



State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
1933 Cliff Dr., Suite 9
Santa Barbara, CA 93109
<http://www.dfg.ca.gov>

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 12, 2011

Re: Notice of preparation of environmental document regarding marine protected areas in the northern California region pursuant to the Marine Life Protection Act.

To Interested Parties:

The California Fish and Game Commission (Commission) will be the lead agency reviewing and potentially adopting proposed regulations for marine protected areas (MPAs) in State waters within the northern California coast region. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Department of Fish and Game (Department) will prepare a CEQA equivalent draft environmental document for the Commission regarding the Proposed Project.

The Proposed Project being reviewed in this document is the northern California coast component of a statewide network of MPAs as required by the Marine Life Protection Act (MLPA, Stats. 1999 Ch. 1015). For the purpose of this project, the North Coast Region is defined as State waters (0-3 nm offshore) between the California-Oregon border and Alder Creek, near Point Arena (Mendocino County).

The project objectives are to help protect, maintain, restore, enhance, and manage living marine resources by developing this portion of the MLPA-required network of MPAs. Take of finfish, marine plants and/or invertebrates would be prohibited or restricted in several areas by regulations established by the Commission and implemented by the Department. Alternatives to the Proposed Project will be evaluated in the document, with corresponding analysis provided for each identified alternative. Additional information on the Proposed Project and the CEQA process is included in Attachment A and available online at: www.dfg.ca.gov/mlpa.

Note that at its June 29-30, 2011 meeting, the Commission selected Tribal Option 1 for traditional tribal gathering as its preferred alternative. This alternative would allow tribal gathering by federally recognized tribes to continue in State Marine Conservation Areas (SMCAs) or State Marine Recreational Management Areas (SMRMAs) provided a factual record can be established that shows ancestral take in a specific SMCA or SMRMA. The establishment of ancestral take records within the North Coast Region is currently in development. Once this process is complete, the Commission may elect to integrate tribal gathering into the Proposed Project as an allowable use within specific SMCAs or SMRMAs. As directed by the Commission, this information will be incorporated into the Proposed Project and considered in the environmental analysis.

The Department has taken steps to identify and evaluate any potential adverse environmental effects associated with the Proposed Project. However, in order to assist the Department in identifying the range of potential actions, alternatives, mitigation measures and significant effects to be analyzed in depth in the document, the

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Department is requesting your views as to the scope and content of the environmental information which you feel is germane to the subject project.

Your response relative to the scope of the environmental document must be sent at the earliest possible date, but postmarked no later than 5:00 p.m. on October 14, 2011 in order for your comments to be considered.

Public comment provided on the Proposed Project to date through extensive public processes will be addressed in the document. The Department will also hold four public scoping workshops on the development of the draft environmental document. The details on these meetings are included in Attachment A.

Please send responses to this Notice of Preparation to:

“MLPA North Coast CEQA Scoping Comments”
California Department of Fish and Game
c/o Horizon Water and Environment
P.O. Box 2727
Oakland, CA 94602.

Comments may also be submitted via email to: MLPAcomments@HorizonWater.com. Your comments should include your name, address, and daytime telephone number so a representative of the Department can contact you if clarifications regarding your comments are required.

Sincerely,



Marija Vojkovich
Regional Manager
Marine Region

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

1. Introduction and Background

1.1 Introduction

In 1999, the Marine Life Protection Act (MLPA) was signed into law (Stats. 1999, Chapter 1015; now found in Chapter 10.5 of the California Fish and Game Code, Sections 2850 to 2863). In determining the need for the act, the legislature held that “California’s marine protected areas (MPAs) were established on a piecemeal basis rather than according to a coherent plan and sound scientific guidelines. 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.” Therefore, the MLPA directs the state, through the California Fish and Game Commission (Commission), to redesign California’s system of MPAs to function as a network in order to: increase 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 act provides six specific goals (Section 2853) to guide the development of the MPA system, which can be found at: <http://www.dfg.ca.gov/mlpa/background.asp>.

To help achieve the goals of the MLPA, different types of MPA designations are used in the MLPA designation process. These designations are defined in the Marine Managed Areas Improvement Act (MMAIA), a companion to the MLPA (California Public Resources Code Sections 36700 and 36710). The MMAIA provides a standardized classification system for all marine managed areas (MMAs), of which MPAs are a subset. Each MPA designation differs according to restricted and allowable uses that can occur within each designated area. Definitions for the designations used in California’s MPA network, including three MPA designations and a marine managed area designation, can be found at <http://www.dfg.ca.gov/mlpa/pdfs/revisedmp0108b.pdf>; a summary of these definitions is provided below:

- State Marine Reserve (SMR): Prohibits all take and consumptive use (commercial and recreational, living or geologic). Permitted research and non-consumptive uses may be allowed.
- State Marine Park (SMP): Prohibits commercial take but may allow select recreational harvest to continue. Access for permitted research and non-consumptive use is allowed.
- State Marine Conservation Area (SMCA): May allow select recreational and commercial harvest to continue. Access for permitted research and non-consumptive uses is allowed.
- State Marine Recreational Management Area (SMRMA): Provides subtidal protection equivalent to an MPA, while still allowing legal waterfowl hunting to continue. No other uses are restricted.

In August 2004, the California Natural Resources Agency, the California Department of Fish and Game (Department), and the Resources Legacy Fund Foundation (RLFF) launched the MLPA Initiative partnership. Groups established for the MLPA Initiative included a MLPA Blue Ribbon Task Force (BRTF), MLPA Master Plan Science Advisory Team (SAT), a statewide stakeholder interest group (SIG), regional stakeholder groups (RSG), and contracted MLPA Initiative staff.

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 by dividing the state into five study regions: North Coast, North Central Coast, San Francisco Bay, Central Coast, and South Central Coast. MPA networks have been adopted for three of the five study regions to date, and the North Coast Study Region will complete the network along California's open coast, leaving only the San Francisco Bay study region to be completed.

The BRTF, SAT, and RSG for each study region all participate in the process of determining MPA design alternatives for the Commission's consideration. For each of the five study regions listed above, the BRTF may submit to the Commission a preferred alternative for a network of MPAs, and other MPA network alternatives developed by stakeholders (and potentially modified by the BRTF). A summary of development of the MPA alternatives for the North Coast Study Region is presented in Section 2.

1.2 Project Location and Project Area Background

The MLPA North Coast Study Region consists of state waters along the northern California coast, from Alder Creek, five miles north of Point Arena in Mendocino County, to the California/Oregon border in Del Norte County (see **Figure 1**). The straight-line distance between these two points is approximately 225 statute miles, but the actual length of the coastline is about 517 miles. The study region has been divided into two ecologically defined areas, or bioregions, with distinct environmental conditions. From north to south, these include the California/Oregon border to the mouth of the Mattole River (Northern Bioregion) and the mouth of the Mattole River to Alder Creek (Southern Bioregion).

In general, state waters in the North Coast Study Region extend from the mean high tide line to three nautical miles (3.4 statute miles) seaward (or west) along the mainland shore and around offshore rocks such as Reading Rock and Southwest Seal Rock. The North Coast Study Region also includes nearly 20 estuaries and lagoons greater than 0.5 square miles in size. Lagoons that are mostly or entirely closed to tidal inundation and dominated by freshwater species are not included. In total, the North Coast Study Region encompasses approximately 1,027 square miles, comprised largely of relatively shallow habitat (less than 330 feet), but extending to a maximum depth of approximately 1,667 feet at the bottom of the Mattole Canyon.

There are five existing MPAs in the North Coast Study Region, located in the southern portion of the study region (see Figure 1). Punta Gorda State Marine Reserve (SMR) in Humboldt County is the only state marine reserve on the north coast of California and is the largest MPA currently established in the study region at 2.07 square miles. Four state marine conservation areas (SMCAs) exist on the north coast, all of which are located in the southern portion of the study region: MacKerricher SMCA, Point Cabrillo SMCA, Russian Gulch SMCA and Van Damme SMCA. Other managed marine areas in the study region include the federally managed Redwood National Park (which has a boundary that extends a quarter mile offshore), two types of fishery closures: rockfish conservations areas (RCAs) and essential fish habitat (EFH) areas, and four underwater parks managed by the California Department of Parks and Recreation that overlap with existing SMCAs at MacKerricher, Point Cabrillo, Russian Gulch, Van Damme.

The northern portion of California includes some of the least developed coastal locations in the state. Exposure to high energy wind and waves shapes both the environment and human uses in the north coast, which along with unique oceanographic patterns, species, and a range of both commercial and recreational fisheries help to form the distinctive character of the north

coast's marine resources and coastal communities. The north coast also serves as an important link to habitats and management measures north of California, in Oregon.

An important characteristic of the North Coast Study Region is its federally-recognized tribes and tribal communities with significant knowledge of coastal environments and important historical connections to the coast. The study region has the greatest number of Native American tribes of any of the MLPA study regions (U.S. Census 2010). Several north coast tribes own land near the ocean in the study region and many continue to live in their ancestral homelands and practice age-old cultural traditions. Their identities as Indigenous Peoples are intimately linked to the ocean, beaches, rivers, estuaries, bays, lagoons and their associated plants and animals, rocks, landforms, and climatic and seasonal patterns.

The North 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 considered globally important for biodiversity because of its high productivity and the large numbers of species it supports (World Wildlife Fund 2000). 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.

The study region includes various environments ranging from rocky coasts and sandy beaches to soft- and hard-bottom deep habitat. There are opportunities for consumptive recreational activities, including shore- and vessel-based fishing, kayak angling, clamming, and abalone picking and diving (which is currently only allowed in California north of San Francisco Bay.) There are also opportunities for a range of non-consumptive activities, such as diving, surfing, kayaking, beach-going, swimming, and shore and boat-based wildlife viewing. The population, broad range of interests, sensitive marine environment, and oceanographic characteristics of the North Coast Study Region combines to create a complex setting.

2. Proposed Project - Preferred Alternative

2.1 Background on the North Coast Study Region MPA Development Process

The North Coast Study Region process was the fourth regional MPA design process to be conducted under the MLPA Initiative. A comprehensive stakeholder and public process was conducted between July 2009 and February 2011, with established regional planning groups as explained in Section 1.1 above. The MPA development process consisted of iterative rounds of proposal development, evaluation, and refinement, with the initial round of proposed MPA arrays submitted by self-organized community groups for consideration and further development in two subsequent rounds of proposal development within the North Coast Regional Stakeholder Group (NCRSG). The NCRSG, after reviewing and considering (a) community proposals, (b) the five existing MPAs in the study region, (c) public comments and (d) evaluations of existing and proposed MPA arrays provided by the SAT, Department, State Parks, MLPA Initiative staff, and the BRTF, produced a single proposal. The proposal was comprised of proposed new MPAs, special closures (detailed later in this section), and recommendations to retain, remove, or revise the existing MPAs. The NCRSG submitted its MPA proposal to the BRTF for consideration in its development of proposals to recommend to the Commission. Further documentation of the development process is available for review on the

MLPA website for the North Coast Study Region: <http://www.dfg.ca.gov/mlpa/northcoast.asp>.

The BRTF ultimately presented the Commission with two MPA proposals and recommendations for Commission consideration in determining a preferred alternative. This included the NCRSG proposal, referred to as the Revised North Coast Regional Stakeholder Group MPA Proposal (RNCP), and a BRTF-modified version of the same proposal, referred to as the Enhanced Compliance Alternative (ECA).

Options for Tribal Gathering

At its June 29, 2011 meeting, the Commission selected a preferred alternative for the north coast MPAs, which is described in Section 2.2. The Commission considered three options for how to address traditional tribal gathering in proposed MPAs for North Coast Study Region within its preferred alternative. Three options were identified as follows:

1. In addition to commercial and recreational take regulations proposed, allow tribal non-commercial gathering to continue in specific SMCAs (not SMRs) and SMRMA, by specific tribal users, where a factual record can be established that shows ancestral take or tribal gathering practices by a federally-recognized tribe in that specific MPA, and by allowing only those tribes to take specified species with specified gear types. This was a new approach not applied in the RNCP or ECA proposals.
2. In addition to commercial and recreational take regulations proposed, allow non-commercial tribal gathering to continue throughout all areas within open coast MPAs (except SMRs) by adding additional recreational take allowances for specified species and gear types recommended by tribes at all levels of protection (LOPs). This was the approach applied to the RNCP developed by the NCRSG.
3. In addition to commercial and recreational take regulations proposed, allow tribal non-commercial gathering in the nearshore component only of open coast MPAs (except SMRs) by dividing open coast SMCAs into two MPAs with a nearshore MPA component and offshore MPA component and a) in the nearshore MPA component, add additional recreational take allowances for specified species and gear types recommended by tribes at all LOPs; and b) in the offshore MPA component, add additional recreational take allowances for only those specified species and gear types recommended by tribes with a high or moderate-high LOP to increase offshore protection. Recreational take allowances at all LOPs would also be added to estuarine SMCAs or SMRMAs, if specific species and gear types were recommended by tribes. This was the approach applied to the ECA developed by the BRTF.

At its June 29, 2011 meeting, the Commission selected Tribal Gathering Option 1 for integrating traditional tribal gathering into its preferred alternative. This approach allows tribal gathering by federally recognized tribes to continue in SMCAs provided a factual record can be established that shows ancestral and current take in specific SMCAs (or SMRMA). The establishment of area-specific ancestral and current take records within the North Coast Study Region is currently in development. Once this process is complete, the Commission may elect to integrate tribal gathering into the Proposed Project as an allowable use within any or all of the SMCAs. As directed by the Commission, this information will be incorporated into the Proposed Project and considered in the California Environmental Quality Act (CEQA) analysis.

2.2 Proposed Regulation

As referenced above, the Commission selected a preferred alternative for north coast MPAs, which forms the Commission’s Proposed Regulation for the North Coast Study Region. For the purposes of compliance with CEQA, the Proposed Regulation is the “Proposed Project.” The Proposed Project includes a total of 19 MPAs and 1 marine managed area (MMA), a SMRMA, covering approximately 134 sq mi of state waters or about 13% of the north coast region; four of these MPAs are existing MPAs that were retained and modified; the fifth existing MPA, Punta Gorda SMR, is replaced by new MPAs in the vicinity, and therefore would be removed under the Proposed Project. **Table 1** presents a summary of the rationale and proposed regulations of the individual MPAs included in the Proposed Project. **Figure 2** is a map with the Proposed Project MPAs labeled.

Table 1. Characteristics of Proposed Project MPAs

MPA Name	Bioregion	Site Specific Rationale	Proposed Take Regulation
Pyramid Point SMCA	Northern	Designed to capture beach, rocky shore and offshore rocks, and 0-30m soft replicates. Large offshore rocks support Aleutian Canada geese and breeding seabirds, including some of California’s only breeding Fork-tailed Storm-Petrels and Tufted Puffin, a large rookery of Great Blue Heron, Snowy Egret (farthest north in the western U.S.) and Black-crowned Night-Heron. Contains shallow rocky reef important for nearshore rockfish and provides 14 mi ² protected forage habitat for pinnipeds and cetaceans.	Take of all living marine resources is prohibited EXCEPT: -The recreational take of surf smelt by dip net and Hawaiian type throw net; and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
Point St. George Reef Offshore SMCA	Northern	Designed to capture replicates for 30-100m hard, 30-100m soft, and extremely rare 100-3,000m soft habitats. The area contains the only offshore banks north of Point Reyes in state waters.	Take of all living marine resources is prohibited EXCEPT: -The recreational take of salmon by trolling; and Dungeness crab by trap; and -The commercial take of salmon with troll fishing gear; and Dungeness crab by trap; and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
Reading Rock SMR	Northern	Captures soft 30-100 m habitat and hard 30-100 m habitats. Clustered with Reading Rock SMCA with beaches, rocky shores and soft 0-30 m and is adjacent to Redwood National and State Park lands. Habitat captured here protects both fish species as well as marine mammals.	Take of all living marine resources is prohibited.

Table 1. Characteristics of Proposed Project MPAs

MPA Name	Bioregion	Site Specific Rationale	Proposed Take Regulation
Reading Rock SMCA	Northern	Captures beaches, rocky shores and soft 0-30 m habitats and is clustered with the Reading Rock SMR, which captures soft 30-100 m and hard 30-100 habitats. This MPA is adjacent to Redwood National and State Park lands. Habitat captured here protects both fish species as well as marine mammals.	Take of all living marine resources is prohibited EXCEPT: -The recreational take of salmon by trolling; surf smelt by dip net and Hawaiian type throw net; Dungeness crab by trap, hoop net and hand; and -The commercial take of salmon with troll fishing gear; Dungeness crab by trap; and surf smelt by dip net and Hawaiian type throw net; and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
Samoa SMCA	Northern	Necessary to meet beach habitat spacing and replication guidelines. MPA captures beaches, soft 0-30m and soft 30-100m habitats.	Take of all living marine resources is prohibited EXCEPT: -The recreational take of salmon by trolling; surf and night smelt by dip net; and Dungeness crab by trap, hoop net, and hand; surf smelt by cast net; and -The commercial take of salmon with troll fishing gear; surf smelt by dip net and Hawaiian type throw net; and Dungeness crab by trap; and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
South Humboldt Bay SMRMA	Northern	Numerous coastal access points make research, long-term monitoring, recreation and enforcement possible. This MPA protects sensitive eelgrass habitat as well as coastal marsh, mudflats and channels that provide habitat for rays and leopard sharks.	Take of all living marine resources is prohibited EXCEPT: -Recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (Sections 502, 550, 551, and 552); and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
South Cape Mendocino SMR	Northern	Designed to capture a wide range of biodiversity habitats, protect seabird & pinniped colonies, and provide research opportunities. It captures rocky shores, hard 30-100m and soft 0-30m habitat replicates.	Take of all living marine resources is prohibited.
Mattole Canyon SMR	Northern	Has a variety of diverse habitats including upwelling zones, submarine canyons, offshore reef structures, and improves research opportunities provided by marine ecosystems that are subject to minimal human impacts.	Take of all living marine resources is prohibited.

Table 1. Characteristics of Proposed Project MPAs

MPA Name	Bioregion	Site Specific Rationale	Proposed Take Regulation
Sea Lion Gulch SMR	Southern	This replaces an existing MPA (SMR) at Punta Gorda with a larger SMR. Designed to capture a wide range of biodiversity habitats, protect seabird colonies, and provide research opportunities. Very remote area with limited human usage.	Take of all living marine resources is prohibited.
Big Flat SMCA	Southern	Designed to enhance and preserve rock fish habitat while at the same time posing, due to its remote location, minimal socioeconomic impacts to commercial or recreational fishermen.	Take of all living marine resources is prohibited EXCEPT: -The recreational take of salmon by trolling; Dungeness crab by trap, hoop net and diving; and -The commercial take of salmon with troll fishing gear; and Dungeness crab by trap; and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
Double Cone Rock SMCA	Southern	Designed to protect rocky shore habitat. Its high diversity of benthic species, and both hard bottom and soft bottom communities, will help sustain, conserve, and protect marine life populations. It is a rarely visited remote area. Socioeconomic impacts were considered when placing it here. An important crab and salmon area, it is the only preferred sized MPA in the southern bioregion.	Take of all living marine resources is prohibited EXCEPT: -The recreational take of salmon by trolling; Dungeness crab by trap, hoop net and hand; finfish and abalone from shore only; and -The commercial take of salmon with troll fishing gear; and Dungeness crab by trap; and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
Ten Mile SMR	Southern	Intended to protect the following marine habitats: rocky shoreline, beaches, offshore islets, surf grass, kelp beds, hard and soft substrates, and is designed to interface with proximate estuarine communities. The reserve also includes pinniped haul-outs, critical nesting and breeding marine bird habitat. This MPA is close to Fort Bragg, with numerous coastal access points making research, long-term monitoring, recreation and enforcement possible.	Take of all living marine resources is prohibited.
Ten Mile Beach SMCA	Southern	Adds protection for soft bottom habitat to the adjacent SMR proposed to the north. Connects the estuarine MPA to the offshore SMR. Accomplishes this while location minimizes socioeconomic impacts to crab fishing from Noyo Harbor.	Take of all living marine resources is prohibited EXCEPT: -The recreational take of Dungeness crab by trap, hoop net and hand; and -The commercial take of Dungeness crab by trap; and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.

Table 1. Characteristics of Proposed Project MPAs

MPA Name	Bioregion	Site Specific Rationale	Proposed Take Regulation
Ten Mile Estuary SMCA	Southern	Designed to protect fish and bird communities associated with areas of diverse estuarine habitat, larval source, and enhances reproductive capacity of numerous invertebrate species. Protects spawning and nursery grounds for populations that are found offshore. Also protects prime shorebirds and waterfowl habitat, feeding areas for pinnipeds, as well as habitat and transportation corridor for river otters.	Take of all living marine resources is prohibited EXCEPT: -Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552); and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
MacKerricher SMCA	Southern	This is an existing MPA proposed to be retained and modified to simplify boundaries and take regulations. This MPA is intended to meet Goal 3 of the MLPA based on existing public educational facilities, including a visitor center, and is part of a well-established State Parks underwater parks program.	Commercial take of bull kelp and giant kelp is prohibited. All other take is allowed.
Point Cabrillo SMR	Southern	Designed to protect biodiversity and provide a continuation of goal 3 opportunities. The rapid depth drop-off close to shore, and the presence of urchin, abalone, kelp and other marine species, presents unique underwater features that have been studied by DFG for over 20 years. Expands existing MPA slightly and adjusts to simplify boundaries to meet DFG feasibility guidelines.	Take of all living marine resources is prohibited.
Russian Gulch SMCA	Southern	This is an existing MPA proposed to be retained and modified to simplify boundaries and take regulations. This MPA is intended to meet Goal 3 of the MLPA based on existing public educational facilities, and is part of a well-established State Parks underwater parks program.	Commercial take of bull kelp and giant kelp is prohibited. All other take is allowed.
Big River Estuary SMCA	Southern	Numerous coastal access points make research, long-term monitoring, recreation and enforcement possible. Designed to protect fish and bird communities associated with areas of diverse estuarine habitat, larval source, and enhance reproductive capacity of numerous invertebrate species. Protects spawning and nursery grounds for populations that are found offshore. Also protects prime shorebirds and waterfowl habitat, feeding areas for pinnipeds, as well as habitat and transportation corridor for river otters.	Take of all living marine resources is prohibited EXCEPT: -The recreational take of Dungeness crab by hoop net and hand; and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.
Van Damme SMCA	Southern	This is an existing MPA proposed to be retained and modified to simplify boundaries and take regulations. This MPA is intended to meet Goal 3 of the MLPA based on existing public educational facilities, including a visitor center, and is part of a well-established State Parks underwater parks program.	Commercial take of bull kelp and giant kelp is prohibited. All other take is allowed.

Table 1. Characteristics of Proposed Project MPAs

MPA Name	Bioregion	Site Specific Rationale	Proposed Take Regulation
Navarro River Estuary SMCA	Southern	Numerous coastal access points make research, long-term monitoring, recreation and enforcement possible. Designed to protect fish and bird communities associated with areas of diverse estuarine habitat, larval source, and enhance reproductive capacity of numerous invertebrate species. Protects spawning and nursery grounds for populations that are found offshore. Also protects prime shorebirds and waterfowl habitat, feeding areas for pinnipeds, as well as habitat and transportation corridor for river otters.	Take of all living marine resources is prohibited, EXCEPT: -Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552); and -Specific non-commercial tribal uses where a factual record of historic and current uses can be established.

MPA Sub-Options

In addition, eight of the MPAs within the Proposed Project include MPA boundary or take regulations sub-options for the Commission to make decisions on in the APA process. Boundary sub-options are included for Pyramid Point SMCA, South Humboldt Bay SMRMA, Sea Lion Gulch SMR, and Ten Mile Beach SMCA. Take regulation sub-options are included for Reading Rock, Double Cone Rock SMCA, Big River Estuary SMCA and Navarro River Estuary SMCA.

Special Closures

There are 7 special closures included in the Proposed Project. These areas are separate from the Proposed Alternative, but are intended to be linked to the Proposed Project. Special closures are designated by the Commission in the marine environment to provide geographically specific protection of resources from human activities. In some instances special closures may offer protection, such as to breeding seabird and marine mammal populations, from geographically-specific threats, including disturbance, that are not necessarily addressed by MPAs.

The following special closures are included the Proposed Project (see also Figure 2):

- Southwest Seal Rock Special Closure (year-round)
- Castle Rock Special Closure (year-round)
- False Klamath Rock Special Closure (year-round)
- Sugarloaf Island Special Closure (year-round)
- Steamboat Rock Special Closure (year-round; note this overlaps a proposed MPA)
- Rockport Rocks Special Closure (seasonal closure from March 1 - August 31)
- Vizcaino Rock Special Closure (seasonal closure from March 1 - August 31)

2.3 Proposed Project Alternatives

In compliance with CEQA, alternatives to the Proposed Project must be evaluated. Therefore, the draft environmental impact report (DEIR) will include evaluation of the following alternative proposals presented to the Commission for its selection of the preferred alternative.

Alternative 1 – No Project Alternative (No Change to Existing MPAs)

The No Project Alternative would reflect existing conditions within the project area; existing MPAs in the North Coast Region could continue to be enforced. The existing MPAs are in the southern bioregion of the north coast study area; none are in the northern bioregion (see Figure 1). Punta Gorda SMR is in Humboldt County and MacKerricher SMCA, Point Cabrillo SMCA, Russian Gulch SMCA, and Van Damme SMCA are in Mendocino County. Current regulations include some recreational and/or commercial take of particular species, except in the Punta Gorda SMR which is a no take reserve. The existing MPAs previously established in the study region encompass less than 1% (or 3 mi²) of the study region's coastal waters. In comparison, the proposed preferred alternative would encompass over 13% or 134 mi² of the study region.

Alternative 2 – BRTF Enhanced Compliance Alternative (ECA)

This alternative uses the same geographies as the MPAs in the Proposed Project, but applies Tribal Gathering Option 3 as described above in Section 2.1 to incorporate tribal uses into the proposed SMCAs while increasing protection relative to Tribal Gathering Option 2. To accomplish this, four SMCAs are divided into two MPAs: (1) a nearshore SMCA (to approximately 1,000 feet seaward) and (2) an offshore SMCA. In the nearshore SMCA, all proposed recreational take, including recreational take for all users to provide for non-commercial tribal uses. In the offshore Tribal Gathering Option 3 is a The North Coast ECA Proposal includes 6 SMRs, 3 SMRMAs, 1 SMCA recommended to be designated as SMP, and 11 SMCAs.

3. CEQA and Rulemaking Process

The Department will propose regulations for new MPAs established in the North Coast Study Region for adoption by the Commission pursuant to the MLPA and in accordance with the MMAIA. The proposed Regulations must be promulgated in compliance with the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.). The “formal rulemaking” under the APA to promulgate MPA Regulations will run concurrently with the related environmental review required by CEQA. The following discusses the steps in the CEQA and rulemaking process.

3.1 Notice of Preparation

The Department has prepared this Notice of Preparation (NOP) pursuant to CEQA Guidelines section 15082. This NOP presents general background information on the Proposed Project, the scoping process, the environmental issues to be addressed in the EIR, and the anticipated uses of the EIR. The range of environmental issues to be addressed in the EIR may be reduced to include only those topics with potentially significant effects. The MPA Regulations may be refined during the process of preparing the DEIR, depending on, among other things, forthcoming Commission findings and direction related to traditional tribal uses.

3.2 Scoping Meetings

In order for the public and regulatory agencies to have an opportunity to ask questions and submit comments on the scope of the EIR, public scoping meetings will be held during the NOP review period. The scoping meetings will be held in three locations across the study region (Crescent City, Fortuna, and Fort Bragg), and in Sacramento to solicit input from the public and interested public agencies regarding the nature and scope of environmental impacts to be addressed in the DEIR.

All meetings will use the same format, and interested parties may attend one or all meetings. A brief presentation will be made to provide an overview of the MLPA and related process, the background leading to this EIR, the objectives and range of information to be included in the Proposed Project, and the CEQA process in general. Afterwards, meeting attendees will be given an opportunity to provide oral scoping comments to the Department. In addition, written comments will be accepted during the meetings, as well as throughout the 30-day scoping period. Comment forms will be available at the scoping meetings for those who wish to author comments during or after the meeting.

The dates, times, and exact locations of the Scoping Meetings are as follows:

1. Crescent City – Tuesday, September 27, 2011 from 6:30 to 8:00 pm. To be held at the Del Norte County Board Chamber Building (981 H Street, Crescent City, CA 95531);
2. Fortuna – Wednesday, September 28, 2011 from 6:30 to 8:00 pm. To be held at the Fortuna River Lodge (1800 Riverwalk Dr., Fortuna, CA 95540);
3. Fort Bragg – Thursday, September 29, 2011 from 6:30 to 8:00 pm. To be held at the Dana Grey Elementary School (1197 Chestnut St., Fort Bragg, CA 95437); and
4. Sacramento – Tuesday, October 4, 2011 from 6:30 to 8:00 pm. To be held at the Sacramento Department of Health Care Services and Department of Health Building (1500 Capital Avenue, Sacramento, CA 95814)

This Scoping Meeting information will be published in local newspapers and the Department's MLPA website (www.dfg.ca.gov/mlpa) prior to the events.

4. Draft EIR and Draft Regulations

The primary purpose of the EIR is to analyze and disclose the direct and reasonably foreseeable indirect environmental impacts that may occur as a result of the Proposed Project. The draft EIR, as informed by public and agency input, will analyze and disclose the potentially significant environmental impacts associated with establishment of MPAs by the Commission and, where any such impacts are significant, potentially feasible mitigation measures and alternatives that substantially lessen or avoid such effects will be identified and discussed. The DEIR will also inform the Department's development of regulations for the North Coast Study Region MPAs.

Based on the nature and scope of Proposed Project and a preliminary review of known information on potential environmental impacts that may occur as a result of implementing the Proposed Project, some impacts have been deemed not likely to occur, because either no potential exists for significant impacts on these resources, or because the impacts associated with the topic will be addressed in other sections. Such impacts will be dismissed from

consideration in the DEIR. A preliminary description of impacts dismissed from consideration in the DEIR, and the basis for dismissal, are presented in Section 4.1. The impact analyses that *will* be conducted in the DEIR is described in Section 4.2. Opportunities for the public to provide input during this scoping period on the draft impact analysis are described in Section 4.3.

4.1 Topics to be Dismissed from Consideration

Aesthetics

The study region's approximately 225 miles of coastline (straight-line distance) provide natural aesthetic appeal. Mendocino Headlands State Park is the most visited state park in the North Coast Study Region with over 1 million visitors in 2007/2008. The state, county, and city beaches in the North Coast Study Region attract visitors for wildlife viewing and observing of natural scenery. The Proposed Project involves only policy changes and changes to the level of protection of various areas, and no structures would be built. Therefore, the Proposed Project would not result in physical impacts on land-based resources such as scenic highways. The Proposed Project would provide additional protection to wildlife and other natural resources within the North Coast Study Region. Therefore, the Proposed Project would benefit scenic resources for residents and tourists. Overall, no significant aesthetic impacts would be anticipated to result from the Proposed Project.

Geology and Soils

The study region includes unique geologic features, such as rocky shores, beaches of varying grain sizes (gravel to fine-grained), salt marshes, tidal flats, underwater pinnacles, and submarine canyons. These features are the result of active tectonic activity, erosion, and wave action in the surrounding area and provide habitat to marine life and public enjoyment. The Proposed Project would not interfere with these resources or processes, and it would not expose people or structures to adverse effects from seismic ground failure or shaking. The Proposed Project would protect geologic resources and therefore is anticipated to result in a beneficial impact.

Hazards and Hazardous Materials

Existing hazards to the public and environment involving the effects of hazardous materials spills or wildfires would not be altered by the Proposed Project. The Proposed Project also would not interfere with existing emergency response and evacuation plans. Therefore, it is not expected to result in impacts pertaining to hazards or hazardous material. Potential impacts associated with vessels that transport or utilize hazardous materials will be evaluated in the DEIR analysis of vessel traffic impacts.

Mineral Resources

There has been a federal moratorium on new outer continental shelf oil and gas leasing activities off the California coast since 1982 and a ban on issuing new state oil and gas leases in state tidelands since 1989. The federal moratorium is based on annual Congressional appropriations bans on using federal funds to plan or support offshore leasing in California, Florida, and the eastern seaboard. The ban on leasing state tidelands for oil and gas exploration and production is based on several actions, including the previously mentioned 1989 decision of the State Lands Commission (SLC), which has jurisdiction over all state property. This ban was also a result of the California Sanctuary Act of 1994 (PRC 6240 et seq.), which prohibits leasing of any state tidelands, with exceptions. Although the federal moratorium and California state ban on issuing new offshore leases are both subject to change, oil and gas exploration and production in state tidelands are currently prohibited. Because any future conflicts are

speculative, the Proposed Project would be considered to have no impact on mineral resources.

Noise

Noise thresholds focusing on local general plans, noise ordinances, and land-based sensitive receptors are not applicable to this ocean-based project. A threshold of significance for noise impacts could be described as any noise created by the Proposed Project that would disturb the nesting, breeding, or feeding of marine species. No such effects are anticipated because increases in vessel traffic are not anticipated, and because shifts in locations of fishing activity to areas outside the proposed MPAs would not change the noise level resulting from such activities beyond what normally occurs in the existing conditions. Additionally, the Proposed Project designates Special Closure areas around ecologically important marine mammal haul outs and seabird rookeries; this further reduces any potential for noise-related disturbances in proximity to these resources. As such, the Proposed Project is not expected to result in noise-related impacts.

Population and Housing

The Proposed Project consists of changes in allowable fishing and other uses within defined water along a portion of the California coast. Though these changes may result in economic impacts to commercial fishing interests and ocean-dependent fishing businesses, these impacts have been evaluated and minimized during the design of the Proposed Project. The Proposed Project would not induce substantial population growth in the project area or cause a substantial change to the availability of housing in the project area or elsewhere. No substantial adverse impacts on population and housing are expected from the Proposed Project.

4.2 Environmental Topics to be Evaluated

The EIR will address potential environmental impacts associated with Agricultural Resources; Air Quality; Biological Resources; Cultural Resources; Global Climate Change and Greenhouse Gas Emissions; Public Services and Utilities; Recreation; Research and Education; Vessel Traffic; and Water Quality. Additionally, the EIR will evaluate several topics not typically evaluated under CEQA, specifically, Consumptive Uses and Environmental Justice. Mitigation measures will be proposed to avoid or reduce identified impacts, where reasonably feasible. The EIR will also analyze these topics in consideration of potential cumulative impacts and project alternatives. Each topic is briefly discussed below.

Agricultural Resources

The analysis of agricultural resources typically relates to the cultivation of land or raising of livestock. The Proposed Project would apply to state marine and estuarine waters and therefore would not interfere with lands zoned for agricultural use. The Proposed Project would also not result in direct conversion of farmland to nonagricultural use. The Proposed Project would, however, potentially affect aquaculture farming practices, such as oyster farming and kelp harvesting activities. Impacts on these agricultural-related activities from the Proposed Project will be evaluated in the DEIR.

Air Quality

The Proposed Project may result in fishing vessels travelling to different locations which are outside of the designated MPAs. Potential increases in trip length and resulting emissions of combustion-related particles will be analyzed to determine if there would be conflicts with existing air quality management plans, violations to any air quality standards or a substantial contribution to an existing or projected air quality violation, an increase in nonattainment

criteria pollutants, an increase of exposure of sensitive receptors to substantial pollutant concentrations, or an increase in objectionable odors that would affect a substantial number of people.

Biological Resources

The Proposed Project was designed to help sustain, conserve and protect marine life populations, including those of economic value, and rebuild those that are depleted. The Proposed Project was also designed to protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic values. As such, impacts to marine resources have been reviewed and taken into account during the design of the Proposed Project. Nevertheless, the DEIR will include an analysis of potential direct and indirect impacts to natural communities, such as wetland, aquatic, and terrestrial environments, and species listed under the Federal and the California Endangered Species Acts from the Proposed Project. The DEIR will also include an evaluation of potential effects on wetlands or other sensitive habitats, and the movement of or restriction in the range of any native species, and effects on life history requirements of native species. Lastly, analysis of potential effects on expansion of invasive species due to the Proposed Project will be conducted.

Consumptive Uses

Though not directly required by CEQA, the DEIR will review consumptive uses and socioeconomic considerations in the project area. An analysis of potential changes in congestion and displacement related to consumptive uses, including commercial and recreational fisheries, and potential adverse effects on those consumptive uses and will be conducted in the DEIR.

Cultural Resources

Archeological sites and cultural resources are located throughout the North Coast Study Region. The cultural resources analysis section will be prepared in accordance with the requirements of the CEQA guidelines for determining impacts to archeological and historic resources (Title 14 CCR §15064.5), as well as traditional cultural properties (TCPs; sites associated with cultural practices or beliefs of a living community) and/or tribal practices. The DEIR will determine if the Proposed Project either directly or indirectly results in substantial adverse changes in the significance of archeological or historic resources, or results in substantial adverse changes to TCPs or tribal practices. Analysis will also be conducted to determine if the Proposed Project would directly or indirectly disturb any known human remains or destroy a unique paleontological or geological site or feature.

Environmental Justice

Though not directly required by CEQA, a review of potential impacts of the Proposed Project and alternatives on economically-disadvantaged communities will be analyzed in the DEIR. In addition, the Proposed Project and alternatives will be reviewed to determine if they result in fair and equitable treatment of individuals regardless of race, ethnicity, or income.

Global Climate Change and Greenhouse Gas Emissions

An analysis of global climate change and greenhouse gas emissions will be described in the DEIR. Changes in vessel traffic resulting from the Proposed Project may alter the net amounts of greenhouse gases which contribute to global climate change. The DEIR will compare the projected emissions resulting from the Proposed Project with State plans and policies regarding reducing greenhouse gas emissions.

Land Use

For the most part, local government general plans, policies, and zoning ordinances do not apply to the state waters located within the North Coast Study Region. Land use designations do not currently exist for the various proposed MPA network component locations. Furthermore, the Proposed Project would not physically divide an established community or conflict with habitat conservation or natural community conservation plans, because these are terrestrial-based considerations that do not apply to state waters in the north coast.

However, the DEIR will examine any potential conflicts with land uses regulated by the California Coastal Commission (CCC) and the State Lands Commission (SLC). The CCC is responsible for administering the California Coastal Act and federally approved California Coastal Management Program pursuant to the Coastal Zone Management Act. The CCC implements Coastal act policies that address issues such as public access and recreation, natural resource protection, agricultural operation, coastal development projects, port activities, and energy production. The SLC has the authority and responsibility to manage and protect the important natural and cultural resources on certain public lands within the state and the public's rights to access these lands. The SLC's jurisdiction includes rivers, lakes and coastal waters. Public and private entities may apply to the SLC for leases or permits on state lands for many purposes including marinas, industrial wharves, dredging, sand mining, tanker anchorages, grazing, right-of-ways, bank protection, and recreational uses. Specific examples of leases administered by the SLC include private recreational piers, commercial marinas, yacht clubs, marine terminals, industrial wharves, fiber optic cables, outfalls, and river bank stabilization. Furthermore, the SLC strives to protect the historical value and environmental integrity of shipwreck sites, while providing some recovery by both public and private individuals. In the North Coast Study Region the SLC issue leases for several underwater parks that are sites of shipwrecks and/or historic shell middens and administer permits for utility cables and bridges that pass through some areas of the Proposed Project. The DEIR land use section will discuss any conflicts between the Proposed Project and the existing permits and leases.

Public Services and Utilities

An analysis of the direct or indirect impacts to public services and utilities from the Proposed Project will be included in the DEIR. These analyses will include an evaluation of potential impacts on the need for new governmental facilities or services. The Proposed Project proposes to add new MPAs and place greater fishing and use restrictions on existing MPAs. Possible impacts to public services due to the increased need for enforcement of these restrictions will be reviewed in the DEIR. Additionally, potential conflicts with electric-generating projects involving use of ocean currents or tides, such as hydrokinetic projects, will be evaluated. Issues related to impacts to Publicly Owned Treatment Works will be discussed in the water quality section of the DEIR.

Recreation

Many recreational activities occur in the North Coast Study Region including sailing, diving, sightseeing, hiking, surfing, kayaking, canoeing, kite flying and whale watching. This section of the DEIR will analyze whether the Proposed Project would directly or indirectly lead to an increase, decrease, or concentration in the use of coastal waters within MPAs or other recreational facilities, such that substantial physical deterioration of coastal waters or other recreational facilities would occur or be accelerated. In addition, the DEIR will analyze whether the Proposed Project would require the construction or expansion of recreational facilities that would adversely affect the environment.

Research and Education

The North Coast Study Region is an important location for ongoing scientific research and education including studies of intertidal ecology, the pelagic zone, and the deep ocean. This DEIR will analyze whether the Proposed Project will impact scientific or educational facilities or require the construction or expansion of scientific or educational facilities that would adversely impact the environment. It will also analyze whether the Proposed Project would decrease research and educational opportunities the North Coast Study Region.

Vessel Traffic

Prohibiting certain uses within the MPAs may indirectly impact existing travel patterns within the study region, even if vessel traffic is not directly prohibited. The Proposed Project will be analyzed to determine whether increased oceanic hazards, in particular due to changes in vessel traffic concentration such as congestion, or the disruption of existing vessel traffic patterns and marine navigation, would significantly impact the environment.

Water Quality

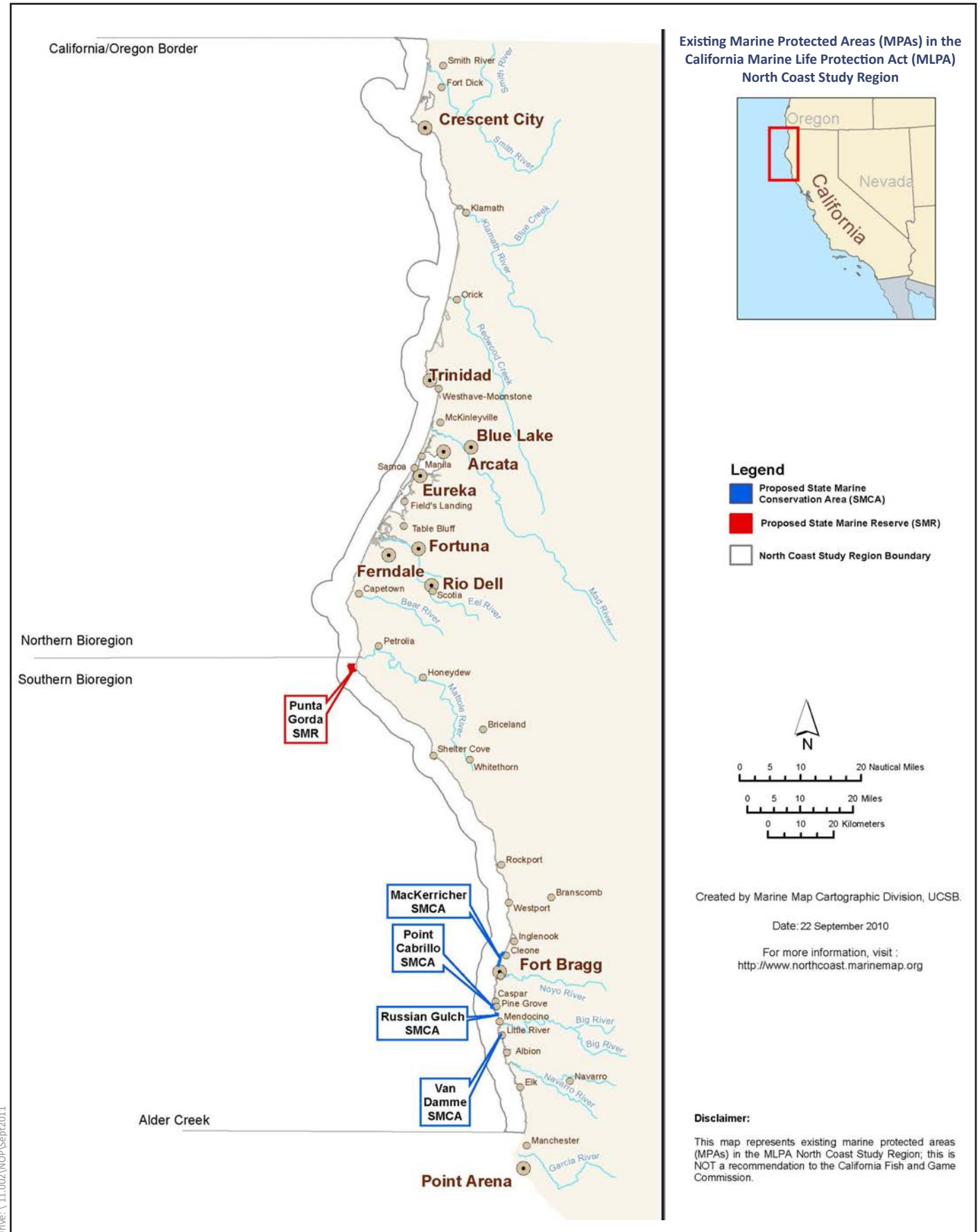
Coastal water quality was taken into consideration during the planning process of the Proposed Project. The Proposed Project is not expected to alter the land-based human-induced discharges of contaminants to ocean waters. However, this DEIR will examine the potential for conflicts between existing facilities operations and permitting and the proposed MPAs and determine whether the Proposed Project would violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

4.3 Public Meetings on Draft EIR and Regulations

Once the DEIR and draft Regulations are completed, they will undergo public review for a minimum of 60 days. The Commission is also planning to hold public meeting(s) to receive comments on the DEIR in conjunction with draft Regulations discussion hearing(s). The meeting format, agenda, dates, times, and locations of these meetings will be made available to the public prior to the events. Meeting information will be posted on the Commission's MLPA website (<http://www.fgc.ca.gov>) prior to the events.

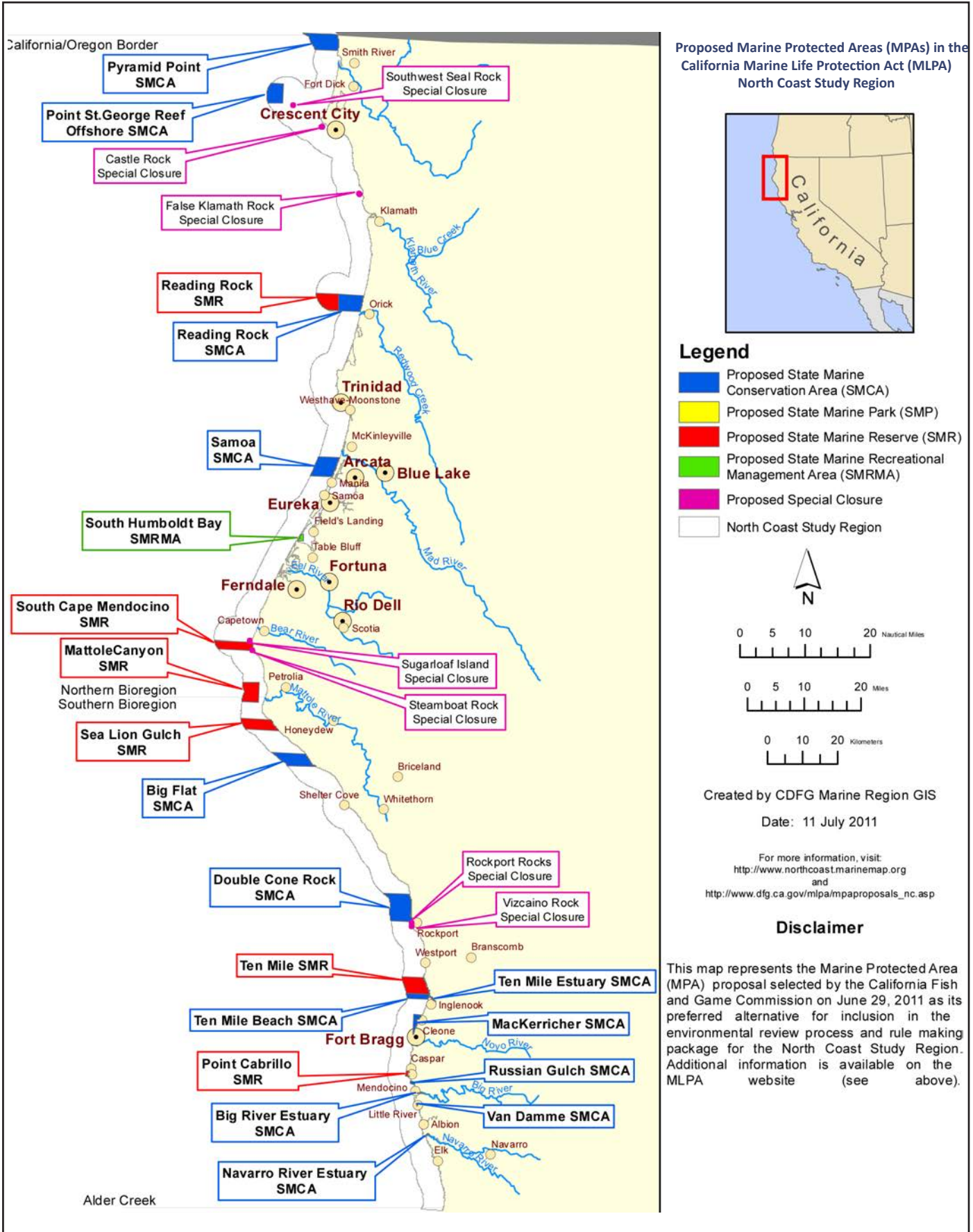
5. Final EIR and Proposed Regulations

Written and oral comments received in response to the DEIR will be addressed in a Response to Comments document which, together with the DEIR, will constitute the Final EIR. In addition, the Department will consider the comments received to refine, as necessary, the proposed Regulations. The Final EIR, in turn, will inform the Commission's exercise of discretion as a lead agency under CEQA in deciding whether or how to approve the Proposed Project and associated regulations.



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Figure 1
Project Location and Existing Conditions



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Figure 2
Proposed Project