Open Beaches & Trails

To: Calif. Fish & Game Commission.
Concerning the 4-13-07 meeting, agenda item #RE: certification of the EIR on the MLPA.

Dear Sirs,

At the Phase II (North Central Coast Study Region) meeting in Half Moon Bay we also discussed the final EIR for the Phase I (Central Coast Study Region). Please make a note of the very important word "study". The context of the EIR questions revolved around the accelerated nature of the MLPA meetings, flaws in the Notice of Preparation guidelines, the apparent lack of a monitoring plan, possible NEPA violation for not doing an EIS,evaluation time of information gathered and the very short window for the public to evaluate said information in comparing the Final EIR with the Draft EIR.

All this and more was put as concerns because we have felt that the train was up to steam and running full speed down the track and that nothing or no one could get it to slow down to look at reasonable alternatives or time line changes. Simple examples to consider are waste water discharge changes where applicable or the no-option alternative.

An equally disturbing part of the Half Moon Bay scoping meeting was that Jeff, the facilitator for Jones and Stokes Consulting made a confusing statement about the project alternatives. That they had already been chosen.

If true that is a SEQUA violation.

I was unable to get further clarification. In light of a comment made by a person of some political importance at the Bodega Bay meeting, "What have you learned from Phase I that you are correcting in Phase II?" I am even more unsure of our direction,as SEQUA does not allow for "piece-mealing of projects."

Breaking projects into phases is a violation which begs the question, does the Master Plan need an EIR? I believe that Fish & Game may have also violated the Constitutional Due Process rights of people whose livelihood may be in jeopardy by implementation of the MLPA in whole or in phases. The MLPA is of such personal importance that Fish & Game should have notified everyone as individuals. This could have been done at the time of their fishing license renewal, with a simple statement that a Draft EIR on the MLPA was occurring and that their comments are requested. Another possible answer to "what are you correcting in phase II."

I had not seen the Final EIR on phase I and need time to look at it in context with the Draft EIR, which takes time and needs to be done by reviewing a hard copy. Melissa assured us, as did Director Wiseman that hard copies would be available in a timely manner in, for example, local libraries. They have been next to impossible to track down. I would gladly pay for a copy, its shipping and handling. I have called Sacramento as have others on this to no avail.

Getting back to the train at full speed, it seems that the MLPA timeline never stops. The Final EIR (phase I) was scheduled for review but I now learn that an added supplemental to the agenda calls for adopting the Final EIR(phase I) at the, 4-12&13-07, Fish & Game hearings.

Please say it "ain't" so! Do not certify this incomplete EIR. The PFMC and other federal agencies have not commented and I see no proof of proper notice through the State Clearing House.

There is no adequate mention of the benefits assessment of California's existing MPA's or any proof or clarifying statements to make sense out of statements like, "MPAs studies show that there are increases in previously fished species inside MPAs while un-fished species abundance does not change with respect to areas outside.' What does that even mean? If you try to prove this with a ten year old study from Florida we will surely fail. I am an average citizen with many failings but I have worked my entire adult life with the guiding values of hard work, fair play, and honesty. I am also someone who has had the privilege to earn my living from the bounty God has granted us in our natural resources.

I look at the MLPA process as neither divine or evil. It is simply a tool. It could be a tool to a determine that California's fishermen are great stewards to our beloved near shore fisheries. It might show clear evidence that we need more fishing/harvesting in existing restricted areas. It could show that changes need to be made by fishermen. Make no mistake about it,California fishermen have been at the forefront in adaptive management of fisheries and will continue to always do the right thing. Adding into the equation a public that genuinely cares about our shared habitat should be a formula for success.

What we don't need and cannot allow is agenda driven time-lines and politically expedient outcomes. No-one's bias should trump the truth. It's a sad reality that a poor political process often does trump the truth. I can tell you honestly that at this time in the process you are not winning the PR battle with most stakeholders, myself included. I know there will be groups singing praises on high but just watch and see if they're holding out an empty hand with hopes of a MLPA cash-cow to fill it up. Even though they have a right to a seat in the process their motivation needs exposure.

When the public is told they will have time to study a document that's what must happen, every time. PERIOD! Getting this right is more important than filling a quota. If we need to back up a month or two or three to get the process right, that's what we need to do, every time.

If you certify the final EIR without adequate time for proper review you further alienate the very people you're trying to include. The process is the only hope we have to come up with honest, balanced, and effective MPAs. I believe in our Governor's commitment to California. I believe in our Republic. I believe in the public policy process and I feel it's my job as a citizen to see that it is the best it can be. Many times it seems a dirty job critiquing others but let me assure you, just as I get up every day and clean the horse barn, it's often the menial jobs that build to a rewarding conclusion.

I hope you get my point and take my comments in a spirit of cooperation. Will we get screwed in this process as many are feeling? I don't know. Ultimately this MLPA process will be as good as I can make it. All of you should pledge no less.

I again request that the Final EIR (phase I) certification be denied until all the valid issues and a proper evaluation of the document can be addressed.

Thank you,

Dennis Mayo
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