Laws, Regulations, and Policies*. A new subsection immediately following the subsection under “American Indian Religious Freedom Act of 1978” on page 5-3:

Native American Graves Protection and Repatriation Act of 1990

Native American Graves Protection and Repatriation Act of 1990 (NAGRPA; Public Law 101-601; 25 U.S.C. 3001 et seq.) regulations develop a systematic process for determining the rights of lineal descendants and Indian tribes and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated. These regulations are applicable to the identification and appropriate disposition of human remains, funerary objects, sacred objects, or objects of cultural patrimony.

This statute requires that Federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archeological investigations encounter, or are expected to encounter,

Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands.

Change to Section 5.3.1 *Historical Setting*, at the bottom of page 5-8:

Nonindigenous Exploration and Settlement

~~Russian~~Russia, Spanish, and British ships sailed off the coast of Northern California starting in the late 1500s in Mendocino County and the 1700s in Del Norte and Humboldt Counties (Van Kirk 1999).

Change to Section 5.3.1 *Historical Setting*, in the subsection “Nonindigenous Exploration and Settlement,” the second paragraph on page 5-9:

As nonindigenous settlers colonized the north coast, many tribes were relocated inland and/or became landless or homeless. In the early 1900s, the U.S. Congress passed a series of laws that provided funds to purchase land for landless and homeless California Indians. These parcels of land were called *rancherias* and were often occupied by small family groups or unrelated families. With the passage of ~~Public Law 83-280 in the mid 1950s, the California Rancheria Act of 1985, federal status was terminated for 41 rancherias. California tribes lost control of 40 rancherias, and their lands no longer had the protection conferred by federal status.~~ In 1983, a lawsuit resulted in restoring federal recognition to 17 rancherias, while others are still waiting for the reversal of termination. Rancherias in the north coast that regained their federal status through this lawsuit include Blue Lake, Elk Valley, Pinoleville, Potter Valley, Redwood Valley, Rhonerville, and Smith River (MLPAI 2010a).

Change to Section 5.3.2 *Cultural Landscape*, end of the first paragraph on page 5-12:

(Buckskin, pers. comm., 2011; ~~Pfeiffer~~Pfeiffer, pers. comm., 2011)

Change to Section 5.3.3 *Known and Recorded Cultural Resources*, second sentence in the subsection “Shipwrecks” on page 5-14:

A shipwreck database maintained by SLC was consulted to identify wrecks that could be within proposed MPAs or special closures. A review of the SLC shipwreck database revealed that 132 wrecks are ~~potentially located~~ documented offshore of the Mendocino County, 131 in Humboldt County, and 23 in Del Norte County.

Change to Section 5.3.3 *Known and Recorded Cultural Resources* on page 5-14, in the subsection “Shipwrecks”:

Table 5-1. Proposed MPAs and Special Closures, and Approximate Locations of Known Shipwreck Sites*

Change to Section 5.3.3 *Known and Recorded Cultural Resources*, the last sentence of the first paragraph in the subsection “Point Cabrillo Light Station” on page 5-17:

~~Some historians~~Historians consider the shipwreck as "the most significant shipwreck on the west coast" (State Parks 2011a, 2011b).

Change to Section 5.3.3 *Known and Recorded Cultural Resources*, the last sentence of the first paragraph in the subsection “Russian Gulch State Park” on page 5-17:

Sport divers have salvaged an anchor, chain, and vessel transom piece recovered within the underwater park that are now displayed on the front lawn of the Park's Mendocino District Headquarters (State Parks 2011a). *

* Note that under current state law, it is unlawful for sport divers to salvage anchors or other maritime artifacts from state lands without a permit from the SLC.

Chapter 6 Social Resources

Section 6.1 Land Use and Utilities

Change to Section 6.1.2 *Regulatory Setting*, last paragraph of page 6.1-7:

Big River Program

In ~~2005~~ 2002, Mendocino Land Trust acquired the property along the Big River Estuary to preserve, restore, and manage estuarine, wetlands, aquatic, and wildlife habitat; provide wildlife-oriented education and research; and allow public access for recreational uses compatible with estuarine, wetlands, aquatic, fish and wildlife habitat preservation and restoration.

Change to Section 6.1.3 *Environmental Setting*, the last sentence on page 6.1-10:

Compared with the rest of California, the lands adjacent to the Study Region are sparsely populated (Table 6.1-2).

Change to Section 6.1.4 *Impact Analysis*, under Impact LU-4: *Conflict with the California Coastal National Monument Resource Management Plan* starting on page 6.1-17:

Within the Study Region, BLM manages CCNM, which includes small islands, offshore rocks, reefs, and pinnacles above mean high tide along the entire California coastline, and overlaps with the Study Region of the Proposed Project. The primary management focus of CCNM is preservation and protection of the areas and associated habitat. The main objective of the proposed network of MPAs is similar: to protect, maintain, restore, enhance, and manage marine resources. Implementation of MPAs created by the Proposed Project that surround or are adjacent to areas within the CCNM would be consistent with the objectives of BLM's management goals for implementation of the CCNM. The two programs would be complementary~~complementary~~. No impact would occur.

Change to Section 6.1.4 *Impact Analysis*, under Impact LU-5: *Conflict with Existing Adjacent Land Uses*, the third paragraph at the bottom of page 6.1-17:

As previously noted, the total area proposed for MPA designation is limited in comparison to the area available for unrestricted activity. In addition, as stated on page 6.1-10 of this section, where feasible, the MPAs of the Proposed Project were designed to avoid placing MPAs within 10 miles of major ports and harbor, which minimizes the effect on adjacent port and harbor uses. Furthermore, the shoreline span of proposed MPA boundaries.

Section 6.2 Public Services and Law Enforcement

Change to Section 6.2.4 *Impact Analysis*, under Impact PSU-1: *Increased Demand for Law Enforcement Facilities*, second paragraph at the bottom of page 6.2-6:

It is recognized that the Proposed Project would place greater fishing and use restrictions within designated MPAs, and increase the geographic variation in regulations on the coastline of the Study Region. As described in Section 2.5, “Management, Enforcement and Monitoring of MPAs,” the Department’s enforcement staff and federal and local agencies would be charged with enforcing the new MPA restrictions within the North Coast Study Region. It is reasonable to believe that creating a larger network of MPAs would increase the demand for enforcement of MPAs within the Study Region compared to existing conditions (3 MPAs). ~~While t~~ Technology advances, outreach and education, and improved efficiency are anticipated to support both compliance and enforcement, as well as the initial MPA design itself, which integrated guidelines for MPA placement, design, boundaries, and regulations, aimed at facilitating enforcement (see DEIR Chapter 2, Section 2.5.2 “Enforcement”). ~~However, these factors this is~~ are not anticipated to supplant enforcement personnel in the field...”

Section 6.4 Research and Education

Change to Section 6.4.3 *Environmental Setting*, middle of the paragraph under “Scientific Collection Permits” on page 6.4-8:

...The total number of permits issued statewide in California marine waters annually from 2002 through ~~August~~ 2011 has remained relatively consistent from year to year (Table 6.4-1). The numbers provided in Table 6.4-1 reflect permits issued in the marine region of the entire state; only a small fraction of these permits issued were for research or educational projects within the North Coast Region (e.g., <5% in 2011). ~~Through August 2011 April 2012, the Marine Region issued 562 scientific collecting permits.~~ The permit holder must notify the Department before collecting, carry a copy of the permit while in the field, and submit a Report of Specimens Collected or Salvaged within 30 days of permit expiration...

Change to Section 6.4.3 *Environmental Setting*, Table 6.4-1 under “Scientific Collection Permits” at the top of page 6.4-9:

Table 6.4-1. Number of Scientific Collecting Permits Issued Statewide in the Marine Region, 2002–2011*[–]

Year	Number of Permits
2002	1218 654
2003	1306 488
2004	1706 694
2005	1717 849
2006	1802 826
2007	1922 755
2008	1545 534
2009	1669 606

2010	1342 385
2011	868* 540

Note: * As of August 30, 2011
Source: CDFG ~~2011~~ 2012

Section 6.6 Environmental Justice

Change to Section 6.6.3 *Environmental Setting*, end of the first paragraph on page 6.6-4 in the subsection "Population Trends and Projections":

Reservations and rancherias are also located throughout these three counties and are home to a number of federally ~~and non-federally~~ recognized tribes and tribal communities that maintain strong cultural connections to the marine environment; however, there are a number of non-federally recognized tribes and tribal communities that do not reside in reservations or rancherias.

Change to Section 6.6.3 *Environmental Setting*, in footnote 1 at the bottom of page 6.6-7:

¹ Some tribes and tribal communities have raised concern about the term 'Tribal take' used in the proposed regulations. Based on information received by tribal members, to completely encompass the full range of traditional cultural extractive activities of California Indian Tribes in this area, it is necessary to understand that, to members of the north coast tribes and tribal communities, the term "tribal take" includes gathering, harvesting and fishing for ceremonial, cultural and religious purposes as well as for subsistence. Pursuant to tribal culture, all three terms must be used because each conveys specific and unique kinds of activities that cannot be adequately encompassed by a single term. Under state statute, the term "take" is clear and, combined with the allowed uses defined in the MPA specific regulations, unambiguous. In Fish and Game Code Section 86, "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. The California Code of Regulations Title 14 Section 1.80 defines "Take" as hunt, pursue, catch, capture or kill fish, amphibians, reptiles, mollusks, crustaceans or invertebrates or attempting to do so.

Chapter 7 Other Statutory Considerations

Change to Section 7.5.2 *List of Cumulative Projects Considered*, the second paragraph under the subsection "Other Marine Protected Areas in California," on page 7-7:

The North Central Coast Study Region covers state waters from Alder Creek near Point Arena south to Pigeon Point. A redesigned network of 25 MPAs and six(6)seven special closures covering about 152 square statute miles (mi²), or 20% of state waters, has been in place since May 2010.

Chapter 8 Alternatives

Change to the first paragraph of Section 8.3 *Alternatives Considered* on page 8-5:

In addition to the No Project Alternative (Alternative 1), the following alternative was evaluated for its potential feasibility and ability to achieve most of the Project objectives while further avoiding, reducing, or minimizing the impacts identified for the Proposed Project. This alternative was determined to be feasible or potentially feasible, and would generally meet the Proposed Project’s objectives. ~~The following two alternatives were evaluated for their potential feasibility and their ability to achieve most of the Project objectives while further avoiding, reducing, or minimizing the impacts identified for the Proposed Project. These alternatives were determined to be feasible or potentially feasible, and would generally meet the Proposed Project’s objectives.~~

- ~~Alternative 1—No Project Alternative~~
- Alternative 2—BRTF Enhanced Compliance Alternative (ECA)

Change to Table 8-1 under Section 8.3 *Alternatives Considered* on pages 8-5 and 8-6:

Table 8-1. Summary of MPAs and Managed Areas by Type, Area, and Percentage of the North Coast Study Region for Existing, Proposed, and Alternative MPAs

Type of MPA or Managed Area	Existing MPAs (Alternative 1— No Project)	Proposed Project MPAs	ECA MPAs (Alternative 2)
Amount of MPA Types			
State Marine Reserve	1	6	6
State Marine Recreational Management Area	0	1	3
State Marine Park ¹	0	0	1
State Marine Conservation Area	4	13	11
Special Closures	0	7	0 7
Total¹	5	20	21
Area (mi²)			
State Marine Reserve	2.07	51.17	51.17
State Marine Recreational Management Area	0.00	0.79	1.03
State Marine Park	0.00	0	0.12
State Marine Conservation Area	1.06	84.94	81.86
Special Closures	0.00	0.19	0.00 0.19
Total¹	3.13	136.9	134.18
Percentage of Study Region			
State Marine Reserve	0.2	4.98	5.0
State Marine Recreational Management Area	0.0	0.08	0.1
State Marine Park	0.0	0	<0.1
State Marine Conservation Area	0.1	8.27	8.0
Special Closures	0.0	0.02	0.0 0.02
Total¹	0.3%	13.33%	13.1%

Notes: ECA = Enhanced Compliance Alternative, mi² = square statute miles, MPA = marine protected area, SMCA = state marine conservation area (in note below), SMP = state marine park (in note below), Study Region = North Coast Study Region

¹ Areas recommended by stakeholders and the Blue Ribbon Task Force as an SMP with restrictions consistent with this designation. Pursuant to California Fish and Game Commission authority (Public Resources Code 36725[a]), would be adopted as an SMCA, with a recommendation to the State Park and Recreation Commission, the designating authority for SMPs, for subsequent designation as an SMP at their discretion.

² Totals do not include special closures.

Source: Data compiled by Horizon Water and Environment in 2011

Changes to DEIR Section 8.3.2 *Alternative 2 - BRTF Enhanced Compliance Alternative (ECA)*, second and third paragraphs of the subsection “Characteristics of the ECA Alternative” on page 8-9:

As described in Chapter 2, “Project Description,” Alternative 2 proposes six state marine reserves (SMRs), three state marine recreational management areas (SMRMAs), one state marine park (SMP), and eleven SMCAs. It also includes seven special closures. As indicated in Tables 8-1 and 8-2, the overall geographic area of protection is similar to that of the Proposed Project, and the size of the individual MPAs vary only slightly from the Proposed Project. ~~Unlike the Proposed Project, there are no special closures included in Alternative 2.~~

This alternative does not include take exemptions for specified federally recognized tribes, tribal take would be regulated under the same conditions as for all recreational users¹. In the offshore portion of the four divided SMCAs, and the other SMCAs, recreational take is established at “moderate-high” or “high” level of protection, for all recreational take, including tribal take².

Addition of the following footnotes to page 8-9 of DEIR Section 8.3.2 *Alternative 2 - BRTF Enhanced Compliance Alternative (ECA)*:

¹ See page 5-10 of Chapter 5 *Cultural Resources* for a discussion of recreational consumptive uses versus tribal consumptive uses.

² See the footnote on page 6.6-7 of Section 6.6, *Environmental Justice* for a discussion of tribal take.

Change to DEIR Chapter 8 *Alternatives Analysis*, at the top of page 8-10:

- The Double Cone Rock SMCA, as described for the Proposed Project, would retain its original name (Vizcaino) under Alternative 2.
- Four SMCAs (Vizcaino, Pyramid Point, Samoa, and Big Flat) are divided into offshore and onshore SMCAs under Alternative 2, though overall boundary areas are maintained.
- Ten Mile Estuary and Navarro River Estuary are changed from an SMCA designation (Proposed Project) to an SMRMA designation under Alternative 2.
- There are no regulatory options for individual MPAs under this alternative.
- ~~There are no special closures under Alternative 2.~~

Other than the nearshore components of the four divided SMCAs, the level of protection offered by the MPAs under Alternative 2 is mostly “very high” and “moderate-high” (see Table 2-11). Restrictions proposed under Alternative 2 are shown in **Table 8-4** for all proposed MPAs and MMAs, and in **Table 8-5** for all proposed special closures (both located at the end of this chapter). In general, allowed uses are similar to regulations of the Proposed Project, though Alternative 2 provides greater specificity on the recreational take methods included to accommodate tribes within the MPA areas.

Change to DEIR Section 8.3.2, *Alternative 2 - BRTF Enhanced Compliance Alternative (ECA)*, third paragraph in the subsection "Impact Analysis" on page 8-10:

Biological Resources

Fewer MPAs ~~and no special closures~~ are identified under Alternative 2, compared with the Proposed Project. While this slight decrease in protected area would not result in any new or increased adverse effects on biological resources, benefits associated with the protection of marine resources at these locations would not be realized.

Change to Section 8.3.2 *BRTF Enhanced Compliance Alternative (ECA)*, the first paragraph on page 8-19:

For the specified federally recognized tribes, the differences under Alternative 2 would result in ~~slightly~~ greater impacts on the tribal take activities at Reading Rock SMCA and the offshore SMCAs at Pyramid Point, Samoa, Big Flat, and Vizcaino/Double Cone Rock, where a subset of recreational take allowances are included that would provide for some, but not all, of the tribal take proposed under the Proposed Project.

Change to DEIR Section 8.3.2, *Alternative 2 - BRTF Enhanced Compliance Alternative (ECA)*, first paragraph in the subsection "Social Resources" on page 8-19:

Social Resources

In general, the differences under Alternative 2 with regard to consumptive uses would apply to recreational rather than commercial fishing activities. Commercial activities would remain largely unchanged with the exception of additional allowance of salmon take in the Ten Mile Beach SMCA. ~~Additionally, Alternative 2 would not include access or take restrictions for the special closures included in the Proposed Project.~~ As such, Alternative 2 would have slightly reduced impacts on commercial activities in the Study Region compared with the Proposed Project.

Change to DEIR Section 8.3.2, *Alternative 2 - BRTF Enhanced Compliance Alternative (ECA)*, starting at the second paragraph on page 8-20:

Alternative 2 removes the existing MPAs at MacKerricher, Van Damme, and Russian Gulch SMCAs, whereas they are retained and modified as described in the Proposed Project. However, this change in protection for these areas would have little effect on consumptive uses, as take is not restricted under the Proposed Project in these locations except for commercial harvesting of giant and bull kelp. Instead, greater opportunities for commercial take of giant and bull kelp harvesting would result under Alternative 2, as restrictions ~~on the harvesting of kelp~~ in these locations under the Proposed Project would not be imposed.

~~Alternative 2 does not include the seven special closures surrounding rocks and islands. In the Proposed Project, special closures would restrict public access and take of marine resources without exceptions for species, ethnicity, or method of take. Alternative 2 would allow public access to these areas, as is the present case under existing conditions (Alternative 1 or No Project Alternative). Alternative 2~~

~~would result in a lessened adverse effect on the commercial and subsistence fishing community, compared with the Proposed Project.~~

Overall, the take provisions under Alternative 2 would result in a smaller total area of protection, and greater recreational use allowances at certain locations, ~~and no special closures~~. This decreased area of protection would have slightly less potential for adverse effects on adjacent land uses and demands on law enforcement, though benefits on research and education would decrease correspondingly. All other effects on social resources would be similar to those described for the Proposed Project.

Change to Table 8.4 title description in DEIR Chapter 8 *Alternatives Analysis*, starting on page 8-23:

Table 8.4. Regulations for Marine Protected Areas and Marine Managed Areas in Alternative 2

New Table 8.5 added to Chapter 8, *Alternatives Analysis*, immediately following Table 8.4 on page 8-30:

Table 8.5. Regulations for Special Closures Proposed in Alternative 2

<u>Special Closure Name</u>	<u>Proposed Regulations</u>	<u>Seasonality of Special Closure</u>
<u>Southwest Seal Rock Special Closure</u>	<u>300-ft closure around Southwest Seal Rock</u>	<u>Year-round</u>
<u>Castle Rock Special Closure</u>	<u>300-ft closure around Castle Rock</u>	<u>Year-round</u>
<u>False Klamath Rock Special Closure</u>	<u>300-ft closure around False Klamath Rock</u>	<u>March 1–August 31</u>
<u>Sugarloaf Island Special Closure</u>	<u>300-ft closure around Sugarloaf Island</u>	<u>Year-round</u>
<u>Steamboat Rock Special Closure</u>	<u>300-ft closure around Steamboat Rock</u>	<u>March 1–August 31</u>
<u>Rockport Rocks Special Closure</u>	<u>300-ft closure around Rockport Rocks</u>	<u>March 1–August 31</u>
<u>Vizcaino Rock Special Closure</u>	<u>300-ft closure around ‘seaward’ side of Vizcaino Rock</u>	<u>March 1–August 31</u>

Chapter 10 References

New references added under the subheading “Chapter 2. Project Description,” starting on page 10-1:

Block, B., et al. 2011. Tracking apex marine predator movements in a dynamic ocean. Nature 475: 86-90. Available: http://www.people.fas.harvard.edu/~gbreed/gbreed_files/publications/block_etal_2011.pdf. Accessed: April 30, 2012.

Pikitch, E., et al. 2012. Little fish, big impact: a summary of new scientific analyses. Lenfest Ocean Task Force. Stony Brook, New York. Available: http://www.lenfestocean.org/sites/default/files/online_fftf_summary.pdf. Accessed: April 30, 2012.

Change to the following reference under the subheading “Chapter 5. Cultural Resources” in the middle of page 10-11:

Pfeiffer~~Pfeiffer~~. J. Coordinator for Mendocino County. California Marine Life Protection Act Initiative. October 12, 2011—e-mail to Horizon Water and Environment regarding Notice of Preparation scoping.

Replacement of the following reference under subheading “Chapter 6.4. “Research and Education” on page 10-16:

~~———. 2011b. *Special Permits*. Available: http://www.dfg.ca.gov/licensing/pdffiles/sp_items_10yr.pdf. Revised August 30, 2011. Accessed October 18, 2011.~~

~~———. 2012 Scientific Collectors Database, License and Revenue Branch, Special Permits Unit of the California Department of Fish and Game. Accessed April 29, 2012.~~

Appendices

Appendix E Cultural Resources Analysis Memorandum

Changes to DEIR Appendix E *Cultural Resources Analysis Memorandum*:

Addition of an asterisk (*) next to Latitude and Longitude columns of all 3 tables listing information on wrecks in Del Norte County, Humboldt County, and Mendocino County.

Addition of the following footnote at bottom of each table:

* These latitude and longitude coordinates are estimates based on data from various sources, including newspaper and historic accounts, and do not represent known documented locations.

4.3 DEIR Changes Initiated by EIR Authors

Chapter 5 Cultural Resources

Change to a reference citation in DEIR Chapter 5 *Cultural Resources*, Section 5.3.1 Historical Setting, in the subsection “Nonindigenous Exploration and Settlement,” the last sentence of the second paragraph on page 5-9:

...Rancherias in the north coast that regained their federal status through this lawsuit include Blue Lake, Elk Valley, Pinoleville, Potter Valley, Redwood Valley, Rhonerville, and Smith River (MLPAI 2010a~~e~~).

Change to DEIR Chapter 5 *Cultural Resources*, Section 5.3.2 *Cultural Landscape*, the first sentence of the second paragraph in the subsection “Traditional Cultural Properties” on page 5-12:

For many of the tribes of the North Coast of California, offshore rocks and islands play an important role in their ~~beliefs~~ mythologies.

Chapter 9 Report Preparation

Change to DEIR Chapter 9 *Report Preparation* on page 9-1:

9.2 ~~EIR Oversight~~ Responsible Agency
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Appendices

Appendix C North Coast Study Region Habitat and Species Atlas

Change to DEIR Appendix C *North Coast Study Region Habitat and Species Atlas*, under the subheading “Appendix to Habitat and Species Atlas: Metadata” in the middle of the last page of the Appendix, in the row for “Predicted Substrate Fine Scale”:

Substrate data included here represent the preliminary results of an effort to comprehensively map California state waters launched by the California State Coastal Conservancy, Ocean Protection Council, Department of Fish and Game, and the NOAA National Marine Sanctuary Program. The ultimate goal is the creation of a high-resolution 1:24,000 scale geologic and habitat base map series covering all of California’s 14,500 km² state waters out to the 3 mile limit. The benthic substrate classifications provided here are not derived through traditional geologic interpretations but are algorithmically defined using seafloor roughness (rugosity analysis) as a proxy for determining what is likely to be a rocky reef of significant relief and what is not. This method is used for the practical purposes of broadly generalizing ~~habitat~~ habitat for MPA planning and expedient delivery of information to this process. For the sake of simplicity, the categories are called “hard” and “soft”, however, the limitations of the classification methods should be considered when using these terms.

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Chapter 6 REFERENCES

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- California MLPA Master Plan Science Advisory Team (MLPA SAT). 2009. Protocol for Evaluating Incoming Data from Sources External to the Master Plan Science Advisory Team. Adopted February 24, 2009. Available: http://www.dfg.ca.gov/mlpa/pdfs/agenda_072309h7.pdf. Accessed: April 30, 2012.
- .2010a. Draft Responses to Science Questions Posed during MLPA Public Meetings and via email from May 3-20, 2010. Revised June 27, 2010. Available: http://www.dfg.ca.gov/mlpa/pdfs/binders_nc/b2_12.pdf. Accessed: April 30, 2012.
- .2010b. Draft Responses to Science Questions Posed during the June 29-30, 2010 MLPA Master Plan Science Advisory Team Meeting. July 27, 2010 draft. Available: http://www.dfg.ca.gov/mlpa/pdfs/binders_nc/b2_13.pdf. Accessed: April 30, 2012.
- .2010c. Draft Responses to Science Questions Posed during the July 29-30, 2010 North Coast Regional Stakeholder Group Meeting. August 26, 2010 draft.
- .2010d. Draft Responses to Science Questions Posed during MLPA Public Meetings and via email in October 2010. Revised November 23, 2010.
- . 2011a. Methods Used to Evaluate Marine Protected Area Proposals in the North Coast Study Region. Sacramento, CA: Marine Life Protection Act Initiative. Adopted January 13, 2011.
- .2011b. Draft evaluation of BRTF-recommended MPA proposals for the north coast study region: habitat representation, habitat replication, MPA size and MPA spacing analyses. Revised January 8, 2011.