

**SOUTH COAST MARINE PROTECTED AREAS PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT**

**SECTION 1.0
INTRODUCTION**

This Draft Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 *et seq.*), and evaluates proposed adoption by the California Fish and Game Commission (Commission) of revised regulations governing the nature and extent of marine protected areas (MPAs) off Southern California's Pacific coast. The lead agency responsible for preparing this Draft EIR is the Commission, with assistance from the California Department of Fish and Game (Department).

1.1 PROJECT SUMMARY

California has a long tradition of addressing the conservation of its diverse coastal and marine wildlife and habitats. In the last 35 years, both federal and state government programs have made efforts to address the environmental problems associated with changes in state population and human use of ocean resources, as well as in long-term changes in oceanographic conditions. Parts of these efforts include designating areas of the marine environment for protection and preservation.

In 1999, the legislature approved and the Governor signed the Marine Life Protection Act (MLPA; Stats.1999, Chapter 1015). In determining the need for the act, the legislature held that California's MPAs were not established according to a coherent plan. Many of these MPAs lack clearly defined purposes, effective management measures and enforcement. As a result, the array of MPAs creates the illusion of protection while falling far short of its potential to protect and conserve living marine life and habitat."

The MLPA (codified at Sections 2850 through 2863 of the California Fish and Game Code), is intended to conserve and rebuild California's marine ecosystems, including those of commercial importance. In passing this statute, the legislature declared that "California's extraordinary marine biological diversity is a vital asset to the state and nation, and that the diversity of species and ecosystems found in the state's ocean waters is important to public health and well-being, ecological health, and ocean-dependent industry." Further, the legislature acknowledged that fish and other sea life are a sustainable resource, that fishing is an important community asset, and that ongoing coastal development, water pollution, and other human activities currently threaten the health of marine habitat and the biological diversity found in California's ocean waters (California Fish and Game Code §2851).

To address alterations of the state's natural marine ecosystem, the MLPA directs the Commission to improve the design and management of California's existing system of MPAs to increase its coherence and effectiveness at protecting the state's marine ecosystems (California Fish and Game Code §2853). The MLPA requires that the Department prepare

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and present to the Commission a master plan that will guide the adoption and implementation of a Marine Life Protection Program, which includes a statewide network of MPAs (California Fish and Game Code §2855). The master plan can be found on the Department's website at <http://www.dfg.ca.gov/mlpa/masterplan.asp>. Rather than designing and implementing regulations for a single MPA network for the entire state at one time, the MLPA planning and implementation process has been broken down into a series of independent regional processes across five geographically defined study regions. Currently, the Commission is proposing regulations that would comply with the MLPA's mandate by revising the boundaries, designations, and allowed uses within MPAs in the region extending from Point Conception in Santa Barbara County to the U.S. – Mexico border in San Diego County. This area, illustrated graphically on Figures 1-1 and 1-2, is termed the south coast study region (SCSR), and is the project area evaluated in this Draft EIR.

The regulations currently proposed by the Commission represent the culmination of an extensive planning process which sought and incorporated input from stakeholders, the scientific community, policy experts, and the general public. The Commission voted on April 7, 2010 to move forward with making the regulatory changes necessary to implement the proposed Project IPA as well as conduct the required CEQA review of the proposed Integrated Preferred Alternative (IPA) and alternatives. Sections 2.2 through 2.4 discuss in detail the process of creating the proposed and alternative MPA designations and regulations.

If adopted, the proposed regulations that are the subject to environmental review in this Draft EIR would: remove a small number of existing MPAs; establish a number of new MPAs; or modify or replace existing MPA boundaries and regulations. Those existing MPAs along the five northern Channel Islands (San Miguel, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands) would be retained without modification and are not considered part of the proposed Project IPA or alternatives.

Once the CEQA review is completed, the Commission will make a determination as to whether or not to adopt the proposed Project IPA, or one of four alternatives being evaluated in this Draft EIR (three alternative MPA network configurations and a "No Project" alternative which would retain the existing MPA regulations without modification). For a more detailed description of the regulatory, scientific, and stakeholder-driven processes that were instrumental in developing the proposed MPAs and the proposed Project IPA and alternatives, please refer to Section 2.0 of this Draft EIR.

1.2 GENERAL DESCRIPTION OF THE PROJECT LOCATION

The proposed Project IPA would be established within the SCSR, which consists of state waters between Point Conception and the Mexican border including state waters adjacent to offshore islands. State waters are those waters located from the mean high tide mark out to 3 geographic miles offshore. (43 USC Chapter 29) The SCSR encompasses over 1,046 linear

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miles of coastline, and features diverse habitats ranging from sandy beaches and rocky coasts to soft- and hard-bottom deepwater habitats. These habitats in turn engender the region's high biodiversity, supporting 481 species of fishes, 4 species of sea turtles, 195 species of birds, 7 species of pinnipeds, and more than 5,000 species of invertebrates. Nearly half of California's existing MPAs, as well as several federally managed marine areas, lie in waters off the Southern California coast.

Coastal Southern California is home to over 10 million of the state's residents, and the SCSR is adjacent to major urban centers, as well as many smaller coastal cities and towns. Southern Californians utilize coastal resources within the SCSR for recreational activities such as; fishing, diving, surfing, kayaking, beach-going, swimming, and shore and boat-based wildlife viewing. In addition many commercial activities occur within the SCSR, these include; such as; oil and gas production, electric power generation, waste water treatment, commercial marine mammal and bird viewing charters, commercial shipping, and commercial fishing activities that provide fresh seafood to the region and world and support numerous associated industries.

To facilitate clear analysis and orderly display of information in this Draft EIR, the SCSR has been divided into seven geographic subregions. These subregions are illustrated on Figure 1-2, and include, from north to south:

- Point Conception (Government Point) to Rincon Point (subregion 1)
- Rincon Point to Point Dume (subregion 2)
- Point Dume to Newport Beach (subregion 3)
- Newport Beach to Agua Hedionda (subregion 4)
- Agua Hedionda to United States – Mexico border (subregion 5)
- Northern Channel Islands and Santa Barbara Island (subregion 6; no regulatory changes are being proposed to MPAs in this subregion)
- Southern Channel Islands (subregion 7)

For a description of the physical, biological, and oceanographic characteristics of the SCSR, please refer to Sections 2.0 and 7.0 of this Draft EIR.

1.3 PURPOSE OF THE EIR

This Draft EIR has been prepared in accordance with CEQA, which requires all state and local government agencies in California to consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects. As described in the State CEQA Guidelines, an EIR is a public information document that assesses potential environmental effects of a proposed project and identifies mitigation

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measures and alternatives to the project that could reduce or avoid adverse environmental impacts (14 CCR 15121(a)). The Commission's proposed adoption of the regulatory changes comprising the proposed Project IPA constitutes a "project" under CEQA. The EIR is an informational document used in the planning and decision-making process. The EIR is not intended to recommend either approval or denial of the proposed Project IPA.

The purpose of this document is to:

- Identify potential direct and indirect environmental impacts associated with the proposed Project.
- Identify the Project's potential contributions to cumulative environmental impacts in the study region.
- Evaluate the potential for growth inducement due to the proposed Project.
- Identify mitigation measures that would avoid any potentially significant impacts or reduce them to a less-than-significant level.
- Discuss potential alternatives that would avoid or substantially lessen the Project's significant impacts while still attaining most of the objectives of the proposed Project.

This Draft EIR is also intended to supply the information necessary to allow the Commission to employ adaptive management measures and make periodic revisions to the MPA network, consistent with the review process proscribed by the MLPA. As described below, this Draft EIR will be made available for public review and comment.

1.4 NOTICE OF PREPARATION AND EIR SCOPING

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

- Publication of the Notice of Preparation (NOP).
- Preparation and public review of a Draft EIR.
- Public hearings.

In late June, 2010 the Department circulated an NOP soliciting participation from responsible and trustee agencies and from the public in order to determine the scope and content of this Draft EIR. The NOP was submitted to the State Clearinghouse on June 29, 2010 and copies were sent to such government agencies as the National Marine Fisheries Service, U.S. Fish and Wildlife offices, U.S. Environmental Protection Agency and others; ports and harbor associations; the counties of Santa Barbara, Ventura, Los Angeles, Orange, and San Diego; and mayors' offices and law enforcement departments in 34 coastal cities. A complete list of

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recipients can be found at the end of this section. The Department also conducted a public scoping meeting at which adjacent jurisdictions, public agencies, stakeholders, and the general public were invited to provide suggestions on the scope of the EIR. The meeting was held on July 23, 2010 at the Hyatt Regency Long Beach, a coastal location approximately halfway between the northern and southern boundaries of the SCSR, and was attended by staff from public agencies, environmental organizations, and members of the public.

All oral and written comments received in response to the NOP and during the public scoping process were considered during preparation of this Draft EIR. Input received from stakeholders, agencies, the scientific community, and the general public during the extensive public participation process that preceded preparation of this Draft EIR (refer to Section 2.0 for details) was also considered. Comments submitted in response to the NOP and during the public scoping process are available upon request by contacting the Department at the address provided in Section 1.5 below.

This Draft EIR evaluates the potential impacts of the proposed Project in relation to the following environmental resource areas:

- Air Quality
- Greenhouse Gases
- Water Quality
- Mineral Resources
- Biological Resources
- Cultural Resources
- Public Services and Utilities
- Land Use and Recreation
- Vessel Traffic
- Hazards and Hazardous Materials

As required by CEQA and the State CEQA Guidelines, this Draft EIR also analyzes:

- Significant and unavoidable impacts
- Significant irreversible changes in the environment
- Growth inducement
- Cumulative impacts
- Alternatives to the proposed Project IPA

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In addition to the topics identified above, this Draft EIR contains information on some topics not expressly required by CEQA. These topics are generally related to the goals and constraints taken into consideration during development of the proposed Project IPA regulatory package, and are included for informational purposes in light of the overall program objectives described in Section 3.2 of this Draft EIR in a good-faith effort at full disclosure. Specifically, these topics include:

- Information related to Objective 5.4 – Minimize negative socio-economic impacts and optimize positive socio-economic impacts for all users including coastal-dependent entities, communities, and interests, to the extent possible, and if consistent with the MLPA and its goals and guidelines.
- Information related to Objective 3.1 – Sustain or enhance cultural, recreational, and educational experiences and uses (for example, by improving catch rates, maintaining high scenic value, lowering congestion, increasing size or abundance of species, and protection of submerged sites).
- Information related to Objective 3.2 – Provide opportunities for scientifically valid studies, including studies on MPA effectiveness and other research that benefits from areas with minimal or restricted human disturbance.
- Information related to Objective 3.3 – Provide opportunities for collaborative scientific monitoring and research projects that evaluate MPAs that promote adaptive management and link with fisheries management, seabird and mammals information needs, classroom science curricula, cooperative fisheries research and volunteer efforts, and identify participants.
- Information related to Environmental Justice as required by the Environmental Justice Policy, California Resources Agency (see http://www.resources.ca.gov/environmental_justice_policy_20031030.pdf).

The following organizations received a copy of the Notice of Preparation, which was sent June 29, 2010.

County Clerks (Point Conception to U.S. Mexico Border)

- Santa Barbara County Clerk-Recorder
- Ventura County County Clerk and Recorder
- Los Angeles County Registrar-Recorder/County Clerk
- County of Orange Clerk-Recorder
- San Diego County County Clerk

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Mayor's Offices (Coastal Cities from Point Conception to U.S. Mexico Border)

- City of Goleta
- City of Santa Barbara
- City of Carpinteria
- City of Ventura
- City of Oxnard
- City of Port Hueneme
- City of Los Angeles
- City of Malibu
- City of Santa Monica
- City of El Segundo
- City of Manhattan Beach
- City of Hermosa Beach
- City of Redondo Beach
- City of Torrance
- City of Palos Verde Estates
- City of Rancho Palos Verdes
- City of Long Beach
- City of Seal Beach
- City of Huntington Beach
- City of Newport Beach
- City of Laguna Beach
- City of Dana Point
- City of San Clemente
- City of Avalon
- City of Oceanside
- City of Carlsbad
- City of Encinitas

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- City of Solana Beach
- City of Del Mar
- City of Coronado
- City of San Diego
- City of Chula Vista
- City of National City
- City of Imperial Beach

Law Enforcement (e.g., Police and Sheriff; Point Conception to U.S. Mexico Border)

Note: In some cases these may not have a law enforcement agency, protection may be provided at the county level and that agency was notified.

- Santa Barbara County Sheriff's Office
- Ventura County Sheriff's Office
- Los Angeles County Sheriff's Department
- Orange County Sheriff's Office
- San Diego County Sheriff's Office
- City of Goleta Police Department
- Santa Barbara Police Department
- Carpinteria Police Department
- Ventura Police Department
- Oxnard Police Department
- Port Hueneme Police Department
- Los Angeles Police Department
- Los Angeles County Sheriff's Department – Malibu/Lost Hills Station
- Santa Monica Police Department
- El Segundo Police Department
- Manhattan Beach Police Department
- Hermosa Beach Police Department
- Redondo Beach Police Department

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- Torrance Police Department
- Palos Verdes Estates Police Department
- City of Rancho Palos Verdes
- Long Beach Police Department
- Seal Beach Police Department
- Huntington Beach Police Department
- Newport Beach Police Department
- Laguna Beach Police Department
- City of Dana Point Police Department
- City of San Clemente Police Department
- City of Avalon
- Oceanside Police Department
- Carlsbad Police Department
- City of Encinitas
- City of Coronado Police Department
- City of San Diego Police Department
- City of Chula Vista Police Department
- National City Police Department
- City of Imperial Beach
- US Coast Guard, Sector Los Angeles – Long Beach Command Center
- US Coast Guard, Sector San Diego Command Center
- US Navy, Naval Air Warfare Center
- Governor’s Office of Planning and Research State Clearinghouse
(15 copies of the NOP and a NOP from and NOC form)
- Office of Leasing and Environment, Minerals Management Service, Pacific Region
- National Marine Fisheries Service Southwest Regional Office
- Carlsbad Fish and Wildlife Office
- United States Army Corps of Engineers, Los Angeles
- U.S. EPA Region 9

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- Environmental Planning, Port of Long Beach
- Environmental Management Division, Port of Los Angeles
- Port of Long Beach
- Port of San Diego
- Santa Barbara Harbor
- Orange County Parks
- Orange County Dana Point Harbor
- King Harbor
- Sunset Harbour (Huntington Harbor)
- Port of Hueneme, Oxnard Harbor District
- Ventura Harbor
- National Parks Service, Cabrillo National Monument
- National Parks Service, Channel Islands National Park
Natural Reserve System, University of California
Los Angeles County Department of Beaches and Harbors
- Commander, Navy Region Southwest
- Naval Air Station North Island
Naval Base Coronado
Naval Station San Diego
Naval Submarine Base
- San Diego Association of Governments
- City of San Diego Metropolitan Wastewater Department
- South Orange County Wastewater Authority
- Sanitation Districts of Los Angeles County
- Goleta Sanitary District

This is not a complete list; private entity recipients are not included in this public document.

1.5 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 on August 18, 2010 marks the beginning of a 45-day public review period, which

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will close on October 4, 2010. Written comments may be submitted via e-mail (preferred) or by standard mail to the address below:

MLPA South Coast CEQA
California Department of Fish and Game
4665 Lampson, Suite C
Los Alamitos, CA 90720
(562) 342-7100
(562) 342-7139 fax
Email: tnapoli@dfg.ca.gov

1.6 EIR ORGANIZATION

This Draft EIR is comprised of an Executive Summary, 13 sections, 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.
- **Section 1 – Introduction:** This section describes the Project background; purpose and organization of the EIR; and the EIR preparation, and review.
- **Section 2 – Project Background:** This section describes the Project’s regulatory context, the need for the Project, and the process by which the Project and alternatives were developed.
- **Section 3 – Project Description:** This section provides a detailed description of the proposed regulatory changes that comprise the proposed Project IPA.
- **Section 4 – Disciplines Excluded from Detailed Environmental Analysis:** This section describes environmental topics that are not discussed in detail in this Draft EIR, and presents the reasons for their exclusion.
- **Section 5 – Consumptive Uses and Socioeconomics:** This section describes the existing environmental setting as it relates to consumptive uses, and provides an overview of the potential economic and social consequences of the proposed Project. Although not significant impacts as defined by CEQA, these effects are included in this Draft EIR for informational purposes.
- **Section 6 – Physical Resources:** This section evaluates the Project’s effects on physical resources, including air quality, water quality, geology and soils, and mineral resources.
- **Section 7 – Biological Resources:** This section evaluates the Project’s effects on biological resources.

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- **Section 8 – Social Resources:** This section evaluates the Project’s effects on social resources, including cultural resources, public services and utilities, recreation, vessel traffic, hazards and hazardous materials, land use, and environmental justice.
- **Section 9 – Cumulative Impacts:** This section considers the environmental effects of the proposed Project in conjunction with similar effects from other past, present, and probable future projects.
- **Section 10 – Other Statutory Considerations:** This section addresses the CEQA requirement to identify significant, irreversible environmental changes; significant unavoidable impacts; and the potential for the proposed Project to induce urban growth and development.
- **Section 11 – Alternatives:** This section describes feasible alternatives to the proposed Project, and describes the environmental impacts of those alternatives.
- **Section 12 – List of Preparers:** This section identifies the individuals who prepared this Draft EIR.
- **Section 13 – References:** This section provides bibliographic citations for all documents referenced in this Draft EIR.