

Chapter 1. Introduction

1.1. Introduction

This chapter includes a brief overview of the Marine Life Protection Act (MLPA) Initiative, the north central coast study region, the applicable regulatory authority, the intent and scope of this draft Environmental Impact Report (EIR), environmental impact review requirements that must be met prior to project approval, common EIR impact terminology, and the organization of this document.

1.2. Background

1.2.1. Requirements of the Marine Life Protection Act

In 1999, the California legislature approved and the governor signed the MLPA (Stats. 1999, Chapter 1015). The MLPA can be found in Chapter 10.5 of the California Fish and Game Code, Sections 2850 to 2863.

The MLPA directs the state, through the Fish and Game Commission (Commission), to redesign California's system of marine protected areas to increase its coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational, and study opportunities provided by marine ecosystems. The goals of the MLPA are:

- to protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems;
- to help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted;
- to improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity;
- to protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value;
- to ensure California's marine protected areas (MPAs) have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines; and
- to ensure that the state's MPAs are designed and managed, to the extent possible, as a network.

The MLPA notes that MPA designations may include areas with a variety of levels of protection, including state marine reserves (SMR), and state marine conservation areas (SMCA), and state marine recreational management areas (SMRMA)¹. In addition, the MLPA notes that the Program shall include several elements:

- an improved marine life reserve² component consistent with the MLPA guidelines;
- specific identified objectives, and management and enforcement measures, for all MPAs in the network;
- provisions for monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter;
- provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation; and
- a process to establish new MPAs, modify existing MPAs, or abolish existing MPAs, that involves interested parties.

In addition, the MLPA requires the California Department of Fish and Game (CDFG) to prepare a master plan to guide the planning, adoption, and implementation of an improved statewide MPA network. The MLPA specifies components of the master plan, including recommendations for the extent and types of habitat that should be represented within MPAs; recommendations on the minimum size of SMRs or other classifications of MPAs to accomplish MLPA goals; and an analysis of existing state MPAs. A MLPA master plan framework was adopted by the Commission in August 2005. This framework was expanded into the *MLPA Master Plan for Marine Protected Areas*, adopted by the Commission in February 2008. The MLPA Master Plan provides guidance and information on:

- California's marine resources and policies;
- conducting regional science-based and stakeholder-driven planning processes to develop alternative packages of MPAs;
- the process for designing alternative MPA proposals; and

¹ The authority to designate, delete, or modify state marine parks lies in the State Parks and Recreation Commission, Public Resource Code 36725

² The MPA defines *marine life reserve* as a no-take reserve. The current classification for a no-take area would be a state marine reserve.

- the design, management, enforcement, monitoring, and funding of California's MPAs.

The MLPA Master Plan is intended to guide the MLPA planning process and to be a living document. The requirement for a full master plan and implementing regulations will be met when the Commission adopts the final portion of the plan and all marine regions of the coast, including the San Francisco Bay estuarine complex, have been completed.

1.2.2. MLPA Initiative Alternative Development Process

In August 2004, the California Natural Resources Agency, CDFG, and the Resources Legacy Fund Foundation (RLFF) launched a public-private partnership, the MLPA Initiative, to implement the MLPA. The MLPA Initiative established a Blue Ribbon Task Force (BRTF), a Master Plan Science Advisory Team (SAT), and a Regional Stakeholder Group (RSG), all of which would participate in the process of determining MPA design alternatives for the Commission's consideration.

Rather than attempting to design a single MPA network for the entire state at one time, the MLPA Initiative recommended a series of regional processes focused on five study regions. MPA network proposals for these five regions are to be completed and combined into a statewide network of MPAs approximately by 2011.

- North Coast Study Region (California/Oregon border to Alder Creek near Point Arena)
- North Central Coast Study Region (Alder Creek near Point Arena to Pigeon Point) [the focus of this EIR]
- San Francisco Bay Study Region (waters within San Francisco Bay, from the Golden Gate Bridge northeast to Carquinez Bridge)
- Central Coast Study Region (Pigeon Point to Point Conception) [completed]
- South Coast Study Region (Point Conception to the California/Mexico border).

For each of the five study regions listed above, the BRTF will submit to the Commission a preferred alternative for a network of MPAs, along with other MPA network alternatives developed by stakeholders (and potentially modified by the BRTF). According to the MLPA, the preferred alternative must include MPA networks with an improved marine life reserve component, designed according to each of the following guidelines:

- Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall MLPA goals and guidelines.
- Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.
- Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.
- Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided.
- The MPA network and individual MPAs shall be of adequate size, number, type of protection, and location to ensure that each MPA meets its objectives and that the network as a whole meets the MLPA goals and guidelines.

The following groups and organizations were involved in the MLPA Initiative planning process for the north central coast region:

- MLPA Initiative staff (contracted);
- California Department of Fish and Game (CDFG) staff; and
- four volunteer bodies, including:
 - the BRTF—an oversight body;
 - the SAT—an expansion of the former Master Plan Team with additional expertise);
 - the MLPA Statewide Interests Group (SIG) for providing advice on the initiative process;
 - the North Central Coast Regional Stakeholder Group (NCCRSG);
- Fish and Game Commission (Commission).

The north central coast study region process is the second regional MPA design process to be conducted. A comprehensive stakeholder and public process was initiated in 2007 to identify a range of alternative MPA packages for the north central coast study region. The NCCRSG evaluated 13 existing MPAs in the study region and recommended potential new MPAs, other marine managed areas (specifically state

marine recreational management areas – SMRMAs—which are established by the Commission for hunting purposes), and Special Closure Areas (SCAs) to submit to the Commission for consideration in development of a preferred alternative. The NCCRSR MPA proposals were refined based on evaluations and input from the SAT, MLPA Initiative staff, CDFG staff, the BRTF, and extensive public comment. The three resulting NCCRSR MPA proposals (1-3, 2-XA, and 4) represent the culmination of months of intensive design, evaluation, facilitated stakeholder negotiation, and proposal refinement.

The BRTF developed the Integrated Preferred Alternative (IPA) proposal for the north central coast study region by selecting, and in some cases slightly modifying, MPAs from each of the three stakeholder-generated MPA proposals. The IPA represents a consensus recommendation for a single preferred alternative intended to meet scientific guidelines and achieve the goals of the MLPA, while also bridging some of the areas of divergence among the stakeholder proposals. On June 11, 2008, the Commission accepted the BRTF IPA, for the purpose of regulatory review under the California Environmental Quality Act (CEQA), as the preferred alternative (Proposed Project) for the north central coast study region. The Proposed Project includes a total of 22 MPAs, including 11 SMRs, nine SMCAs, and two SMCAs recommended by the stakeholders to become SMPs. Additionally, there are two SMRMAs and six SCAs included in the Proposed Project.

1.2.3. Location and General Characteristics of the Study Region

The Proposed Project is located in state waters along the northern central California coast, from Alder Creek, five miles north of Point Arena in Mendocino County, to south Pigeon Point in San Mateo County (Figure 1-1). The straight-line distance between these two points is approximately 146 miles (mi), but the actual length of the coastline is much longer (over 363 mi). The study region has been divided into six subregions to facilitate the display of information (Figure 1-2). From north to south, these include:

- Alder Creek/Point Arena to Horseshoe Point (subregion 1);
- Horseshoe Point to Bodega Head (subregion 2);
- Bodega Head to Double Point (subregion 3);
- Double Point to Point San Pedro (subregion 4);
- Point San Pedro to Pigeon Point (subregion 5); and
- Farallon Islands (subregion 6).

In general, state waters in the north central coast study region extend from the high tide line to three nautical miles (nmi) (3.4 miles) seaward along the mainland shore.

However, state waters in the study region also include 94.3 square miles around the Farallon Islands (located 28 miles offshore of San Francisco Bay). In total, the north central coast study region is approximately 763.5 square nautical miles (nm²) and extends from the shoreline (mean high tide) to a maximum depth of approximately 116.4 meters (m) (63.7 fathoms [fm]) off the Farallon Islands. Most of the north central coast study region is relatively shallow.

The seafloor of the north central coast study region extends from the intertidal zone seaward to the continental shelf. The seaward edge of the Continental Shelf is the shelf-slope break where the seafloor declines sharply and becomes the continental slope. Like most other coastal areas in the world, the shelf break occurs at about a depth of 200 m. The continental shelf is quite broad and varies in width within and offshore of study region from 3.6 mi at its narrowest location to 27.2 mi at its widest (where it extends beyond state waters).

While almost 75% of the marine seafloor in the study region is soft (sand or mud), there are also rocky reefs, pinnacles, and outcrops. These rocky areas support characteristic assemblages of fish and other species that vary with the type of rock and contribute significantly to biodiversity. Submarine canyons (drowned river gorges that incise the continental shelf) are not present in the study region.

The north central coast 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 significant on a global scale because of its high productivity and the large number of species it supports (WWF 2000). The California Current begins near the Queen Charlotte Islands in British Columbia, where the west wind drift splits and flows southward along the west coast. The California Current is one of the most productive of the Eastern Boundary Currents and includes one of only four temperate upwelling zones in the world. The California Current region is characterized by seasonal surface winds that blow water away from the coast, (causing cold, nutrient-rich water from deep in the ocean to upwell to the surface), periodic El Niño–Southern Oscillation (El Niño) climatic events, and decadal³ climatic shifts (US GLOBEC 1994). The north central coast study region is in the central part of the California Current LME and includes a major upwelling center at Point Arena, where cold nutrient rich waters are carried south along the entire Sonoma Coast.

The nutrients in the California Current fuel highly productive and diverse ecosystems, including the globally significant kelp forests. The kelp forests support large numbers of invertebrates, fish, seabirds, and marine mammals that depend on this productivity. Kelp beds are more abundant in the northern half of the study region.

The study region abuts the coastlines of five California counties. From north to south, these include Mendocino, Sonoma, Marin, San Francisco, and San Mateo counties. Nearly 4,200 square miles of land in six major watersheds drain directly into

³ *Decadal* means occurring every 10 years.



00-447.08 (12/08)

Figure 1-1
California Regional Location Map

the study region. An additional 59,000 square miles of land drain into the San Francisco Bay Estuarine Complex, which in turn empties into the study region under the Golden Gate Bridge.

The northern portion of the study region around Point Arena in Mendocino County and the Sonoma County coastline is characterized by a steep rocky coastline and nearshore rocky reefs. Primary tributaries in the northern portion of the study region include the Gualala River and the Russian River which drain a very large watershed in Sonoma and Mendocino counties. The rivers meet the ocean in coastal lagoons located behind sandbars about 20 miles south of Point Arena and Jenner, respectively.

South of the Russian River is Bodega Head, a granitic peninsula with coastal dune systems around the headland. Northeast of Bodega Head is Bodega Harbor, a geographically protected and important regional port, with open water and mudflat habitats.

There are several large and small estuaries in the northern half of the north central coast study region including Bodega Bay, Tomales Bay, Estero Americano, Estero San Antonio, Drakes Estero and Estero de Limantour, and Bolinas Lagoon. These estuarine areas act as nursery grounds for many invertebrates and fish. They are also located on the Pacific Flyway and support numerous migrating waterfowl and shorebird species.

In the central portion of the north central coast study region along the Marin County coastline, Point Reyes is a large peninsula that extends offshore and greatly influences local ocean circulation patterns. The Point Reyes segment of the study region is characterized by a broader shelf and steep rocky cliffs, and includes several large coastal protected areas including Point Reyes National Seashore and the Golden Gate National Recreation Area, as well as two United Nations Educational, Scientific and Cultural Organization (UNESCO) Ramsar sites⁴ and concentrations of marine mammals, seabirds, and sea turtles.

The southern portion of the central coast study region abuts the western edge of San Francisco Bay and includes the area seaward of the Golden Gate Bridge. While San Francisco Bay is not included in the study region, all of the rivers of California's Central Valley (including the Sacramento, American, and San Joaquin Rivers), and the tributaries of the greater metropolitan San Francisco Bay Area, drain into the Pacific Ocean under the Golden Gate Bridge. A unique feature of the study region is the large freshwater tidal plume that extends seaward for miles beyond the Golden Gate. This plume reaches its greatest extent on ebb tides during the rainy winter season. During the winter the plume tends to flow north along the coast while during the summer it

⁴ A wetland designated to be of international importance. At the 1971 Convention of Wetlands in Ramsar, Iran, an international treaty was signed by to protect wetlands on the Ramsar Wetland List. (<http://www.ramsar.org/>)

tends to flow south and further offshore. In addition, the mouth of San Francisco Bay is an important migratory corridor for many other species of fish and invertebrates that use the Bay as a migration route or nursery ground.

Seaward of the mouth of San Francisco Bay is the Gulf of the Farallones, which includes one of the broadest sections of continental shelf on the West Coast of the United States (NOAA 2004). The Farallon Islands are located 28 miles west of San Francisco near the edge of the shelf-slope break. The entire area of the Gulf of Farallones is influenced by coastal upwelling and the San Francisco Bay tidal plume. The broad shelf is mostly sandy, relatively shallow (<120 m), and provides important habitat and forage area for seabirds, marine mammals, sea turtles, invertebrates, and fish. The waters around the Farallon Islands are nutrient-rich and support high productivity and many species of top predators, including gray whales, humpback whales, blue whales, and one of the world's largest congregation of white sharks.

South of the mouth of San Francisco Bay, the coastlines of San Francisco and San Mateo counties are characterized by cliffs, sandy beaches, and small coastal streams. Pescadero Marsh is one of the larger coastal lagoons along this stretch of coast.

The marine resources of the north central coast study region support commercial and recreational fisheries and many non-consumptive economic activities such as coastal tourism and recreation. The study region is characterized by high productivity, high biodiversity, and large concentrations of top predators (seabirds, marine mammals, sharks), having some of the highest numbers of fish, seabirds, and mammals in the North Pacific Ocean (PICES 2005; NOAA 2004). Portions of the Monterey Bay National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary, California Coastal National Monument, Golden Gate National Recreation Area, and Point Reyes National Seashore overlap the study region. The study area is adjacent to the Cordell Bank National Marine Sanctuary, and abuts the Farallon National Wildlife Refuge, and several California state parks.

The diverse habitats of the study region host a wide variety of species that may benefit from MPAs or have special relevance to the MPA planning process, including:

- Depleted or over-fished species including bocaccio, canary rockfish, cowcod, darkblotched rockfish, widow rockfish, and yelloweye rockfish.
- Special status species such as Coho and Chinook salmon steelhead trout, green sturgeon, sea otters, pinnipeds (including elephant seals and fur seals), cetaceans, and seabirds.

There are more than 22 institutions adjacent to the study region with marine research or educational objectives. In addition, 15 federally recognized Native American groups, and numerous unrecognized Native American groups are located in coastal areas adjacent to the study region.

1.2.4. Jurisdictions of Coastal and Open Waters

The waters of the California coast include local, state, federal, and international jurisdictions, including the State Tidelands and Submerged Lands (State Tidelands), Outer Continental Shelf (OCS), territorial sea, contiguous zone, Exclusive Economic Zone (EEZ), and high seas (Figure 1-3). These jurisdictions are used to describe areas of offshore ownership and sovereignty, as well as various forms of mineral, fishery, national security, or regulatory controls. The State Tidelands are owned, managed, and regulated by the State of California. The federal government has authority in the waters beyond the State Tidelands, but this authority can be limited by international regimes.

The Proposed Project is located within waters that are under the jurisdiction of the State of California as confirmed by the Submerged Lands Act of 1953 (43 United States Code [USC] 1301–1315). CDFG, part of the Natural Resources Agency, is the state agency responsible for the conservation and management of living marine resources. The Commission has the authority to designate, delete, or modify SMRMAs, SMRs, and SMCAs, as delineated in Public Resources Code (PRC) Section 36725(a).

1.2.4.1. State Tidelands and Submerged Lands (Mean High-Tide Line to Three Nautical Miles Offshore)

The Federal Submerged Lands Act of 1953 generally confirmed ownership of the submerged land and marine resources within three nm of the mean high-tide line to coastal states such as California. This authority provides for state control and regulation of the development of resources such as oil, gas, and fisheries within this area.

1.2.4.2. Outer Continental Shelf (Seaward of Three Nautical Miles from Shore)

The Outer Continental Shelf Lands Act of 1953, passed in coordination with the Submerged Lands Act, confirmed federal jurisdiction over resources beyond three nm from shore and created a legal process for developing those resources.

1.2.4.3. Territorial Sea (Shoreline to 12 Nautical Miles Offshore)

Pursuant to a 1988 Presidential Proclamation, the United States now asserts sovereign rights over the lands and waters out to 12 nm from shore. The previous territorial sea designation was coextensive with the State Tidelands in California. This proclamation does not disturb the rights of states in the waters out to 3 nm confirmed by the Submerged Lands Act.

1.2.4.4. Contiguous Zone (12 to 24 Nautical Miles Offshore)

Pursuant to a 1999 Presidential Proclamation, the United States exercises the control necessary to prevent infringement of its customs, fiscal, immigration, or sanitary laws.

1.2.4.5. Exclusive Economic Zone (Three to 200 Nautical Miles Offshore)

Pursuant to the 1983 Presidential Proclamation, the United States asserts jurisdiction over the living and nonliving resources within the EEZ. Although coastal states have primary jurisdiction and control over the first three nm of the EEZ, the federal government has primary jurisdiction over and controls the remaining 197 miles. The Coastal Zone Management Act (CZMA), however, provides coastal states with substantial authority to influence federal actions beyond three nm.

1.2.4.6. High Seas (Beyond 12 Nautical Miles from Shore)

This designation includes all portions of the sea not included in the territorial sea of any nation. High seas are partially coextensive with the contiguous zone (not formally adopted in the United States) and EEZ. The primary characteristic of the high seas is a nation's right to freely navigate its vessels (including war vessels) within this area.

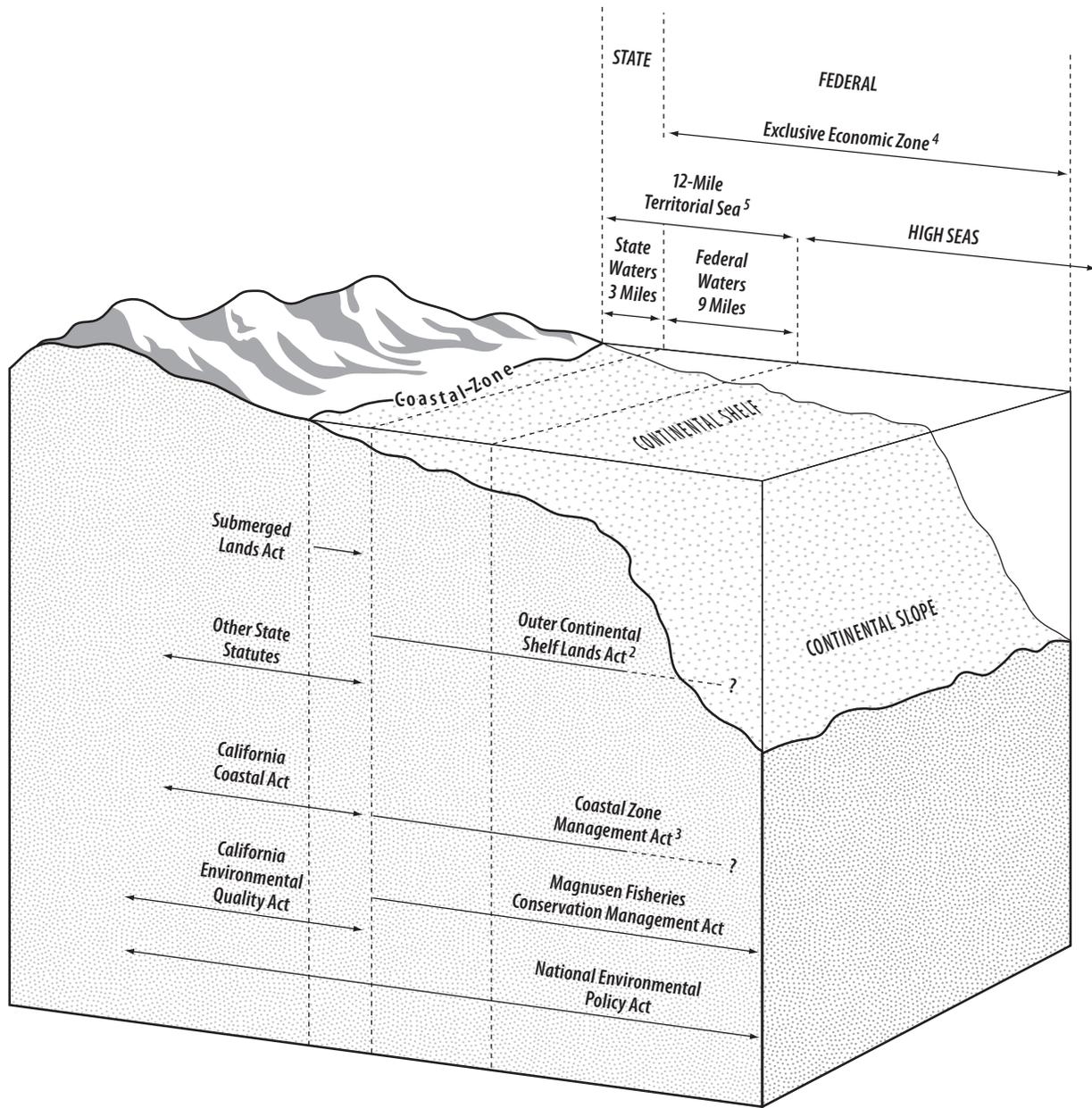
1.2.5. Resource-Based Agencies and Commissions

There are a number of state and federal agencies and commissions that have jurisdictional and regulatory responsibility over California coastal marine and ocean resources. Ocean resource management in California falls under the authority of two executive branch agencies, The Natural Resources Agency (which includes CDFG) and the California Environmental Protection Agency (Cal-EPA). Although the authority to direct most ocean management issues rests with the Natural Resources Agency, Cal-EPA oversees development of ocean water quality standards and regulation of waste discharges to the marine environment. Federal jurisdiction over ocean resources is divided among seven large departments, including: the U.S. Departments of Agriculture, Commerce, Defense, Interior, and Transportation; the Food and Drug Administration; and the U.S. Environmental Protection Agency (EPA). Many of these federal entities have some jurisdiction or responsibilities within the study region.

1.2.5.1. State Agencies, Commissions, and Programs

California Department of Fish and Game/Fish and Game Commission

CDFG is a public trustee for fish and wildlife resources, and has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and habitat necessary for biologically sustainable populations of those species. CDFG has conservation and management authority over living marine resources within state waters, as well as administration and enforcement authority of fisheries regulations and delivered catch to California ports. Thus, CDFG has some authority beyond state waters and often enforces regulations in this area. In addition, CDFG enforces marine aquaculture regulations within state waters, such as those encompassed by state water bottom leases for oyster mariculture that exist in Tomales Bay and Drakes Estero within the study region.



- 1 The Legislature adopted maps defining the inland boundary of the coastal zone.
- 2 The seaward reach of the continental shelf cannot be precisely delineated.
- 3 The landward and seaward reach of the CZMA cannot be precisely delineated.
- 4 In accord with article 57 of the 1982 Law of the Sea Convention, the EEZ is defined from the baseline of the Territorial Sea out to 200 miles. California's State Waters extend three miles offshore.
- 5 By proclamation in 1988, the U.S. Territorial Sea was extended from three to twelve miles offshore.

Source: The Resources Agency of California, Ocean Resources Management Plan, 1994.

The Fish and Game Commission has authority to regulate fisheries.

California Coastal Commission

The Commission is responsible for administering the California Coastal Act (CCA) and the federally approved California Coastal Management Program pursuant to the federal Coastal Zone Management Act (CZMA). CCA policies implemented by the Commission address issues such as public access and recreation, natural resource protection, agricultural operation, coastal development projects, port activities, and energy production. Jurisdiction is within the 1,100-mile-long coastal zone, which encompasses 1.5 million acres of land including all state waters and up to five nm inland from the mean high-tide line. This jurisdiction also extends into the ocean to the federal waters limit through the Commission's federal consistency authority under the CZMA.

State Lands Commission

The California State Lands Commission (SLC) has jurisdiction over all of California's ungranted public tidal and submerged lands, beds of naturally navigable rivers and lakes (each of which are sovereign lands), swamp and overflow lands, and school lands (proprietary lands). Management responsibilities of the SLC extend to activities within submerged lands and those within state waters. Pursuant to SLC administrative actions and recent legislative leasing restrictions, the SLC currently has no program for offshore oil and gas leasing in state tidelands. However, the SLC carefully monitors existing offshore oil and gas activities to ensure revenue accountability, efficient resource recovery, and protection of the environment.

California Department of Parks and Recreation/California Park and Recreation Commission

The California Department of Parks and Recreation manages coastal wetlands, estuaries, beaches, and dune systems within California's scenic coastline. Through submerged land leases, the California Department of Parks and Recreation has management authority over fifteen underwater areas, though it does not have authority to restrict the take of living marine organisms. Three underwater areas in the study region are under lease from the State Lands Commission until 2029: Salt Point State Park (940 underwater acres), Fort Ross State Historic Park (90 underwater acres), and Sonoma Coast State Beach (667 underwater acres). In addition, there are 19 state parks adjacent to the coast in the study region.

The State Park and Recreation Commission has authority to designate, delete, or modify SMRs, SMPs, SMCAs, and SMRMAs (Public Resources Code Section 36725). However, the State Park and Recreation Commission may not take these actions without the concurrence of the California Fish and Game Commission regarding any proposed restrictions on, or change in, the use of living marine resources.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs) establish California's water quality standards pursuant to the requirements of the state's Porter-Cologne Water Quality Control Act (Porter-Cologne Act) and the federal Clean Water Act (CWA). The SWRCB has developed a series of statewide water quality control plans to set water quality standards for California. These include the Enclosed Bays and Estuaries Plan, Thermal Water Quality Control Plan, and California Ocean Plan (Ocean Plan). The Ocean Plan presents water quality objectives and establishes the basis for the regulation of waste discharges under the National Pollutant Discharge Elimination System (NPDES) program and associated permitting process. The SWRCB is responsible for adopting the Ocean Plan, and the RWQCBs are responsible for interpretation and implementation of the Ocean Plan through issuance of NPDES permits and follow-up enforcement activity. The SWRCB has authority to designate, delete, or modify state water quality protection areas (including areas of special biological significance [ASBSs]).

The Ocean Plan identifies beneficial uses of marine waters that can be maintained through water quality control and establishes a set of narrative and numerical water quality objectives to protect these uses. Examples of such uses include marine life habitat, fish migration, fish spawning, shellfish harvesting, rare and endangered species habitat, recreation, industrial water supply, commercial and sport fishing, mariculture, aesthetics, and navigation.

1.2.5.2. Federal Agencies, Commissions and Programs

National Oceanic and Atmospheric Administration (U.S. Department of Commerce)

The National Oceanic and Atmospheric Administration's (NOAA) ocean-related responsibilities include conducting a comprehensive and integrated program of marine policy, ocean, atmosphere, and earth data collection and resource management, as well as providing grants for research, education, and advisory services. The five divisions within NOAA are the National Environmental Satellite, Data, and Information Service; National Marine Fisheries Service (NOAA Fisheries); National Ocean Service; National Weather Service; and Office of Oceanic and Atmospheric Research.

National Marine Sanctuaries Program

Within NOAA is the National Marine Sanctuaries Program (NMSP). Sanctuaries have authority for establishing regulations under the National Marine Sanctuary Act. The primary purpose of the sanctuary program is resource protection (16 USC 1431[b]). The sanctuary conducts and facilitates resource management and protection, coordinates and participates in oceanographic and marine biological research, and promotes education and public outreach. The NMSP is responsible for administering

four national marine sanctuaries offshore of California: Monterey Bay, the Gulf of the Farallones, the Channel Islands, and the Cordell Bank Sanctuaries. These sites were selected because they possess conservational, recreational, ecological, historical, research, educational, archaeological, cultural, or aesthetic qualities that give them special national, or sometimes international, significance. The Gulf of the Farallones National Marine Sanctuary and northern portion of the Monterey Bay National Marine Sanctuary are within the study region. The Cordell Bank National Marine Sanctuary lies in federal waters west of Point Reyes.

NOAA Fisheries Service

Also within NOAA is NOAA Fisheries Service, which manages certain living resources (i.e., marine finfishes, invertebrates, marine mammals) generally between three and 200 miles seaward of the U.S. coast. NOAA Fisheries Service has lead management responsibility for all marine mammals except sea otters, walrus, manatees/dugongs, and polar bears, all of which are under the authority of the U.S. Fish and Wildlife Service (USFWS). Sea turtles (at sea) are managed under the federal Endangered Species Act (ESA) authority of NOAA Fisheries Service, while seabirds are within the purview of the USFWS.

Pacific Fishery Management Council

The Pacific Fishery Management Council (PFMC) and seven other regional councils were created by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in 1976 with the primary role of developing, monitoring and revising management plans for fisheries conducted within 3 to 200 nm (the EEZ) of the U.S. coast. The PFMC is not a federal agency, but a regional body funded through the U.S. Department of Commerce. The PFMC develops plans for ocean fisheries off California, Oregon, and Washington in need of regional management. To date, the PFMC has adopted and implemented a Pacific Coast Groundfish Fishery Management Plan (FMP), Pacific Coast Salmon FMP, Coastal Pelagic Species FMP, and West Coast Highly Migratory Species FMP. An FMP for highly migratory species was approved by the PFMC in 2004.

U.S. Fish and Wildlife Service

The USFWS is responsible for protecting and conserving freshwater and anadromous fisheries, wildlife (birds and most mammals), and their habitats for the benefit of the public. The USFWS monitors and implements programs for managing migratory birds and fish, national wildlife refuges and national fish hatcheries; restoration programs; and listing, protection, and development of recovery programs under the federal ESA for candidate species. The agency also comments on federal proposals and federally permitted projects, and provides research and support for international negotiation regarding fisheries, migratory wildlife, and protected species.

The USFWS has jurisdiction over freshwater and estuarine fishes and a regulatory role concerning federal activities with potential impact on certain marine mammals (southern sea otter, manatee/dugong, polar bear, walrus), migratory birds, sea turtles on shore, freshwater fishes, and endangered species onshore or within national wildlife refuges, including the Farallon National Wildlife Refuge. NOAA Fisheries Service holds jurisdiction over most threatened and endangered marine mammals (whales, seals, and sea lions), and anadromous (salmon) and marine fisheries. The USFWS has jurisdiction over inland and freshwater species, and seabirds.

U.S. Environmental Protection Agency

The EPA was established to perform two primary functions: research and development; and abatement and control of pollution through a combination of research, monitoring, standard-setting, and enforcement activities. Although the EPA has no direct ocean resource management responsibilities, it administers and enforces various environmental protection statutes of general application. One of those statutes is the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), under which it registers and regulates the use of pesticides or approves state plans for that purpose. The products regulated under FIFRA include tributyltin, a component of ship-bottom anti-fouling paints, which has an adverse effect on marine life. USEPA also manages the National Estuary Program (NEP), which identifies, restores, and protects nationally significant estuaries. While San Francisco Bay falls under the jurisdiction of the NEP, the bay itself is not part of the study region.

U.S. Bureau of Land Management

The U.S. Bureau of Land Management (BLM) administers 262 million surface acres of America's public lands, located primarily in 12 western states. The BLM was established to sustain the health, diversity, and productivity of public lands under its jurisdiction for the use and enjoyment of present and future generations. Among other holdings, the BLM manages lands within the National Landscape Conservation System through development and implementation of resource management plans, though the BLM's jurisdiction ends at the mean high tide mark. Although most of its lands are not located along the coast, the BLM does manage one area adjacent to the project area—the 1,132 acre Stornetta Public Lands which are located along the Mendocino County coastline just north of the town of Point Arena.

Within and adjacent to the project area, the BLM manages several onshore coastal properties and the California Coastal National Monument (CCNM), which statewide encompasses more than 20,000 offshore rocks and small islands above mean high tide within 12 nm of the coast, and about 1,000 acres of offshore lands. The BLM has entered into partnerships with federal, state and local entities, including CDFG and the California Department of Parks and Recreation (DPR), to coordinate management of these lands. The BLM's management goals for the CCNM emphasize

protection of the biological, geological, aesthetic, and cultural resources of the rocks and islands.

Department of Homeland Security U.S. Coast Guard

The Department of Homeland Security U.S. Coast Guard is the primary maritime law enforcement agency. U.S. Coast Guard establishments adjacent to the project area include a training center in Petaluma, and stations in Bodega Harbor and at Point Bonita. None of these establishments have associated special closures in the marine environment; however a Coast Guard Training Center (TRACEN) in Petaluma, located in the Two Rock Valley, does restrict public access along the coastline for approximately five miles.

U.S. National Park Service

The National Park Service manages several park lands located along the California Coast. One of these is Point Reyes National Seashore, a 70,000 acre (283 square kilometers [km²]) park preserve located on the Point Reyes Peninsula in Marin County. Other key park lands adjacent to the north central coast study region include Golden Gate National Recreation Area (including the Presidio of San Francisco and Fort Point National Historic Site) and Muir Woods National Monument. The typical seaward boundary of coastal national park lands extends to 1000 feet offshore. The NPS administers the uses within these 1000 feet. The scope of jurisdiction (i.e. exclusive, concurrent or proprietary) varies with each location.

1.3. Purpose of EIR

1.3.1. Intent and Scope of the EIR

1.3.1.1. Intent

This draft EIR has been prepared in accordance with the CEQA, which requires all state and local government agencies to consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (PRC 21000 et seq.). As described in State CEQA Guidelines Section 15121(a), an EIR is a public information document that assesses potential environmental effects of a proposed project and identifies mitigation measures and alternatives to the project that could reduce or avoid adverse environmental impacts (14 California Code of Regulations [CCR] 15121[a]). The Commission's creation and recommendation of the Integrated Preferred Alternative for the North Central Coast MPA project constitutes a "project" under CEQA.

The EIR is an informational document used in the planning and decision-making process. It is not intended to recommend either approval or denial of a proposed project. Consistent with CEQA requirements, the purpose of this document is to:

- identify potential direct and indirect environmental impacts associated with the Proposed Project;
- identify its potential contributions to cumulative regional impacts in the study region;
- evaluate the potential for growth inducement due to the Proposed Project;
- describe mitigation measures that would avoid any potentially significant impacts or reduce them to a less-than-significant level; and
- discuss potential alternatives that would avoid or reduce one or more of the identified significant impacts for the Proposed Project.

This draft EIR is also intended to supply the information necessary to support related permit applications and review processes. As described below, the draft EIR will be made available for public review and comment.

1.3.1.2. Scope

This draft EIR evaluates the potential impacts of the Proposed Project in relation to the following areas:

- aesthetics,
- agriculture,
- air quality,
- consumptive uses,
- cultural resources,
- ecosystems and habitats,
- geology and soils,
- hazards and hazardous materials,
- land use,
- mineral resources,
- noise,
- oceanography,

- population and housing,
- public services and utilities,
- recreation and research,
- species of interest,
- vessel traffic, and
- water quality.

This draft EIR also analyzes:

- significant and unavoidable impacts;
- significant irreversible changes in the environment;
- growth inducement;
- cumulative impacts; and
- alternatives to the Proposed Project.

1.3.2. Environmental Review Process

1.3.2.1. Public Involvement and Scoping

One of the purposes of CEQA is to establish opportunities for the responsible and interested agencies and the public to review and comment on projects that may affect the environment. CEQA provides public participation through:

- publication of the Notice of Preparation (NOP);
- project scoping;
- public review of the draft EIR; and
- public hearings.

1.3.2.2. Notice of Preparation

The purpose of the NOP is to solicit participation from responsible and coordinating federal, state, and local agencies and from the public in order to determine the scope and content of an EIR. The scoping process was formally initiated for this EIR on June 9, 2008, with the submittal of the NOP to the State Clearinghouse in

compliance with CEQA. A copy of the NOP is included as Appendix B. A number of agencies, organizations, and members of the public have provided comments on the NOP. Comments submitted in response to the NOP are available in the MLPA North Central Coast MPA Project Scoping Report (see Appendix C).

1.3.2.3. Project Scoping

Scoping refers to the process used to determine the focus and content of an EIR. Scoping solicits input on the potential topics to be addressed in an EIR, range of project alternatives to be considered, possible mitigation measures, and agencies with regulatory authority over the proposed project. Scoping is also helpful in establishing methods of assessment and in selecting the environmental effects to be considered in detail. The tools used in scoping this EIR included extensive stakeholder and interagency consultation before NOP circulation, publication of the NOP, and three public scoping meetings.

The first public scoping meeting was held on June 17, 2008 from 6:30 to 8:30 p.m. at the Best Western Lighthouse Hotel in Pacifica, California. The second scoping meeting was held on June 18, 2008 from 6:30 to 8:30 p.m. at the U.S. Army Corps of Engineers (USACE) Bay Model Visitor Center in Sausalito, California. The third scoping meeting was held on June 19, 2008 at the Gualala Arts Center in Gualala, California. A notice of the meeting was sent to resource agencies and members of the public via US mail and e-mail and was posted on the DFG web site at: <<http://www.dfg.ca.gov/mlpa/meetings.asp#upcoming>> to encourage participation. Approximately 60 people attended the three scoping meetings. The scoping meetings provided opportunities for attendees to comment on potentially significant environmental impacts, ways to minimize these impacts, and feasible alternatives. Participants were afforded the opportunity to provide both verbal and written comments during the scoping meeting, and to submit comments in writing through the close of the scoping comment period on July 8, 2008. A summary of comments received and verbal and written comments in their entirety are available in Appendix C.

1.3.2.4. Public Review of the Draft EIR

This draft EIR is being circulated to local, state, and federal agencies, as well as to interested organizations and individuals who may wish to review and comment on the report. Its publication marks the beginning of a 45-day public review period. Submittal of written comments via e-mail (Microsoft Word format) would be greatly appreciated. Written comments or questions concerning this draft EIR should be directed to the address listed below:

MLPA North Central Coast CEQA
California Department of Fish and Game
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940

Phone: 831/649-2885
Fax: 831/649-2894
Email: mlpaccomments@dfg.ca.gov

All documents mentioned herein or related to the Proposed Project can be reviewed on any CDFG business day between the hours of 8 a.m. and 4 p.m. at CDFG office identified above, as well as at other CDFG Marine Region offices and various public libraries (call the number above for a full list of locations).

1.3.2.5. Final EIR and EIR Certification

Written and oral comments received in response to the draft EIR will be addressed in a responses to comments addendum document that, together with the draft EIR, will constitute the final EIR. The responses to comments will include written responses to substantive issues raised in comments received during the review period. After review of the Proposed Project and final EIR, the Commission will decide whether to approve, modify, or deny the Proposed Project. The Commission will then review the Proposed Project, EIR, CDFG recommendations, and public and agency comments, and decide whether to certify the EIR and whether to authorize the Proposed Project.

If significant impacts are identified by the EIR that cannot be mitigated and the Proposed Project is approved, a statement of overriding considerations must be included in the record of the project approval and mentioned in the notice of determination (14 CCR 15093[c]).

1.3.2.6. Mitigation Monitoring and Reporting

CEQA requires lead agencies to “adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (PRC 21002). Throughout the EIR, mitigation measures, where appropriate, have been clearly identified and presented in language that would facilitate establishment of a mitigation monitoring and reporting program (MMRP). Any mitigation measures adopted by the Commission as conditions for approval of the Proposed Project would be included in an MMRP. A draft of the MMRP for the Proposed Project will be included with the final EIR.

1.3.3. Terminology Used in this EIR

This EIR uses the following terminology to describe environmental effects of the Proposed Project.

- **Significance Criteria:** Significance criteria are used by the lead agency to determine at what level, or “threshold,” an impact would be considered significant. Significance criteria used in this EIR are based on criteria set forth

in the State CEQA Guidelines (or can be discerned from the CEQA Guidelines); based on factual or scientific information; and based on regulatory standards of local, state, and federal agencies.

- **CEQA Baseline:** The existing environment at the time an action is commenced can be used as the baseline (environmental setting) (*Fat v. County of Sacramento* [2002] 97 Cal.App.4th 1270).
- **Beneficial Impact:** A project impact is considered beneficial if it would result in the improvement of an existing physical condition in the environment (no mitigation required).
- **No Impact:** “No impact” is declared if, based on the current environmental setting, the stated impact would not occur in the context of the Proposed Project.
- **Less-than-Significant Impact:** A project impact is considered less than significant when it does not reach the standard of significance and would therefore cause no substantial change in the environmental (no mitigation required). A project impact may also be considered less than significant if the adoption of mitigation measures would avoid the impact or reduce it below a level of significance (mitigation required).
- **Potentially Significant Impact:** A potentially significant impact is an environmental effect that may cause a substantial adverse change in the environment; however, additional information is needed regarding the extent of the impact to make the determination of significance. For CEQA purposes, a potentially significant impact is treated as if it were a significant impact.
- **Significant Impact:** A project impact is considered significant if it results in a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of project effects in the context of specified significance criteria. Mitigation measures or alternatives are identified to reduce these effects on the environment.
- **Significant and Unavoidable Impact:** A project impact is considered significant and unavoidable if it would result in a substantial adverse change in the environment that cannot be avoided or mitigated to a less-than-significant level if the project is implemented.
- **Cumulative Significant Impact:** A cumulative impact results from the collective impacts of related past, present or reasonably foreseeable future projects. Significant cumulative impacts may result even where individual impacts are minor. The EIR will analyze whether the Proposed Project would make a considerable contribution to any significant cumulative impacts.

The EIR also identifies particular mitigation measures that are intended to lessen project impacts. (The MLPA [California Fish and Game Code (FGC) 2862] also requires mitigation of impacts inconsistent with the MLPA goals and guidelines.) The State CEQA Guidelines (14 CCR 15370) define mitigation as:

- (a) avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

1.3.4. EIR Organization

As described below, this draft EIR consists of an executive summary, 12 chapters, and appendices:

- **Executive Summary:** The executive summary includes a brief project description, a description of issues of concern and alternatives, and a summary of environmental impacts.
- **Chapter 1, “Introduction”:** This chapter describes the project background; purpose and organization of the EIR; and the EIR preparation, review, and certification process.
- **Chapter 2, “Project Description”:** This chapter outlines the project objectives and summarizes the Proposed Project, Alternatives 1 thru 3, and the No-Project Alternative.
- **Chapter 3, “Environmental Analysis”:** This chapter introduces and frames the analysis of environmental impacts, and describes environmental issues dismissed from further detailed analysis in the EIR.
- **Chapter 4, “Consumptive Uses and Socioeconomics”:** This chapter describes the existing environmental setting as it relates to consumptive uses, provides an overview of the potential economic and social effects of the Proposed Project, and identifies physical environmental impacts potentially resulting from these economic and social implications.

- **Chapter 5, “Physical Resources”**: This chapter and the subsequent two chapters each analyze a subset of environmental issue areas. Each subset these chapters describes the existing environmental setting as it relates to that topic, discusses environmental impacts associated with project implementation that relate to that topic, and identifies mitigation measures for each significant (or potentially significant) impact. The physical resource issues include air quality and water quality.
- **Chapter 6, “Biological Resources”**: The biological resource issues include ecosystems and habitats and species of interest.
- **Chapter 7, “Social Resources”**: The social resource issues include cultural resources, population and housing, public services, recreation, research, and vessel traffic.
- **Chapter 8, “Other Statutory Considerations”**: This chapter discusses cumulative impacts, significant irreversible changes, significant unavoidable impacts, and the potential for the Proposed Project to induce urban growth and development.
- **Chapter 9, “Alternatives”**: This chapter describes alternatives to the Proposed Project.
- **Chapter 10, “Public and Agency Involvement”**: This chapter describes the process implemented throughout the project to involve agencies and the public in project development and EIR content.
- **Chapter 11, “References Cited”**: This chapter provides a list of printed references and persons consulted during the preparation of this EIR.
- **Chapter 12, “Report Preparation”**: This chapter provides the names of the EIR authors and consultants.
- **Appendices**: The appendices include the text of the MLPA, the NOP, and the scoping summary report.