

From: [Linda G. McIntyre](mailto:Linda.G.McIntyre)
To: opc.comments@scc.ca.gov
Subject: Comments on Draft Five Year OPC Strategic Plan
Date: Monday, January 16, 2012 2:14:23 PM

Dear Secretary Laird:

Please consider the following comments from the Moss Landing Harbor District:

The bullets represent statements made in the Draft Plan:

-cooperation with Strategic Growth Council and the Biodiversity Council, as well as key federal entities (e.g., National Oceanic and Atmospheric Administration (NOAA), Department of the Interior, and the Environmental Protection Agency).

Comment: Replace the word “cooperation” with “coordinate with and provide substantive review of projects and proposals from the...” Cooperation implies that all the ideas that come from these organizations are worthy, and they may not be. Coordination w/ NOAA would be a change, with the State’s refusal to consider the ecological benefits of existing federal MPAs during the MLPA process being a good example of the problem.

- The OPC is committed to basing its decisions and actions on the best available science, and to promoting the use of science among all entities involved in the management of ocean resources.

Comment: Unfortunately as we learned with the MLPAL and MPA process, the “best available science” is not always what it seems. The science must be independently peer reviewed, not simply “reviewed” as stated elsewhere in the OPC draft. Those being regulated under any of these scientific findings must be allowed the opportunity for their own choice of scientist to provide input. *Stakeholder support for the peer review is critical.*

- California’s marine ecosystems face numerous threats, including pollution, habitat destruction, historical overfishing, bioaccumulation of toxins, and climate change.

Comment 1: This broad statement is a good example of something that needs science based fact and viable research to back it up. Once this is done, unbiased peer review of any science utilized in arriving at these conclusions should be conducted. I recall hearing many years ago that sardine fishermen in Monterey Bay “overfished” which resulted in the loss of the local sardine fishery. As it turned out, sardines were driven by natural cyclical events, such as currents and water temperature, and migrated of their own volition. Before accusing fishermen of “historical overfishing”, there needs to be absolute evidence of such actions. When such statements are made it smears an entire industry of hardworking men and

women who contribute \$3.8 billion to the State's economy. Moreover, humans and human needs are an acknowledged part of the ecosystem. Therefore, threats to the health of working waterfronts, coastal communities, and the fishing economy also exist, caused largely by the combination of poor science and poor management.

Comment 2: A threat not enumerated is "regulatory interference with nature by legislators". Example: California Sea Lions are protected under the Marine Mammal Protection Act. As a result, they have procreated to a point of over population; they invade harbors, take over docks, cause great destruction to infrastructure, stink, carry diseases, contaminate the water with urine and fecal matter, and eat 40 pounds of fish per day. The growing numbers of sea lions is a major threat to fish habitat. Not only are they not mentioned in the list, no recommendations are made to thin their ranks. Regulatory agencies, including recommendations by OPC, are only too eager to regulate fishermen, but seem to take no action against one of the biggest threats to fish stocks.

- Document lessons learned from cooperative research projects between fishermen, scientists, and managers, and support the incorporation of these findings into management practices.

Comment: We support the inclusion of fishermen. We simply want the science to be peer-reviewed. Incorporating these lessons learned into best management practices rather than imposing burdensome regulations is also a plus. Cooperative research must include all aspects of fishermen's knowledge, and may result in fishermen's direct participation in developing problem statements, hypothesis, methodologies, and adaptive management strategies.

- The unique role for the Ocean Protection Council will be to continue to advance effective management to reduce the impacts of land based activities on the ocean.

Comment: Keep in mind when such a challenge is undertaken that the recommendations made or the regulations imposed as a result are very costly. To impose a regulation upon an individual, an industry or an entity without providing a source of funding for that regulatory burden is unacceptable.

- Though the OPC does not have the financial resources to address major infrastructure investments or to fund ongoing scientific studies, it can help identify targeted studies or policy recommendations to ensure that protection of the ocean is integrated into the state's approach to water management.

Comment: Again, to impose a regulation upon an individual, an industry or an entity without providing a source of funding for that regulatory burden is unacceptable. Also, it is critical that those against whom regulations and "policies" are being implemented must be able to communicate with a single "lead agency" rather than numerous overlapping agencies, each requiring their own forms, applications, permits, fees, etc.

- Work with appropriate agencies to ensure that impacts on ocean and coastal resources are adequately addressed and integrated in the state's water management policies and plans. Important near-term opportunities include the 2013 update to the *California Water Plan* spearheaded by the Department of Water Resources and the ongoing revision to the *California Ocean Plan* led by the State Water Resources Control Board.
- Conduct workshops or fund studies to advance management, improve understanding, and identify opportunities to improve policies to reduce land-based impacts to the ocean related to nutrient pollution, HABs, urban runoff, or other issues.
- Support efforts to improve understanding of or reduce the impacts of water pollution on MPAs and other critical ocean resources.

Comment: All agencies, NGO's, environmental groups, the State Water Board, the OPC and any others wishing to manage the ocean resources must coordinate ultimately into a single "lead agency" for those expected to comply with new or stricter regulations, policies, management practices, etc.

To this last point , I personally spend an unacceptable amount of time reviewing proposed actions and preparing comments on plans and proposed regulations that will affect my agency as well as those members of the public my agency serves. We are inundated with public notices of proposed actions with deadlines to respond, and to ignore them places our constituents in peril.

Currently I am meeting the deadline on the OPC's 28-page proposed plan by this email. In addition, I have the 108-page *National Ocean Policy Implementation Plan* on my desk with a comment deadline of February 27, 2012, and I have the 69-page *State Water Resources Control Board's Proposed Amendment to the California Ocean Plan Regarding Designating States Water Quality Protection Areas to Protect Marine Protected Areas and the Draft Substitute Environmental Documentation for the Proposed Amendment* with a comment deadline of March 15, 2012. These documents relate exclusively to ocean management. There are numerous other government proposals from other agencies on unrelated topics demanding attention as well.

I implore you to coordinate efforts with all those involved in this, and any other related topic, so managers can spend more time managing the resources under their care rather than reviewing and responding to endless regulatory proposals.

Thank you for considering these comments.

Sincerely,

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