

**CALENDAR ITEM  
INFORMATIONAL****81**

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S. Pemberton**INFORMATIONAL PRESENTATION ON THE FRAMEWORK FOR A PARTNERSHIP  
BETWEEN THE STATE LANDS COMMISSION AND THE SAN DIEGO UNIFIED  
PORT DISTRICT TO ENGAGE IN A COMPREHENSIVE, ECOSYSTEM-BASED,  
STAKEHOLDER DRIVEN PILOT PLANNING EFFORT FOR STATE-OWNED  
TIDELANDS AND SUBMERGED LANDS LOCATED IN THE PACIFIC OCEAN  
OFFSHORE SAN DIEGO COUNTY****INTRODUCTION**

The State Lands Commission has exclusive jurisdiction over all ungranted tidelands and submerged lands and the beds of navigable lakes, rivers, and streams owned by the State (Public Resources Code section 6301, et seq.). The Commission manages approximately 4 million acres of these sovereign lands in trust for the benefit of the statewide public subject to the common law Public Trust Doctrine, including those tidelands and submerged lands that extend from the shoreline to three nautical miles offshore along California's beautiful and dynamic coastline.

At its December 18, 2015 meeting, the Commission directed staff to develop a framework to engage in a comprehensive, ecosystem-based, stakeholder driven pilot planning partnership with the San Diego Unified Port District for state-owned tidelands and submerged lands located in the Pacific Ocean offshore San Diego County. This area includes approximately 200 leases issued by the Commission for various uses and facilities and 5 legislative trust grants to local jurisdictions; it also includes 7 Marine Protected Areas designated under the Marine Life Protection Act of 1999. Commission staff expects that this area would be the starting point for developing and refining the boundaries of the planning framework based on stakeholder input, selected planning sectors, scientific information, and other factors identified during the planning process.

**THE PROPOSED FRAMEWORK**

This partnership, which is in the beginning phases, would serve as a small-scale, pilot effort, grounded in ecological principles, for planning around human activities, resource use, and ecosystem integrity using scientific and geospatial information. Integrated, ecosystem-based marine spatial planning such as that envisioned for this partnership is intended as an organizational tool that can

## CALENDAR ITEM NO. 81 (CONT'D)

reduce conflicts among human uses in the ocean while maintaining and enhancing a healthy, functioning environment and essential ecosystem services, including climate resiliency and sea-level rise preparedness. Goals include creating opportunities for education and environmental conservation and developing multi-objective solutions to achieve healthy, ecological, social and economic systems. Ecosystem-based marine spatial planning concepts can provide valuable insights for coordinating ocean management. Expansion of existing uses and the addition of emerging uses (e.g., offshore renewable energy), along with a growing human population and climate change effects make clear the need for a proactive approach to governance and use of the ocean space. The framework envisioned in this pilot partnership is to move from the sector-by-sector management approach and toward a more comprehensive and integrated approach within which individual activities can be addressed and a healthy, sustainable ocean is ensured.

Staff recommends establishing a partnership through a Memorandum of Agreement (MOA) between the Commission and the San Diego Unified Port District to engage in this planning effort. The MOA would generally address and detail the process by which the Commission and the Port would develop and pursue a planning process, including information and data gathering, draft plan development, and formal public review of the plan. The MOA would identify principles, goals, and objectives of agreement for the planning process that would facilitate development of management strategies and solutions to achieve healthy ecological, social, and economic systems as the planning process proceeds. The MOA would also address partnering with academic institutions to pursue technical studies and conduct research, science-based data gathering steps, and the resources required for this joint planning endeavor. Specifically, the MOA would include, at a minimum, the following elements:

- Identification of relevant local, regional, state, and federal governmental authorities and jurisdictions;
- Description of existing ocean policy, governance, and management structures;
- Process for exploring financial support;
- Stakeholder participation and collaboration;
- Information and research necessary to support comprehensive planning, including feasibility analyses, vulnerability analyses, and cumulative impact studies;
- Work Plan development, including timeframes;
- Process to define principles, goals and objectives;
- Process to define and analyze existing conditions;
- Process to define and analyze future conditions;

## CALENDAR ITEM NO. 81 (CONT'D)

- Process to identify alternatives;
- Process to develop and evaluate the planning document.

Commission staff anticipates that the work product coming out of the MOA's implementation is a planning document that will serve to inform the adaptive management of the state-owned tidelands and submerged lands in the Pacific Ocean within a relatively modest geographic area offshore San Diego County. Commission staff does not intend for this effort to impact or otherwise usurp existing local, regional, state and federal regulatory authorities, jurisdiction, and processes. Importantly, Commission staff recognizes the success of the Marine Protected Areas designated under the Marine Life Protection Act of 1999 and these areas are part of the foundation to this current pilot effort. Commission staff is committed to ensuring that this effort creates an additional tool for the proactive management of state-owned tidelands within the defined planning area with the fundamental principle of enhancing the ocean ecosystem to ensure sustainable ecosystem service delivery for current and future generations.

This planning effort will be founded on robust and extensive stakeholder participation and collaboration throughout the entire planning process. The framework developed under the partnership will ensure meaningful public participation, public accountability and transparency, independent decision-making, and a science-based process for adaptive management. Staff envisions that stakeholders will include representatives from various state and federal agencies, the environmental community, fisheries, the boating community, nongovernmental organizations, labor, academia, local and regional governments, industry, local elected officials, and the United States Navy, among others.

Staff recognizes that this type of planning effort is a complex, challenging endeavor, even at a pilot level scale, requiring deliberate, thoughtful and multi-disciplined staff work and robust and transparent stakeholder engagement. This effort will also require significant time, resource and staffing investment both at the MOA development phase and the planning process phase. Staff hopes to bring a final MOA to the Commission for its consideration and approval within the next 12 months.

### **OTHER PERTINENT INFORMATION**

The staff's presentation on the framework for a partnership as described above is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by

## CALENDAR ITEM NO. 81 (CONT'D)

Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

### **SOURCES CONSULTED**

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