

San Diego Ocean Planning Partnership
DRAFT Preliminary Assessment Report – Comment Response Spreadsheet
December 2018

This spreadsheet reflects all comments received (via comment card, phone call, or submitted letter) while the Draft Preliminary Assessment Report was available for public feedback in October 2018. Comments were added directly into the table and corresponding responses are included in the same row as the comments.

Please visit www.sdoceanplanning.org or email us at SD.oceanplan@slc.ca.gov for questions or to find out more about the San Diego Ocean Planning Partnership.



DRAFT	Commenter	Comment	Response
1	CCA CAL	Need to create Beta Group to test online tool before going out to public. Datasets need to be vetted. Data shown was old or incorrect in some cases.	Please see updated content in Section 3. Approach - Data Collection <u>"At the time of the Preliminary Assessment Report's publication, the Web Mapping Application was not yet available on the Partnership's website. Prior to a public release of the application, the Partners will test its usability and functionality with stakeholders."</u> Any interested stakeholder would be invited and welcome to test the Web Mapping Application and provide feedback on datasets.
2	U.S. Border Patrol	Any plan in place to reduce pollution originating in the Tijuana River Area	We've included your comment into Section 4. Preliminary Assessment in the following section: "Do you have suggestions for managing the ocean planning process here in San Diego?"
3	Audubon Society	Seems like a sub goal should be identifying potential synergy among potential projects. This seems like a better goal than just "reducing conflicts" when feasible	Please see updated content in Section 1. "Purpose" <u>"This effort could ultimately inform the Commission's lease application evaluation process for projects on state submerged lands and tidelands to proactively avoid or address conflicts among current and emerging ocean uses, and also help to identify and support opportunities for synergy and compatibility among uses."</u>
4	Audubon Society	Please include monitoring and analysis as a decision-making tool - not just research	We've included your comment into Section 4. Preliminary Assessment in the following section: "Do you have suggestions for managing the ocean planning process here in San Diego?"

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	Regional Water Quality Control Board	Add coordinate monitoring and more comprehensive data collection as suggestion	<u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
5			We've included your comment into Section 4. Preliminary Assessment in the following section: "Do you have suggestions for managing the ocean planning process here in San Diego?"
6	California Wetfish Producers Association	We have been following the San Diego Ocean Planning Partnership ("SDOPP") since we were first made aware of it late last year. We have read and concur with comments and concerns raised by the San Diego Fishermen's Working Group (SDFWG) and West Coast Fisheries Consultants. In particular, the Report makes a clear statement that zoning the ocean is NOT an anticipated outcome of the SDOPP. We support efforts to collect and provide useful and detailed data of activities within the preliminary planning area. We agree with the SDFWG that identifying a fair conflict resolution (CR) process should be a major priority of the SDOPP, and a detailed framework for resolving potential conflicting uses within the preliminary planning area will be a primary product of the SDOPP. We also believe that any CR process must be conducted by a neutral arbiter.	Conflict resolution, or a process to proactively address potential conflicts, has been a suggestion from stakeholders through our public engagement effort. We have included this suggestion in Section 5. Moving Forward of the Preliminary Assessment Report and called it the "Early Engagement Framework." As we explore this next step, we will further refine the outlined framework, with input from stakeholders. We welcome input and information that stakeholders would like to provide for the Partners' consideration.

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7	California Wetfish Producers Association	As the SDOPP analyzes the available fisheries data, we hope the Port and State Lands Commission will recognize that fisheries for CPS (Pacific sardine, northern anchovy, Pacific and jack mackerel and market squid) may not show a great presence in the entirety of the preliminary planning area. This is not because of a lack of these species in the area, but rather because suitable infrastructure currently does not exist in San Diego County to support wetfish operations. We are encouraged there are plans to support the activities of our fleet within the Port of San Diego, and we look forward to taking advantage of these new opportunities. Beyond our members, this will benefit the Port, the State, California seafood consumers and the local fishing community.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Data obtained from the California Department of Fish & Wildlife reflects what has been reported and is available to date. This information references what has historically occurred in different areas. If there is data that has been published that may help draw attention to other future opportunities the Partners would like to review the data for inclusion in the Web Mapping Application.

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8	California Wetfish Producers Association	Regarding conflict resolution, we hope you will take into consideration actions taken by other Agencies that have been implemented in the past. Examples include: The Commercial Fishing Industry Improvement Fund setup by various Cable Companies; the Lost/Damaged Fishing Gear Compensation Program that was a condition established by the California Coastal Commission before construction began on the KZO ~ Catalina Sea Ranch shellfish farm in San Pedro Bay; and many others.	The Partnership will review relevant conflict resolution models to inform the development of the early engagement framework. We welcome specific examples and information that stakeholders would like to provide for the Partners' consideration.
9	California Wetfish Producers Association	We are also concerned about the apparent lack of involvement of other responsible State agencies, such as the Department of Fish and Wildlife (CDFW), California Fish and Game Commission and California Coastal Commission, in the SDOPP to date. CDFW and the Fish and Game Commission are responsible for managing fisheries in State waters. Similarly, the California Coastal Commission, with its mandate to protect existing fishing operations, also appears to be a necessary consideration. This would seem to make them indispensable partners to the SDOPP moving forward.	The SDOPP is founded on the shared responsibilities of the Partners to manage State tidelands and submerged lands in accordance with the Public Trust Doctrine. The SDOPP has been in contact with the California Department of Fish and Wildlife (CDFW), the California Fish and Game Commission (FGC), and the California Coastal Commission (CCC) through the stakeholder engagement process and related interagency meetings. The Partners also worked closely with CDFW, FGC, CCC, and other state agencies to organize and participate in the Strategic Coastal Planning and Organizing for CA Native Nations Summit in July 2018 in San Diego. One day of this Summit focused exclusively on ocean planning, and included informational presentations about the SDOPP, as well as interagency discussions around

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			coordination. Most recently, Commission staff presented the SDOPP pilot project at the November 2018 California Coastal Commission meeting. The SDOPP will continue to engage its local, state, and federal government agency stakeholders with overlapping but separate jurisdictions offshore San Diego to enhance communication, coordination, and collaboration.
10	California Wetfish Producers Association	As our members fish along the entire California coastline (and beyond), we are wondering if you have identified other areas in the state that may be considered for regional ocean planning projects for which the SDOPP would be used as a model?	Please see updated content in Section 5. Moving Forward: "Finally, the Commission may explore using the SDOPP pilot project as a model for regional ocean planning projects that could be implemented in other areas of the state that face similar complex challenges related to the ocean space and balancing Public Trust uses, <u>if there are the resources to do so. The Commission has not currently identified any additional regions in the state to apply this model.</u>"

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11	San Diego Fishermen's Working Group	The SDFWG has both concerns and constructive suggestions about the "Ocean Planning Partnership" between the State Lands Commission (SLC) and the San Diego Unified Port District (Port), and the Draft Report that is its first major product. It is clear that Port staff worked hard to produce the DRAFT Report. The SDFWG appreciates the time Port Staff committed to reaching out to us for our knowledge and to hear our concerns.	Acknowledged.

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12	San Diego Fishermen's Working Group	First, SDFWG members utilize nearly all of the ocean territory from shore out to the western edge of the US Exclusive Economic Zone. Thus, we are necessarily concerned about any ocean planning effort in these waters. Areas we are excluded from have already been set aside, for habitat preservation, marine protected areas (for scientific research), fisheries management purposes, and for projects, such as oil platforms and telecommunications cables. These zones have been removed from fishing with significant economic consequences to our harvesters. Thus, we are the singular group that will stand to lose should new uses be proposed in the "Project Area". This is not to say that there is no room for other uses; rather, since we have lost so much already, our voice must be given great weight. As food producers and suppliers of ocean resources, we feel the people of California value and need us, and that we deserve respect in this planning process. Commercial fishermen are literally founding members of San Diego's "Blue Economy".	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. As the Partners continue to develop the Web Mapping Application, we will coordinate with interested stakeholders to identify the best approach on how the application can acknowledge that the entire area is an important fishing area. Please see updated content Section 3. Approach - Enhanced Engagement: <u>"As foundational, contributing members of the "blue economy," commercial fishermen utilize nearly all of the ocean space to provide locally caught seafood to consumers. The only ocean areas that fishermen are not able to use are the areas that exclude consumptive fishing uses such as marine protected areas or oil platforms, which have significant economic consequences to harvesters. While there are ocean uses that are compatible with commercial fishing activity, they fear that they stand to lose a great deal without careful consideration of their uses and perspectives through an ocean planning process."</u>

13 San Diego Fishermen's Working Group	We will acknowledge several encouraging sections in the Report later in this comment letter. First we must point out that the SDOPP got off on a bad footing starting in October, 2016. We believe that the Board of Port Commissioners (BPC) did not know that the National Ocean Policy (NOP) and Marine Spatial Planning contained within, were and are highly controversial. As the Port must know, the Presidential Executive Order which established the NOP has now been rescinded. Further, as the SDFWG commented previously (June 12, 2018) to the BPC, in its first year the SDOPP process suffered from an acute lack of stakeholder outreach and transparency.
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began in Fall 2017 with local, state, and federal agencies and local coastal cities."

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14	San Diego Fishermen's Working Group	The SDFWG can see from the Draft Report that some of our earlier concerns have been mentioned; others have not been addressed. In particular, the Report makes a clear statement that zoning the ocean is NOT an anticipated outcome of the SDOPP. We thank Port staff for that clarification, while noting that the Memorandum of Agreement, (MOA) must be amended to reflect this change.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see the updated content in Section 5. Moving Forward - Potential Next Steps for the Partnership: <u>"Overall, the MOA outlines aspirational goals for the Partners to accomplish. However, based on public engagement and stakeholder feedback, the Partners recognize that over time, some of the initial goals established by the MOA may no longer be relevant to the pilot project. The Assessment Phase demonstrated concerns and needs of stakeholders that could help to determine which goals of the MOA may need to be refined and what new objectives and goals could be established instead."</u> As we move forward after the report is finalized, we will further explore the details of this potential next step and welcome your input.

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15	San Diego Fishermen's Working Group	A large concern of fishermen is the appearance (and probability) that a significant economic conflict of interest exists in a Port role of planning for and deciding future uses. The Port is an economic partner in several aquaculture ventures located in or proposed for the Project Area (or nearby). While the Port may be an “ideal” partner with the SLC because of its relationship with many stakeholders, this conflict of interest will limit the Port’s ability to be an impartial arbiter of competing uses when one of the uses is aquaculture.	Please see updated content in Section 2. Partnership: <u>"As public agencies, both the Commission and Port have a number of distinct responsibilities including fiduciary and environmental review, that require balancing competing uses and interests. There are structures that exist within each agency that keep these responsibilities separate and a number of checks and balances built into internal protocols and additional legislative oversight to prevent conflicts of interest. This pilot project does not authorize any future uses of ocean space. It will be used to inform the independent decisions of each of the Partners."</u>

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16	San Diego Fishermen's Working Group	Likewise, the SLC is also in a potential conflict of interest situation, should it be in the position of weighing non-lease uses over income-producing new lease applications.	Please see updated content in Section 2. Partnership: <u>"As public agencies, both the Commission and Port have a number of distinct responsibilities including fiduciary and environmental review, that require balancing competing uses and interests. There are structures that exist within each agency that keep these responsibilities separate and a number of checks and balances built into internal protocols and additional legislative oversight to prevent conflicts of interest. This pilot project does not authorize any future uses of ocean space. It will be used to inform the independent decisions of each of the Partners."</u> Further, the Commission issues leases for use of State lands based on its determination of the best interests of the State, i.e. the public benefit gained from such use. The public benefits from a wide range of uses, including conserving habitats and ecosystems, commercial fishing, the movement of goods and services, recreation, and national defense.

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17	San Diego Fishermen's Working Group	The DRAFT Report makes mention (pg. 23) of conflict resolution ("CR"), characterizing the expression of concern by fishermen in this way: <i>"Commercial fishermen (the SDFWG) suggested that conflict resolution could be a beneficial outcome of the SDOPP"</i>. With respect, the SDFWG statement was clear that identifying a fair CR process should be a major priority of the SDOPP, and a framework for resolving potential conflicting uses be a primary product of the SDOPP.	<u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see the updated content that reflects this comment in Section 3. Approach - Public and Tribal Engagement: <u>"Among many of their suggestions, two primary points brought up by commercial fishermen suggested that include 1) Conflict resolution could be a beneficial outcome of the SDOPP identifying a fair conflict resolution process should be a major priority of the SDOPP and that a framework for resolving potential conflicting uses should be a primary product of the SDOPP, and 2) zoning of the ocean space would not be welcome. There were many other suggestions and concerns raised by commercial fishermen, and the Partners will continue to work with and listen to the San Diego Fishermen's Working Group and other fishing groups to address concerns and issues."</u>

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18	San Diego Fishermen's Working Group	The SDFWG believes that any CR process must be in the hands of a neutral arbiter. The SDFWG is encouraged that there are references to CR in the DRAFT Report, which also appears to be included in the Report's "early assessment" discussion. We are concerned, however, that CR did not receive the prominence that we think is called for as a key outcome of the Report, and how the SDOPP will move forward. The SDFWG was expecting to see details about how a CR process might be structured in a way that was clearly knowledge and science-based, fair and impartial, transparent, and free of conflicts of interest. We hope that any future draft or final Report will include this information as a recommendation for future action.	Conflict resolution, or a process to proactively address potential conflicts, has been a suggestion from stakeholders through our public engagement effort. We have included this suggestion in Section 5. Moving Forward of the Preliminary Assessment Report and called it the "Early Engagement Framework." As we explore this next step, we will further refine the outlined framework, with input from stakeholders. We welcome input and information that stakeholders would like to provide for the Partners' consideration.
19	San Diego Fishermen's Working Group	There are models of successful CR processes, such as are utilized for placing telecommunication cable pathways and interactions between the offshore oil industry and commercial fishermen. We suggest that the principles protecting commercial fishing infrastructure found in the California Coastal Act would provide guidance for a fair CR process. We believe that it is no legal stretch to value and protect our fishing grounds as vital commercial fishing infrastructure.	The Partnership will review relevant conflict resolution models to inform the development of the early engagement framework. We welcome specific examples or information that stakeholders would like to provide for the Partners' consideration.

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			Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see updated content in Section 3. Web Mapping Application: <u>"The Web Mapping Application is an informational tool that makes ocean conditions and Public Trust use and resource data available and accessible to everyone. It is meant to inform decision-making, raise awareness about the ocean space, and facilitate collaboration, communication, and coordination. For example, for areas that are of particular interest for a proposed or existing use, the Web Mapping Application will not only provide information about environmental conditions of that area and how it is currently used, but also provide contact information for stakeholders and ocean users so that they may start a dialogue about issues of mutual concern and interest."</u>
20	San Diego Fishermen's Working Group	The Web Mapping Application, an important piece of the SDOPP and the DRAFT Report, must be carefully applied in any future planning process. It does create a sense of various and possible competing uses of ocean space, so it provides a good start for negotiation and decisions. It has several inaccuracies or limitations which need to be addressed for any specific project:	

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21	San Diego Fishermen's Working Group	The Mapping Application can never keep up with changing ocean conditions which then influence use.	The Web Mapping Application does not currently reflect real-time changing ocean conditions. As new data becomes available or supersedes previous data, the application will be updated at periodic intervals. The Web Mapping Application is intended to be a tool to facilitate planning and provide information to others through a user-friendly platform, and should be considered complementary to other sources of information, such as “real-time” information about ocean conditions.
22	San Diego Fishermen's Working Group	For fishing effort, it does not express the degree and cumulative effect of multiple permanent and seasonal regulatory closures. Therefore, the effects of additional closures from new projects will be hard to assess.	Known or expected regulatory closures will be reported in the Web Mapping Application to the best extent possible depending on the availability of this information. Considerations and limitations to this will be included with a dataset's respective metadata.
23	San Diego Fishermen's Working Group	A number of data points need further work or better explanation: 2013 Vessel Density; 4-digit Fishing Blocks; Annual Commercial Landings in tons by gear type; Biologically important areas for cetaceans; CA recreational fisheries survey; Canopy forming kelp survey; and, Whale density data.	All metadata (information about a dataset, its intended use, source, date of publication, data limitations, etc.) will be made available upon the Web Mapping Application's public release. As described in the Preliminary Assessment Report about data collection and data review, all compiled datasets undergo an internal round of review to determine whether it is relevant for the Web Mapping Application. We encourage stakeholders to

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			Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. reach out to us to bring any concerns and questions about specific datasets to our attention. Further, we've clarified the title of Appendix D to indicate that while this list includes all of the datasets reviewed, they are not all necessarily included in the Web Mapping Application.
24	San Diego Fishermen's Working Group	Economically significant sites will be hard to recognize as fishing effort can re-locate in different years. An area may not be important every year, but could represent a majority of landings and revenues in other years.	"Economically Significant Sites" refers only to sites identified by the California Department of Fish & Wildlife (CDFW) as "economically significant" when responding to oil spills. We originally intended for this dataset to be incorporated into the Web Mapping Application, however it will not be included. It is still listed in Appendix D because that list refers to all datasets that were reviewed by the Partners. We have updated the title of the dataset in Appendix D to further describe this.
25	San Diego Fishermen's Working Group	Future commercial and recreational uses are not expressed. For example, there is plenty of potential for a squid fishery to exist within the Project Area. It does not currently exist due to a lack of key infrastructure within the Port. This is a very profitable fishery, the importance of which will be completely missed by a backward-looking web tool.	Data obtained from the California Department of Fish & Wildlife reflects what has been reported and is available to date. This information references what has historically occurred in different areas. If there is data that has been published that may help draw attention to other future opportunities the Partners would review the data as it may be incorporated in the Web Mapping Application.

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26	San Diego Fishermen's Working Group	As specific projects are proposed, the SDFWG is willing to assist in ground-truthing the past, current, and potential uses of a given location. Our years of on the water, empirical observations can bring real value to a planning effort.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. The "Early Engagement Framework" will provide interested stakeholders with an opportunity to raise issues of concern, contribute valuable knowledge to inform resource management decisions, and make recommendations at the onset of the lease application review, and throughout that process.
27	San Diego Fishermen's Working Group	The DRAFT Report glows in referencing the CA Marine Life Protection Act (MLPA) process, calling it a <i>"model for marine ecosystem conservation and resource management"</i>. We find this highly disturbing. If the MLPA process is in any way a model for the SDOPP, the Port and SLC will find commercial and recreational fishermen, along with other ocean resource users, deeply suspicious of and resistant to the process. The MLPA process was neither science nor stakeholder driven; it was a purely political effort disguised as a public process. The State of California, and the SDOPP, can and should do better than that. The SDFWG would like to hear assurances that marine spatial planning in California waters will not emulate the MLPA process.	Please see updated content in Section 4. Preliminary Assessment - Perspectives on Previous Ocean Planning Processes

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28	San Diego Fishermen's Working Group	There is also ambiguity about the Project Area. At times it is defined as CA State waters from the Mexican border to the Orange County line. At other times, it includes data from far outside that area, such as the Leatherback Turtle zone in Central California.	Certain features have been selected from larger datasets that have information that does not pertain to the project area (referred to as the "San Diego ocean space" or "preliminary planning area" in the Preliminary Assessment Report). For example, there are loggerhead turtle conservation areas active at certain times and in certain conditions within the preliminary planning area that are included as part of a larger dataset with Leatherback Conservation Areas (which are not within the preliminary planning area). The dataset in Appendix D of the Preliminary Assessment Report included the full name of the dataset to better reflect the portion of the dataset that is relevant to this pilot project. Data outside of the preliminary planning area was reviewed as reference to complement other data. While the data is listed as reviewed, it may have been determined that it should not be incorporated into the Web Mapping Application. Please also refer to the section in the report titled "What is the preliminary planning area?" in Section 3. Approach – Web Mapping Application.

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29	San Diego Fishermen's Working Group	The definition of the Project Area is also confounded by this statement in the DRAFT Report, in the section titled, "Potential Next Steps for the (State Lands) Commission" (pg 51): <i>"Finally, the Commission will explore using the SDOPP as a model for regional ocean planning projects that could be implemented in other areas of the state that face similar complex challenges related to ocean space and balancing Public Trust uses"</i>. This statement of intent by the SLC infers that the project area is potentially ALL state waters. It draws into question the transparency and outreach of the SDOPP. It would seem that all California coastal counties and their ocean users have a stake in the development and outcome of the SDOPP.	Please see updated content in Section 5. Moving Forward: "Finally, the Commission may explore using the SDOPP pilot project as a model for regional ocean planning projects that could be implemented in other areas of the state that face similar complex challenges related to the ocean space and balancing Public Trust uses, <u>if there are the resources to do so. The Commission has not currently identified any additional regions in the state to apply this model.</u>" To further clarify, the boundaries and area of this specific pilot project, San Diego Ocean Planning Partnership, will not expand.

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30	San Diego Fishermen's Working Group	The section on Interagency Cooperation suggests a fundamental question for the SLC: While it clearly is a SLC responsibility to ensure that State Tideland's are used for Public Trust purposes, is it not also the responsibility of numerous other agencies (e.g., Coastal Commission, Fish and Game Commission, National Marine Fisheries Service, CA Department of Fish and Wildlife, etc) to evaluate and permit projects in state waters? If so, it would seem that the SLC and its staff have a role in any lease of tidelands, but not necessarily in the merits of the project, other than meeting Public Trust values. Does the SLC view itself as the final decider of ocean uses in state waters? We would appreciate clarification on this point.	The Commission issues leases for use of State lands based on its determination of the best interests of the State, i.e. the public benefit gained from such use. The public benefits from a wide range of uses, including conserving habitats and ecosystems, commercial fishing, the movement of goods and services, recreation, and national defense. Most projects that require a lease also require permissions and authorizations from additional state, local, and federal agencies that evaluate projects according to their respective statutes and regulatory obligations, which are different than those of the State Lands Commission. No state agency's determinations diminish nor supersede those of another state agency. Additionally, the SDOPP will not replace or supplant any existing laws, regulations, or agency responsibilities, such as those of the California Department of Fish & Wildlife or the California Coastal Commission.
31	San Diego Fishermen's Working Group	The DRAFT Report acknowledges that amendments to the MOA will be needed. The SDFWG hopes that amendments will be made that reflect our concerns and recommendations.	Based on suggestions and concerns raised by the SDFWG and other stakeholders, an update and/or amendment to the MOA could be a beneficial outcome of the SDOPP. Because this is stakeholder input from the "Preliminary Assessment," we have included it in Section 5. Moving Forward of the Preliminary Assessment Report and called it "Refine the Goals." As we explore next steps after finalizing the report, we welcome input and information that stakeholders would like to provide for the Partners' consideration.

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32		San Diego Fishermen's Working Group	To summarize, the SDFWG believes the SDOPP will be successful if it:	We will address the specific comments below in responses #33-35:
33		San Diego Fishermen's Working Group	1) Continues to refine the Web Mapping Application, while openly recognizing the limits of such a tool; and	We will keep stakeholders informed of opportunities to test-run the Web Mapping Application and have also included a section in the Preliminary Assessment Report to openly recognize its limitations.
34		San Diego Fishermen's Working Group	2) Develops a framework for a fair, knowledge-based conflict resolution process, independent of any conflicts of interest by those managing the process, and	We will continue stakeholder engagement as we move forward as identified in the Preliminary Assessment Report, especially for the development of an "Early Engagement Framework."
35		San Diego Fishermen's Working Group	3) Results in a MOA amended to reflect the above two recommendations, plus the removal of ocean zoning as a product of the SDOPP.	Please see the updated content in Section 5. Moving Forward - Potential Next Steps for the Partnership: <u>"Overall, the MOA outlines aspirational goals for the Partners to accomplish. However, based on public engagement and stakeholder feedback, the Partners recognize that over time, some of the initial goals established by the MOA may no longer be relevant to the pilot project. The Assessment Phase demonstrated concerns and needs of stakeholders that could help to determine which goals of the MOA may need to be refined and what new objectives and goals could be established instead."</u>

After the report is finalized, we will explore the potential next steps and welcome stakeholder input.

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36	West Coast Fisheries Consultants	Through my work with the San Diego Fishermen's Working Group and other fishing associations, I have been closely following the SDOPP since initially learning about it in December of 2017. This letter has been shared with a number of these groups (California Wetfish Producers Assn, California Lobster and Trap Fishermen's Assn, etc). Each of these groups – and others – are closely following, and concerned about, the SDOPP. I suspect some of these groups will be offering separate comments on the Draft Report while others will await the publication of the Post-Discussion Draft. By and large, fishing interests are highly skeptical of the SDOPP and the potential impacts to their livelihoods.	Acknowledged, thank you for your input.

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37	West Coast Fisheries Consultants	There has been general support for the SDOPP to the extent it produces the following outputs: 1. A central repository for a comprehensive data portal which can be depicted on detailed GIS mapping tool; and 2. A detailed framework of a conflict resolution process which ensures a disinterested Body of knowledgeable individuals and Agency representatives is empowered to implement the framework to address potential conflicts within the Project Area. (footnote on "Project Area:" Project Area, as used in this Comment letter, is defined as "the San Diego County line to the north, the three nautical mile limit of State waters to the west, and the U.S.-Mexico border to the south.")	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Acknowledged, thank you for your input.

DRAFT	Commenter	Comment	Response
38	West Coast Fisheries Consultants	I appreciate the Draft Report offering some clarity regarding the intent and purpose of the SDOPP. While it is clear the preparation of the Preliminary Assessment Report is a key milestone, it is unclear what happens next. The timeline on Page 20 of the Draft Report states that next steps are Data Collection and Stakeholder Input. What is not specified is what comes after those two steps. If there are no envisioned future actions, it would be helpful to specify that. As mentioned above, the data collection efforts and accompanying GIS mapping; coupled with a well-defined process for resolving potential conflicts would be a successful outcome of the SDOPP.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see updated content in the Preliminary Assessment Report in Section 1. Purpose: <u>"Essentially, this first phase is a "visioning" process through which the Partners learned from stakeholders about their vision for the ocean space and what practical objectives and deliverables the SDOPP could fundamentally establish that aligns with that vision."</u> And updated content in the Section 3. Approach - Timeline <u>"With conclusion of the Assessment Phase, the Partners will further consider potential next steps, identified in the "Moving Forward" section of this report. Any subsequent phase of this pilot project will necessitate further public engagement and data collection to develop, define, and shape future deliverables and outcomes."</u> Continuing to refine and update the Web Mapping Application and identifying a well-defined process for resolving potential conflicts are two of those potential outcomes identified by stakeholders.

DRAFT	Commenter	Response Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.	
39	West Coast Fisheries Consultants	Comment I very much appreciate the clear statement that zoning within the Project Area is not the intent of the SDOPP. There is a concern that conflict resolution is not a stated priority of the SDOPP. Language used in the Draft Report is vague and susceptible to more than one meaning. I believe that amending the Memorandum of Agreement ("MOA"), in light of what has been learned during the two years since the MOA was executed, is necessary and would help inform the public as to the goals, aspirations and objectives of the SDOPP. In a February 12, 2018 written comment to the Board of Port Commissioners on the SDOPP – Reset, the San Diego Fishermen’s Working Group (“SDFWG”) offered five edits to the MOA (footnote on previous written comments: A copy of the SDFWG written comment is available upon request). I continue to support those suggested edits and ask the Port and State Lands Commission (“SLC”) to consider the continued applicability of the National Ocean Policy given the June 19, 2018 Executive Order which, in effect, rescinded the prior Executive Order which created the National Ocean Policy.	Based on suggestions and concerns raised by the SDFWG and other stakeholders, a conflict resolution process that could proactively address conflicts through the Commission's leasing process, would be a beneficial outcome of the SDOPP. Similarly, an update and/or amendment to the MOA could be another. Because these are stakeholder input from the "Preliminary Assessment," we have included these in Section 5. Moving Forward of the Preliminary Assessment Report and called them "Refine the Goals" and "Early Engagement Framework," respectively. As we explore next steps after finalizing the report, we will further refine the outlined framework with input from stakeholders. We welcome input and information that stakeholders would like to provide for the Partners’ consideration. This includes consideration of the five suggestions for amending the MOA outlined in the February 12, 2018 written comment to the BPC submitted by the SDFWG. In previous staff reports, the Partners have referred to the now-rescinded National Ocean Policy as providing context for marine spatial planning in the country. This policy is what spurred the formation of the West Coast Regional Planning Body (now referred to as the West Coast Ocean Alliance), of which the Commission is a member. The SDOPP was not established as an outcome of the National Ocean Policy. The differing perspectives

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. of marine spatial planning are one of the reasons why the first phase of this pilot project is a "Preliminary Assessment" -- so that the Partners can hear concerns from stakeholders about this type of process.
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DRAFT	Commenter	Comment	Response
			Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
40	West Coast Fisheries Consultants	There is widespread concern that the Port is both a Partner in the SDOPP and a key stakeholder in the Project Area. There is a very real potential for conflicts of interest as the Port expands its portfolio into aquaculture and other operations which will necessarily require use of space within the Project Area. To give greater confidence to other stakeholders, independent oversight should be implemented so that potential conflicts of interest (real or apparent) involving the Port can be addressed in a timely fashion by an impartial panel of decisionmakers.	Please see updated content in Section 2. Partnership: <u>"As public agencies, both the Commission and Port have a number of distinct responsibilities including fiduciary and environmental review, that require balancing competing uses and interests. There are structures that exist within each agency that keep these responsibilities separate and a number of checks and balances built into internal protocols and additional legislative oversight to prevent conflicts of interest. This pilot project does not authorize any future uses of ocean space. It will be used to inform the independent decisions of each of the Partners."</u>
	West Coast Fisheries Consultants	Comments on Executive Summary	
41	West Coast Fisheries Consultants	Once again, I appreciate the clarification regarding the intent of the SDOPP; however, it is important that "conflict resolution" is highlighted as a priority goal. That can be inferred via "dialogue that promotes collaboration" but clarity is important.	Conflict resolution, or a process to proactively address potential conflicts, has been a suggestion from stakeholders through our public engagement effort. We have included this suggestion in Section 5. Moving Forward of the Preliminary Assessment Report and called it the "Early Engagement Framework." As we explore this next step, we will further refine the outlined framework, with input from stakeholders. We welcome input and information that stakeholders would like to provide for the Partners' consideration.

DRAFT	Commenter	Comment	Response
42	West Coast Fisheries Consultants	The Executive Summary should clearly state that the Project Area is limited to State Waters. The casual reader may be led to believe the SDOPP can impact “the ocean space offshore San Diego County”; which is somewhat misleading. Note – The introductory paragraph under <i>Section 1 – Purpose</i>, does this and provides language which could be incorporated into the Executive Summary.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see the updated content in the Executive Summary: "The purpose of this first phase of the pilot project... uses, values, and challenges in the ocean space in state waters offshore San Diego County (the "ocean space"), as well as their past experiences..."
43	West Coast Fisheries Consultants	Regarding data collection – consideration needs to be given to uses which could be taking place in the Project Area; but are not due to inadequate facilities and/or infrastructure. One example – commercial fisheries for Coastal Pelagic Species (“CPS”). While the Everingham Brothers Bait operation, which serves the San Diego sport and recreational fishing communities, will surely contribute data to the SDOPP, other commercial fisheries for market squid, Pacific sardine, Pacific mackerel, Jack mackerel and Northern anchovy will be underrepresented due to lack of unloading facilities in the San Diego area. Market squid, in particular, should be an important economic contributor to San Diego County if current efforts to upgrade infrastructure in the Port of San Diego become reality.	Data obtained from the California Department of Fish & Wildlife reflects what has been reported and is available to date. This information references what has historically occurred in different areas. If there is data that has been published that may help draw attention to other future opportunities the Partners would review the data as it may be incorporated in the Web Mapping Application.

DRAFT	Commenter	Comment	Response
44	West Coast Fisheries Consultants	There is a mention of “lease applications” without any reference to the types of leases. It seems any discussion of leasing specific locations within the Project Area would take place much later in the process. This also highlights there are other State Agencies (Fish and Game Commission and California Coastal Commission) which have management responsibility within the Project Area and thus should be indispensable parties to the MOA. I note that the Coastal Commission is identified in Appendix B as a contacted stakeholder; but express concern that the Fish and Game Commission is not listed.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Throughout the report, mention of "lease applications" specifically refers to leases issued by the State Lands Commission. Please refer to the section on "State Lands Commission Leasing Authority" for more information about this authority. As it comes up in the report, we have tried to clarify that "lease applications" refers to leases issued by the State Lands Commission. Further, please refer to Appendix C "Current List of Stakeholders," which lists both the California Coastal Commission and the California Fish & Game Commission, both of whom were contacted as a part of this process. The SDOPP will continue to engage its local, state, and federal government agency stakeholders with overlapping but separate jurisdictions offshore San Diego to enhance communication, coordination, and collaboration.
45	West Coast Fisheries Consultants	The goals and objectives of the SDOPP should be spelled out and clearly identified. While there are a number of these identified within the body of the Draft Report, it would be helpful if they were provided within the Executive Summary.	Please see the updated content in the Preliminary Assessment Report in the Executive Summary: <u>"Essentially, this is a process for the Partners to hear directly from stakeholders about their vision for the ocean space and the role that the SDOPP can play (by identifying clear objectives and deliverables) in achieving that vision."</u>

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	West Coast Fisheries Consultants	Comment	
46	West Coast Fisheries Consultants	Comments on Purpose	The introductory paragraph highlights the need to Amend the MOA to more accurately reflect what has been learned during the Assessment phase of the SDOPP. It is our hope that language which implies, or can be read to imply, marine zoning be changed to reflect the evolving purposes, goals, and objectives. As we explore next steps after finalizing the report, we welcome and will seek further input from you on refining the goals and amending the MOA. This includes considering the five suggestions for amending the MOA outlined in the February 12, 2018 written comment to the BPC submitted by the SDFWG. We will continue to emphasize that zoning is not an intended outcome of this pilot project.
	West Coast Fisheries Consultants	Comments on Partnership	

47	West Coast Fisheries Consultants	The last sentence in the second to last paragraph on Page 4 highlights the unique abilities of the Port and SLC “to contribute to the SDOPP”. I firmly believe the Fish and Game Commission and Coastal Commission possess complementary and different relationships which make their absence notable. I also note the potential for conflict mentioned above. It is not outside the realm of possibility that the Port, or a third party with whom the Port has a contractual arrangement, will be seeking leases for activities within the Project Area. Since SLC is responsible for issuing those leases (see page 9 of the Draft Report) there is a chance public trust can be eroded absent the involvement of other Agencies with management responsibilities within the Project Area. The Commission issues leases for use of State lands based on its determination of the best interests of the State, i.e. the public benefit gained from such use. The public benefits from a wide range of uses, including conserving habitats and ecosystems, commercial fishing, the movement of goods and services, recreation, and national defense. Most projects that require a lease also require permissions and authorizations from additional state, local, and federal agencies that evaluate projects according to their respective statutes and regulatory obligations, which are different than those of the State Lands Commission. No state agency's determinations diminish nor supersede those of another state agency. Additionally, the SDOPP will not replace or supplant any existing laws, regulations, or agency responsibilities, such as those of the California Department of Fish & Wildlife or the California Coastal Commission. Please see updated content in Section 2. Partnership: <u>"As public agencies, both the Commission and Port have a number of distinct responsibilities including fiduciary and environmental review, that require balancing competing uses and interests. There are structures that exist within each agency that keep these responsibilities separate and a number of checks and balances built into internal protocols and additional legislative oversight to prevent conflicts of interest. This pilot project does not authorize any future uses of ocean space. It will be used to inform the independent decisions of each of the Partners."</u> Further, the "Early Engagement Framework" could serve as a platform for better communication, coordination, and collaboration amongst resource agencies (including the California Fish and Game Commission and the
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California Coastal Commission), and these agencies will be consulted during the process of developing this framework. In addition, the Web Mapping Application will be an important tool for ocean users, project applicants, and resource management agencies to use to understand better the site-specific data to inform decision-making in accordance with their respective roles and responsibilities.

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48	West Coast Fisheries Consultants	The ongoing commitment to a transparent public engagement is appreciated. The local commercial fishing community is grateful to the Port for convening a number of focused discussions with fishermen and their representatives. This wasn't always the case. The SDOPP wasn't made known to the local fishing community until fourteen (14) months after the MOA was executed.	As we move forward, we hope to continue to improve our public engagement, especially as it's been identified by many stakeholders as an important next step for the SDOPP. We remain committed to transparency and keeping all stakeholders engaged and informed. We have also clarified in Section 3. Approach - Public and Tribal Engagement when the focused stakeholder meetings began.
	West Coast Fisheries Consultants	Comments on Partnership: State Lands Commission Leasing Authority	
49	West Coast Fisheries Consultants	The Port's Blue Economy Incubator Program was established in 2016. Two questions: (1) Did the SLC supply any capital to the Program? This question was answered "No" during the October 10, 2018 Workshop at the Port Building. (2) Is SLC a partner of the Port in the Blue Economy Incubator Program?	The Commission did not supply any capital to the Port's Blue Economy Incubator Program and the Commission is also not a partner on any of the projects coming out of the Blue Economy Incubator or a partner with the Port for the Blue Economy Incubator.
	West Coast Fisheries Consultants	Comments on Partnership: State Lands Commission Interagency Relationships	

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50	West Coast Fisheries Consultants	The introductory paragraph highlights why fishery groups/organizations are so concerned about this. “Academic institutions and environmental organizations” are specifically mentioned as those the SLC collaborates and coordinates with. There is no reason why fishery groups/organizations cannot be collaborated or coordinated with. They are on the water more than any of the other groups, see changes happening as they occur, and can provide knowledge and experiences that cannot be learned or theorized from behind a desk.	The Commission looks forward to developing new collaborative relationships with stakeholders and groups that can further advance the work of ensuring the Public Trust.
	West Coast Fisheries Consultants	Comments on Partnership: Memorandum of Agreement	

DRAFT	Commenter	Comment	Response
51	West Coast Fisheries Consultants	As mentioned above, the MOA will likely need to be amended to ensure its language mirrors the evolving purposes, objectives and goals.	<u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Based on suggestions and concerns raised by the SDFWG and other stakeholders, an amendment to the MOA could be a beneficial outcome of the SDOPP. Because this is stakeholder input from the "Preliminary Assessment," we have included this suggestion in Section 5. Moving Forward of the Preliminary Assessment Report, called "Refine SDOPP Goals." As we explore next steps after finalizing the report, we welcome input and information that stakeholders would like to provide for the Partners' consideration on revising the goals and amending the MOA. This includes consideration of the five suggestions for amending the MOA outlined in the February 12, 2018 written comment to the BPC submitted by the SDFWG. Please see the updated content in Section 5. Moving Forward - Revise SDOPP Goals: <u>"Overall, the MOA outlines aspirational goals for the Partners to accomplish. However, based on public engagement and stakeholder feedback, the Partners recognize that over time, some of the initial goals established by the MOA may no longer be relevant to the pilot project. The Assessment Phase demonstrated concerns and needs of stakeholders that could help to determine which goals of the MOA may need to be refined and what new objectives and goals could be established instead."</u>

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	West Coast Fisheries Consultants	Comments on Approach: Focused Stakeholder Meetings (page 22)	
52	West Coast Fisheries Consultants	The Draft Report mentions that the SDOPP has held over 90 focused stakeholder meetings. Would it be possible for a list of the meeting dates and participating stakeholders be made available for public consumption? For example, on December 19, 2017 Port staff attended a meeting of stakeholders in the Port Redevelopment project. At this meeting were members of the San Diego Fishermen's Working Group. Names of individuals who attended each meeting are not important; but rather which organizations and/or stakeholder groups were in attendance. This will be helpful in determining the level of robustness of the outreach.	The list of stakeholders provided in Appendix C reflects all stakeholders who were contacted and invited to provide input to the SDOPP. We were able to hold focused stakeholder meetings with the majority of the stakeholders listed, beginning in Fall 2017, and continuing through Fall 2018. Due to scheduling constraints, we still have pending conversations with interested state agencies that we would like to schedule before we release this information.
	West Coast Fisheries Consultants	Comments on Approach: Enhanced Engagement with Commercial Fishermen (page 23)	

DRAFT	Commenter	Comment	Response
53	West Coast Fisheries Consultants	I know the local fishing community is thankful that the Port involved the local commercial fishing community. The Draft Report states that commercial fishermen came up with two suggestions in the focused stakeholder meetings. There were several other suggestions provided by the commercial fishermen.	Please see the updated content that reflects this comment in Section 3. Approach - Public and Tribal Engagement: <u>"Among many of their suggestions, two primary points brought up by commercial fishermen suggested that include 1) Conflict resolution could be a beneficial outcome of the SDOPP identifying a fair conflict resolution process should be a major priority of the SDOPP and that a framework for resolving potential conflicting uses should be a primary product of the SDOPP, and 2) zoning of the ocean space would not be welcome. There were many other suggestions and concerns raised by commercial fishermen, and the Partners will continue to work with and listen to the San Diego Fishermen's Working Group and other fishing groups to address concerns and issues."</u>
	West Coast Fisheries Consultants	Comments on Approach: Data Collection	

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54	West Coast Fisheries Consultants	Comment Acknowledging that fisheries dependent data is sparse (and not scaled), was the local fishing community contacted to provide and/or clarify what data was available? For example, fishing blocks utilized by the Department of Fish and Wildlife to identify an area where fish were harvested, are far too large to provide any meaningful data for planning purposes. Fishermen know the areas that are important to them and not to seek their expertise on this would be a missed opportunity. There also must be an awareness that ALL of the open areas within the Project Area are important to, and utilized by, fishery groups.	The public release of the Web Mapping Application largely draws upon publicly available data that has accompanying documentation. Data which includes past surveys with the fishing community will be included, but is limited. In this regard, ongoing help from the fishing community in identifying data or information that is useful for incorporation is encouraged. Further, as we continue to develop the Web Mapping Application, we will coordinate with you to identify the best approach on how the application can acknowledge that the entire area is an important fishing area.

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55	West Coast Fisheries Consultants	The highlighted box at the bottom of page 26 states, “The data collection effort focused on data available within the preliminary planning area.” (footnote on “preliminary planning area:” “Preliminary planning area” mirrors “Project Area” as used earlier in this Comment.) However, a review of The List of Incorporated and/or Reviewed Data in Appendix D tells a different story. There are a number of datasets which are not in the preliminary planning area – for example: Drift Gillnet Closures, EFH Areas Protected from Fishing, US EEZ (which by definition is outside State waters), etc.	Certain features have been selected from larger datasets that may have information that does not pertain to the preliminary planning area. For example, there are loggerhead conservation areas active at certain times and in certain conditions within the preliminary planning area that are included as part of a larger dataset with Leatherback Conservation Areas (which are not within the preliminary planning area). Data outside of the preliminary planning area was reviewed as reference to complement other data. While the data is listed as reviewed in Appendix D, it may have been determined that it should not be incorporated into the Web Mapping Application.
56	West Coast Fisheries Consultants	Comments on Approach: Data Review While the Port and SLC may be ideally suited to review much of the data presented, there are concerns about the level of expertise to review fisheries related data. Were any outside third parties utilized to perform this review?	The SDOPP compiled publicly available datasets with accompanying documentation for the application. The majority of these datasets are from authoritative organizations such as the National Oceanic and Atmospheric Administration (NOAA) or the California Department of Fish & Wildlife that have already been reviewed.

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57	West Coast Fisheries Consultants	Once again, there must be acknowledgment of data that wasn't collected because of a lack of suitable infrastructure. While there will be market squid catch from the Project Area, it is understated because of a lack of suitable facilities to offload squid in the San Diego area. If such facilities were available, it is reasonably certain that the fishery would have utilized those facilities and catches of market squid from the Project Area would have been much greater.	Data obtained from the California Department of Fish & Wildlife reflects what has been reported and is available to date. This information references what has historically occurred in different areas. If there is data that has been published that may help draw attention to other future opportunities the Partners would review the data as it may be incorporated in the Web Mapping Application.
	West Coast Fisheries Consultants	Comments on Preliminary Assessment	
58	West Coast Fisheries Consultants	Given the stated purpose of this Section, providing "a summary of stakeholder input from the Preliminary Assessment phase", I am not commenting on the specifics; but rather offer additional thoughts for consideration.	Acknowledged.
	West Coast Fisheries Consultants	Comments on Preliminary Assessment: Perspectives on Other Ocean Planning Processes	

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59	West Coast Fisheries Consultants	I would contend that the “coordinated statewide marine spatial planning process”, per the MLPA is a misstatement. At its best, the MLPA process was flawed (footnote: http://www.sandiegouniontribune.com/sdut-mlpa-corruption-hard-prove-2010oct21-story.html). The chair of the South Coast MLPA Blue Ribbon Task Force was the President of The Western State Petroleum Association (footnote: https://www.indybay.org/newsitems/2015/04/09/18770950.php), the Co-Chair of the MLPA Initiative Science Advisory Team pled guilty to embezzling nearly \$1M from the Yurok Tribe (footnote: https://www.nationalfisherman.com/national-international/former-mpa-co-chair-pleads-guilty-to-embezzlement/), and the conflict of interest charge levied against then Fish and Game Commissioner Michael Sutton (footnote: http://www.flashreport.org/blog/2009/07/08/the-controversy-of-fish-game-commissioner-michael-sutton/). Is it any wonder why the fishing communities are fearful of the SDOPP?	Please see updated content in Section 4. Preliminary Assessment - Perspectives on Previous Ocean Planning Processes

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		Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
60	West Coast Fisheries Consultants	The differing perspectives of marine spatial planning are one of the reasons why the first phase of this pilot project is a "Preliminary Assessment" -- so that the Partners can hear concerns from stakeholders about this type of process. Conflict resolution is a potential outcome of this "visioning" Preliminary Assessment and is included in Section 5. Moving Forward called "Early Engagement Framework." As we explore next steps after finalizing the report, we will further refine the outlined framework, with input from stakeholders. We welcome input and information that stakeholders would like to provide for the Partners' consideration.

61	West Coast Fisheries Consultants	There are examples of how conflicting oceans uses have been addressed: <u>The Commercial Fishing Industry Improvement Fund</u> - when Cable Companies desired to place undersea cables under the sea floor (and fishing grounds), those Companies agreed to deposit one hundred thousand dollars per undersea cable project in a special fund for enhancement of Commercial Fisheries, the Commercial Fishing Industry, and Support Facilities. The mission of the Improvement Fund is to award high quality grants that will enhance and assist the Commercial Fishing Industry. <u>Lost/Damaged Fishing Gear Compensation Program</u> – when Catalina Sea Ranch (then called KZO Sea Farms) desired to place a shellfish farm in Federal waters offshore Long Beach, California, the operators of KZO and members of the local fishing community agreed to a Lost/Damaged Fishing Gear Compensation Plan that outlines the steps that would be taken by KZO to address any adverse impacts to commercial or recreational fishing operations that may result from the loss and/or damage of fishing gear or catch due to contact or entanglement with the shellfish cultivation facility or associated infrastructure. This was a condition precedent to commencement of construction that required approval by the Executive Director of the Coastal Commission. <u>Reimbursement for lost or destroyed lobster trap gear.</u> Kelco used to harvest kelp off the Southern California coast and offshore islands. While harvesting kelp, Kelco vessels would inadvertently run over a lobster fishermen’s buoys – in effect severing the buoy from the trap, which resulted in a lost trap. Kelco had a program in place which reimbursed fishermen for traps lost due to Kelco operations.	The "Early Engagement Framework" may serve to bring together project proponents, resource managers, and stakeholders, including those impacted directly by a proposed activity or use, to address issues of concern and, in some cases, engage in a conflict resolution process. This process may result in agreements that resolve conflicts and will not necessarily include the Commission, if the agreements are founded upon terms outside the Commission's jurisdiction and authorities. The Partnership will review relevant conflict resolution models to inform the development of the early engagement framework. We welcome specific examples or information that stakeholders would like to provide for the Partners' consideration.
	West Coast Fisheries Consultants	Comments on Preliminary Assessment: "What are your current uses in the ocean space?"	

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62	West Coast Fisheries Consultants	Research: add to the aerial surveys the collaborate research being conducted by the Department of Fish and Wildlife, the Southwest Fisheries Science Center and the California Wetfish Producer's Association to attempt to quantify biomass of CPS (Pacific sardine and Northern anchovy) in nearshore waters. These waters are not surveyed by NOAA ships currently used to estimate for CPS stocks. This results in biomass estimates that don't consider prime CPS habitat and are generally accepted to be underestimates. This has directly impacted CPS fisheries which are managed by a harvest control rule which is based on the estimated stock biomass.	We've included your comment into Section 4. Preliminary Assessment in the following section: " What are your current uses in the ocean space? "
63	West Coast Fisheries Consultants	Increasing opportunities for fisheries: While artificial reefs may increase opportunities for certain fisheries, they effectively bar others (net fisheries for example). Additionally, aquaculture and shellfish and seaweed farms are not fisheries and by themselves do not increase opportunities for wild capture fisheries.	We recognize that these should be more specifically categorized to better explain how "aquaculture" and "artificial reefs" may provide increasing opportunities in the ocean space. Please see updated content in Section 4. Preliminary Assessment: "Increasing opportunities for fisheries <u>sustainable seafood harvest and habitat</u> "

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64	West Coast Fisheries Consultants	Increased renewable energy: It should be noted that none of these (wind, tidal and wave) are current uses in the Project Area. Structures placed on the water to support renewable energy activities would arguably be considered Fish Aggregating Devices. Use of such devices in certain fisheries is not allowed – so this may have the unintended cost of disallowing certain types of fishing activities in and around those structures.	Some stakeholders do not operate solely within the San Diego ocean space and have general interests in these technologies, which is what is represented through the responses from this question. The goal of this section is not to advocate for or move forward on any of the projects listed here but summarize responses from stakeholders and their interests in how the ocean (in San Diego and beyond) could be utilized in the future. If any project were to be proposed, it will be important to acknowledge how it would impact existing uses, such as the Fish Aggregating Devices that you identify here.
65	West Coast Fisheries Consultants	Comments on Preliminary Assessment: "What else would you like us to consider or be concerned with through this process?" Listen to all voices equally: Rather than ensuring that all stakeholders feel heard, why not set as a goal that all stakeholders are heard?	This section is intended to represent what was stated directly by stakeholders. You bring up an important distinction of wording and, together, both statements should be worthwhile goals and we have updated content to reflect your input: "Listen to all voices equally: don't let one voice or the loudest voice take over the discussion; make sure all stakeholders feel heard and are heard... "
	West Coast Fisheries Consultants	Comments on Moving Forward	

	Commenter	Comment	Response
DRAFT			Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
66	West Coast Fisheries Consultants	The introductory paragraph under this Section references potential next steps. These include “refine and clarify the goals of the SDOPP”. Once again, the SDOPP and public would benefit from the Port and SLC clearly stating the goals of the SDOPP. As mentioned earlier, including a list of the goals and objectives in the Executive Summary would be beneficial.	Please see the updated content in the Preliminary Assessment Report in Section 1. Purpose: <u>“Essentially, this first phase is a “visioning” process through which the Partners learned from stakeholders about their vision for the ocean space and what practical objectives and deliverables the SDOPP could fundamentally establish that aligns with that vision.”</u>
67	West Coast Fisheries Consultants	Continued data collection within the Project Area will be helpful as dynamic ocean conditions force fishery users to continually move effort back-and-forth within the Project Area.	We've included your comment into Section 4. Preliminary Assessment in the following section: <u>“Do you have suggestions for managing the ocean planning process here in San Diego?”</u>
68	West Coast Fisheries Consultants	As noted below, some of the information gathered, collected and represented in the SDOPP are from uses outside the Project Area. This is concerning. This paragraph concludes by highlighting that next steps may be carried out by “an individual agency”. If that is the case, there is an expectation the commitment to transparency will be continued without regard to the agency involved.	Both agencies, separately and as part of this Partnership, are committed to transparency. Whether actions from the Preliminary Assessment Report are taken by the Partnership or by an individual Partner, the commitment to transparency will remain. Please see the updated content in Section 5. Moving Forward: <u>“Whichever direction the Partnership goes, collaborative stewardship and transparency will remain a goal for each Partner individually and the Partnership as a whole.”</u>

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69	West Coast Fisheries Consultants	Figure 5 shows the Potential Next Steps. These steps are further divided by focusing on which agency can implement what activity. This indicates the Port can “identify future partnerships”. Can you expand on what this means? Does this simply refer to other Port Districts or other local agencies that SLC can partner with, or does this refer to proposed uses within the Project Area which can be setup as partnerships between the Port and/or SLC and a third party?	The Port and Commission are already involved in collaborative partnerships, and one of the purposes of this effort is to maintain and strengthen relationships with all stakeholders. As the local San Diego partner for the SDOPP, the Port can further this relationship-building through local stakeholder engagement and coordination, some of which is through partnerships, such as the MOA that the Port and the U.S. Navy entered into on coastal resiliency.

DRAFT	Commenter	Comment Figure 6, the following are suggested edits under each column. Revise the Partnership's goals: • Ensure that the objectives, mission statement and vision are clearly communicated; • Ocean planning will inevitably create winners and losers; • Instead of "reduce conflict" recommend "Design and implement a process to resolve potential conflicts." • Acknowledge that commercial fishing is a prioritized use under the Coastal Act. Section 30234.5 which states, in part, "The economic, commercial, and recreational importance of fishing activities shall be recognized and protected."	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
70	West Coast Fisheries Consultants		Please see the updated figure that further clarifies that the text in the "buoys" are the potential next steps and the text in the "water column" are stakeholder input (directly from Section 4. Preliminary Assessment) that informs those next steps. Please also refer to the caption below the figure. We cannot alter this text since it is input from stakeholders, however we've included your suggested edits into Section 4. Preliminary Assessment in the following sections: • Ensure that the objectives, mission statement and vision are clearly communicated; ("Do you have suggestions for managing the ocean planning process here in San Diego?") • Ocean planning will inevitably create winners and losers; ("What else would you like us to consider or be concerned with through this process?") • Instead of "reduce conflict" recommend "Design and implement a process to resolve potential conflicts." ("Do you have suggestions for managing the ocean planning process here in San Diego?") Please see Section 3. Approach - Public and Tribal Engagement: <u>"Commercial fishing is also a prioritized use under the California Coastal Act, Section 30234.5."</u>

DRAFT	Commenter	Comment	Response
71	West Coast Fisheries Consultants	Figure 6, the following are suggested edits under each column. Ongoing public engagement: Given the protected status of fishing activities and that such activities represent current uses dependent on access to the Project Area, should that require their voice be given more weight than a proposed use which seeks access to the Project Area; but would require displacement of fishing activities?	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see the updated figure that further clarifies that the text in the "buoys" are the potential next steps and the text in the "water column" are stakeholder input (directly from Section 4. Preliminary Assessment) that informs those next steps. Please also refer to the caption below the figure. We cannot alter this text since it is input from stakeholders, however we've included your suggested edits into Section 4. Preliminary Assessment in the following sections: Given the protected status of fishing activities and that such activities represent current uses dependent on access to the Project Area, should that require their voice be given more weight than a proposed use which seeks access to the Project Area; but would require displacement of fishing activities? ("What else would you like us to consider or be concerned with through this process?") Further, this is a question that should be further explored with the Commission's development of the Early Engagement Framework after the Preliminary Assessment Report is finalized.

DRAFT	Commenter	Comment Figure 6, the following are suggested edits under each column. Periodic assessments (local): • Can you provide some further detail on what would be included in a “comprehensive management plan” given the absence of other Agencies with management responsibilities in the Project Area? • Add “Analysis of potential impacts to current uses and users”. • How is “environmental quality” measured?	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. For the first bulletpoint, since this is direct input from stakeholders, we cannot assume further details as to what exactly what they intended by the term "comprehensive management plan." To your point, as there are many agencies with management responsibilities in the San Diego ocean space, continued and enhanced coordination between the SDOPP, Commission, Port, and these other agencies will continue to be valuable. Please refer to Section 5. Moving Forward "Refine and Align with Other Local and State Initiatives" and "Local outreach, regional coordination, identify future partnerships" that prioritize federal, state, and local coordination. Please see the updated figure that further clarifies that the text in the "buoys" are the potential next steps and the text in the "water column" are stakeholder input (directly from Section 4. Preliminary Assessment) that informs those next steps. Please also refer to the caption below the figure. We cannot alter this text since it is input from stakeholders, however we've included your second bulletpoint into Section 4. Preliminary Assessment in the following section: • Add “Analysis of potential impacts to current uses and users”. (Do you have suggestions for managing the ocean planning process here in San Diego?)
72	West Coast Fisheries Consultants		

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. For the third bulletpoint, this is also direct input from stakeholders and we cannot assume further details as to what exactly was intended by the term "environmental quality." This is a question that should be further explored with the Commission's development of the Early Engagement Framework after the Preliminary Assessment Report is finalized.
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DRAFT	Commenter	Comment Figure 6, the following are suggested edits under each column. Refine and align priorities with other local and state initiatives: • Priorities need to be carefully described and defined. • It is assumed that mandates under “Ongoing public engagement” will require the items listed under the column to be clearly, openly and timely communicated to the public.	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
73	West Coast Fisheries Consultants		Please see the updated figure that further clarifies that the text in the "buoys" are the potential next steps and the text in the "water column" are stakeholder input (directly from Section 4. Preliminary Assessment) that informs those next steps. Please also refer to the caption below the figure. We cannot alter this text since it is input from stakeholders, however we've included your suggested edits into Section 4. Preliminary Assessment in the following sections: • Priorities need to be carefully described and defined. ("Do you have suggestions for managing the ocean planning process here in San Diego?") • It is assumed that mandates under “Ongoing public engagement” will require the items listed under the column to be clearly, openly and timely communicated to the public. ("Do you have suggestions for managing the ocean planning process here in San Diego?") Further, in Section 5. Moving Forward "Ongoing Public Engagement," we anticipate enhancing, expanding, and improving our public engagement effort and updated content to demonstrate that more clearly: <u>"Communicating clearly and often" with the public and with stakeholders was a common piece of feedback that the Partners should prioritize when continuing public engagement."</u>

DRAFT	Commenter	Response
	West Coast Fisheries Consultants	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
	Comments on Moving Forward: Revise the Partnership Goals	Based on suggestions and concerns raised by the SDFWG and other stakeholders, an amendment to the MOA could be a beneficial outcome of the SDOPP. Because this is stakeholder input from the "Preliminary Assessment," we have included this suggestion in Section 5. Moving Forward of the Preliminary Assessment Report, called "Refine SDOPP Goals." As we explore next steps after finalizing the report, we welcome input and information that stakeholders would like to provide for the Partners' consideration. This includes consideration of the five suggestions for amending the MOA outlined in the February 12, 2018 written comment to the BPC submitted by the SDFWG. Please see updated content in Section 5. Moving Forward - Potential Next Steps for the Partnership: <u>"Overall, the MOA outlines aspirational goals for the Partners to accomplish. However, based on public engagement and stakeholder feedback, the Partners recognize that over time, some of the initial goals established by the MOA may no longer be relevant to the pilot project. The Assessment Phase demonstrated concerns and needs of stakeholders that could help to determine which goals of the MOA may need to be</u>
74	West Coast Fisheries Consultants	It would seem this necessarily requires amending the MOA to consider and memorialize "expanding or revising to clarify [the SDOPP's] goals and intent."

DRAFT	Commenter	Comment	Response
			<u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. <u>refined and what new objectives and goals could be established instead.</u>"
	West Coast Fisheries Consultants	Comments on Moving Forward: Early Engagement Framework	

DRAFT	Commenter	Comment	Response
75	West Coast Fisheries Consultants	There is an implication that leasing areas within the Project Area is a short-term goal of the SDOPP. The comments above regarding the potential for conflicts of interest are reiterated as is the recommendation regarding an impartial panel of disinterested decision makers.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. The State Lands Commission has issued hundreds of leases in the San Diego ocean space, and continues to receive lease applications for use of tidelands and submerged lands. The potential next step of developing an "Early Engagement Framework," which we welcome and seek further input on after finalizing this report, will only serve to enhance the process of review for lease applications.
76	West Coast Fisheries Consultants	There is a key bullet point missing from the four principles listed in the middle of Page 49 – namely, “Compliance with applicable laws and regulations.” Both State Lands and the Port have to consider the myriad of legislative and regulatory mandates which may impact the proposed framework.	Please see the updated content in Section 5. Moving Forward - Early Engagement Framework: • Proactive, transparent, and robust communication • Science-guided and experience-based decision-making • Balance Public Trust uses • Social equity and environmental justice • <u>Compliance with applicable laws and regulations</u> • Address potential future conflicts"
77	West Coast Fisheries Consultants	The five bullet points near the bottom of Page 49, which address steps in the lease application process - for sake of clarity, what is a stakeholder? Especially in the fisheries management world, individuals with no real stake in an outcome claim they are stakeholders in order to further a specific cause.	Stakeholder is defined earlier in the report, however there could be a need to differentiate between interested parties and actual ocean users in any future "Early Engagement Framework" discussion. As we explore next steps after finalizing the report, such as the Commission's development of the Early Engagement Framework, we welcome input and information that stakeholders would like to provide for the Partners' consideration.

DRAFT	Commenter	Comment	Response
78	West Coast Fisheries Consultants	Has the Commission (or Port for that matter) identified any “few select projects to evaluate the ‘Early Engagement’ framework”? If so, what are those projects; and do they have any connection to the Port’s Blue Economy Incubator?	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
	West Coast Fisheries Consultants	Comments on Moving Forward: Ongoing Public Engagement	Not at this time, but we welcome stakeholder input and suggestions.
79	West Coast Fisheries Consultants	As noted earlier, the Port’s openness to discussing the SDOPP with the local commercial fishing community is appreciated. It is hoped and expected this open line of communication will continue. The local fishing community is an important and valuable member of the Port family which offers a unique perspective by being on the water more often than not.	We agree and also expect to maintain this open line of communication with the local commercial fishing community.
	West Coast Fisheries Consultants	Comments on Moving Forward: Periodic Assessments	

DRAFT	Commenter		Response Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
80	West Coast Fisheries Consultants	In addition to the activities described, an audit of datasets and data sources should be periodically assessed for their value to the project. Has there been any consideration given to potential events (being natural or man-made) which may require immediate reassessments? Examples may include extreme El Nino events, major tsunami, major oil spills, or other man-made activities which impact local reefs and or eel grass beds?	The Web Mapping Application will be updated periodically to reflect newly available data. Available resources may otherwise limit how quickly this data may be incorporated. However, we will consider this recommendation given our staff's resources and welcome your input on the Web Mapping Application prior to its release.
	West Coast Fisheries Consultants	Comments on Moving Forward: Refine and Align with other Local and State Initiatives	

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
81	West Coast Fisheries Consultants	Another potential impact of climate change is the movement of tropical or sub-tropical fish stocks into the Project Area and how to best prepare for the possibility of emerging or new fisheries (footnote: An example would be Southern Stock of Pacific Sardine or Round Herring. Each of these make rare appearances in Southern California waters; but with warming waters, it is not outside the realm of possibility that the Project Area could become part of the migratory route for each of these stocks. I use these only as examples. It is likely these would be covered under the Pacific Fishery Management Council's CPS Fishery Management Plan).	The Web Mapping Application will continue to be updated and informed by engagement with stakeholders, including the fishing community, and related resource management agencies such as the Pacific Fisheries Management Council, as well as academic researchers. The Commission will commit to semi-annual updates of the application in recognition that ocean conditions are changing rapidly, and it is critical that decision-makers have the most and best available information to inform responsible and balanced decisions. Many conditions are transforming rapidly in response to climate change and the dynamic nature of the ocean.
	West Coast Fisheries Consultants	Comments on Moving Forward: Potential Next Steps for the Commission	

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
82	West Coast Fisheries Consultants	Has the Commission identified “other areas of the State that face similar complex challenges related to the ocean space and balancing Public Trust uses”? That would help to explain why some of the datasets, which are well outside the Project Area, are being included in the SDOPP.	Please see updated content in Section 5. Moving Forward: "Finally, the Commission may explore using the SDOPP pilot project as a model for regional ocean planning projects that could be implemented in other areas of the state that face similar complex challenges related to the ocean space and balancing Public Trust uses, <u>if there are the resources to do so. The Commission has not currently identified any additional regions in the state to apply this model.</u>" As part of the effort to more fully understand the ocean space offshore San Diego County, the Web Mapping Application contains datasets which span greater geographic areas than the preliminary planning area. In some cases, this is because the information in the data is related to Public Trust uses, values, and resources within the preliminary planning area (e.g. public transportation routes are displayed that connect with public access points to the water to raise awareness of affordable and equitable access to Public Trust lands and waterways). In other cases, it is because the ability to view an entire dataset, one that falls both within the preliminary planning area and without, significantly advances the understanding of that data and enhances its ability to contribute to an analysis of Public Trust uses.

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
	West Coast Fisheries Consultants	Comments on Moving Forward: Potential Next Steps for the Port	
83	West Coast Fisheries Consultants	There is one sentence in this Section which highlights the very real opportunity for conflicts of interest, “The Port’s strategic location can benefit the SDOPP moving forward by proactively identifying pilot projects and/or partners interested in exploring opportunities in the ocean space.”	The Port and Commission are already involved in collaborative partnerships, and one of the purposes of this effort is to maintain and strengthen relationships with all stakeholders. As the local San Diego partner for the SDOPP, the Port can further this relationship-building through local stakeholder engagement and coordination, some of which is through partnerships, such as the MOA that the Port and the U.S. Navy entered into on coastal resiliency. Stakeholders will be given the opportunity to provide input on any pilot projects and, as stated in the report, the pilot projects would be intended to provide more information to stakeholders about how the Early Engagement Framework could be used and how it could be improved.
	West Coast Fisheries Consultants	Comments on Appendix D	

DRAFT	Commenter	Comment	Response
84	West Coast Fisheries Consultants	Will the incorporated and/or reviewed raw data be made available for public review? There are several items included within Appendix D which may benefit from further examination. Specific questions for each of these are provided below.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see updated content in Section 3. Approach - Web Mapping Application: "At the time of the Preliminary Assessment Report's publication, the Web Mapping Application was not yet available on the Partnership's website. Prior to a public release of the application, the Partners will test its usability and functionality with stakeholders." Certain features have been selected from larger datasets that have information that does not pertain to the project area (referred to as the "San Diego ocean space" or "preliminary planning area" in the Preliminary Assessment Report). For example, there are loggerhead turtle conservation areas active at certain times and conditions within the preliminary planning area that are included as part of a larger dataset with Leatherback Conservation Areas (which are not within the preliminary planning area). The dataset in Appendix D of the Preliminary Assessment Report included the full name of the dataset to better reflect the portion of the dataset that is relevant to this pilot project. Data outside of the preliminary planning area was reviewed as a reference to complement other data. While the data is listed as reviewed, it may have been determined that it should not be incorporated into the Web Mapping Application. Further, please see updated content in Section 3. Approach - Web Mapping Application:
85	West Coast Fisheries Consultants	Much of the incorporated and/or reviewed data is for areas outside the Project Area (ie – outside of State waters). It would seem this unnecessarily complicates the analysis and wouldn't be helpful for the SDOPP; and raises real fears within the fishing industry that the SDOPP will eventually cover a much larger geographic footprint than currently under consideration. Also, subject matter experts should be consulted when reviewing the individual datasets. Discussions during the Port's SDOPP Workshop, held on October 10, highlighted the need for such expertise as it relates to fisheries data.	Page 63 of 84 D

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. <u>"At the time of the Preliminary Assessment Report's publication, the Web Mapping Application was not yet available on the Partnership's website. Prior to a public release of the application, the Partners will test its usability and functionality with stakeholders."</u> We welcome your participation.
	West Coast Fisheries Consultants	Questions Generated by the Draft Report	

DRAFT	Commenter	Comment	Response
86	West Coast Fisheries Consultants	1. Given that the DRAFT Preliminary Assessment Report repeatedly states that “the intent of the SDOPP is not to establish zones in the ocean space” – when will the Memorandum of Agreement be amended to reflect that?	Once the Preliminary Assessment Report is finalized, we will be able to explore the details of when we can refine the goals of the SDOPP. Then, we will be able to determine a reasonable timeline and clearly communicate that to stakeholders and the public.
87	West Coast Fisheries Consultants	2. Even if “zoning” is removed as an outcome, the DRAFT does speak to “decisions” being made. How will those decisions be made? If such decisions are made within conflicting uses, how will they be resolved? Why didn’t the DRAFT address conflict resolution in a more primary role and in much more detail?	Zoning is not and was never considered an outcome of the SDOPP. Please refer to the Section 1. Purpose of this report. Conflict resolution, or a process to proactively address potential conflicts, has been a suggestion from stakeholders through our public engagement effort. We have included this suggestion in Section 5. Moving Forward of the Preliminary Assessment Report and called it the “Early Engagement Framework.” As we explore this next step, we will further refine the outlined framework, with input from stakeholders. We welcome input and information that stakeholders would like to provide for the Partners’ consideration.
88	West Coast Fisheries Consultants	3. Why did the State Lands Commission choose to partner with the Port on this? Given the Port’s limited jurisdiction – why did the Port choose to partner with State Lands on such a large and expansive area which the Port has no jurisdiction over, save a small sliver of submerged lands off Imperial Beach?	The Port of San Diego is a grantee of the State Lands Commission. The Port and the Commission share Public Trust management responsibilities over the tidelands and submerged lands within San Diego Bay and the State waters offshore San Diego County. Many significant Public Trust uses cross-cut both of these ocean areas, and therefore it was considered important to further our own understanding of the current conditions, uses, and

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. activities that take place throughout this space, to better inform decisions made in the future that will impact this interconnected area.
89	West Coast Fisheries Consultants	4. The Draft Report repeatedly states that all voices will be heard equally. Will all voices be given equal weight? The fishing industry is heavily reliant upon the Project Area and, arguably, has the most to lose through this process. Will our voices carry more weight that say a potential use which has no current presence in the Project Area?	The Preliminary Assessment Report is meant to record and summarize all input and feedback received from stakeholders. We've included this input into Section 4. Preliminary Assessment - Do you have suggestions for managing the ocean planning process here in San Diego?

DRAFT	Commenter	Comment	Response
		5. In the Executive Summary, the Project Area is defined as “the ocean space offshore San Diego.” Later in the Draft Report, on page 26, there is a boxed area entitled “What is the preliminary planning area”. For consistency sake, the verbiage used should be the same. Also – the use of the word “preliminary” is very concerning. Given the description of the preliminary planning area, it is unclear how the SDOPP could be extended beyond this area. In what way could the preliminary planning area change and under what authority?	We utilize the term "preliminary planning area" for purposes of data collection and clipping to an area. For purposes of the San Diego Ocean Planning Partnership, the area could only get smaller depending on feedback from stakeholders and data collected. Because it is solely inclusive of the submerged lands under the State Lands' jurisdiction, it would not expand beyond their jurisdiction. Please see the updated content in Section 3. Approach - Data Collection: "The boundaries of this area are subject to change depending on input from stakeholders. <u>It is important to note that the boundaries of this area will not increase, as this area currently encompasses the westward, northbound, and southbound extents of the Commission's jurisdiction in San Diego County. To expand this area would require extensive coordination and consultation with federal and state management agencies and stakeholders.</u>"
90	West Coast Fisheries Consultants		Please see the updated content in the Preliminary Assessment Report in Section 1. Purpose: <u>"Essentially, this first phase is a "visioning" process through which the Partners learned from stakeholders about their vision for the ocean space and what practical objectives and deliverables the SDOPP could fundamentally establish that aligns with that vision."</u>
91	West Coast Fisheries Consultants	6. The Executive Summary (and the public) would benefit from adding a list of Goals and Objectives of the SDOPP.	

DRAFT	Commenter	Comment	Response
92	West Coast Fisheries Consultants	7. Have other State Agencies, which have jurisdiction over the Project Area, been involved? If so, to what degree and how? Examples include the Fish and Game Commission, The Coastal Commission and the Department of Fish and Wildlife?	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please refer to Appendix C "Current List of Stakeholders," which lists both the California Coastal Commission (state office and local office), California Fish & Game Commission, the California Department of Fish & Wildlife (state office and local office) as well as other state and local agencies that have jurisdiction in the San Diego ocean space. The SDOPP has been in contact with the California Department of Fish and Wildlife (CDFW), the California Fish and Game Commission (FGC), and the California Coastal Commission (CCC) through the stakeholder engagement process and related interagency meetings. The Partners also worked closely with CDFW, FGC, CCC, and other state agencies to organize and participate in the Strategic Coastal Planning and Organizing for CA Native Nations Summit in July 2018 in San Diego. One day of this Summit focused exclusively on ocean planning, and included informational presentations about the SDOPP, as well as interagency discussions around coordination. Most recently, Commission staff presented the SDOPP pilot project at the November 2018 California Coastal Commission meeting. The SDOPP will continue to engage its local, state, and federal government agency stakeholders with overlapping but separate jurisdictions offshore San Diego to enhance communication, coordination, and collaboration.

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
93	West Coast Fisheries Consultants	8. The Draft Report repeatedly claims the process has been transparent. Do you stand by that statement?	Yes.
94	West Coast Fisheries Consultants	9. What level of involvement did State Lands have in the funding of the Port's Blue Economy Incubator Program? Have any other State Agencies helped in the funding? Has the Resources Legacy Fund contributed any funding either directly or indirectly?	The State Lands Commission is not involved in the Blue Economy Incubator.
95	West Coast Fisheries Consultants	10. The Draft Report indicates that SDOPP has held over 90 focused stakeholder meetings –In your efforts for transparency, do you plan to make a list of those meetings and the stakeholder groups who attended available to the public? And indicate how those organizations came to be consulted?	Please see Section 3. Approach - Public and Tribal Engagement on how stakeholders are defined, were identified, and how different stakeholder meeting types were structured. The list of stakeholders provided in Appendix C reflects all stakeholders who were contacted and invited to provide input to the SDOPP. We were able to hold focused stakeholder meetings with the majority of the stakeholders listed, beginning in Fall 2017, and continuing through Fall 2018. There are still some pending conversations that we would like to schedule before we release this information.
96	West Coast Fisheries Consultants	11. A few questions on the Data Collection in Appendix D:	Please see responses below:

DRAFT	Commenter	Comment	Response
			Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
97	West Coast Fisheries Consultants	12. How was vessel density measured? If Automatic Information System (AIS) data was used, it will underestimate the raw data as AIS is not required for all vessels which use the Project Area. AIS is currently required only on certain types of vessels (footnote: See 33 CFR §164.46(b)). The same would be true if Vessel Monitoring System (VMS) data was used. Like AIS, VMS is required on a small number of commercial fishing vessels which participate in specific federal fisheries	All metadata (information about a dataset, its intended use, source, date of publication, data limitations, etc.) will be made available for stakeholders to review while testing the Web Mapping Application before its public release. We will be able to answer specific questions and comments about datasets at that time. Certain features have been selected from larger datasets that have information that does not pertain to the project area (referred to as the "San Diego ocean space" or "preliminary planning area" in the Preliminary Assessment Report). For example, there are loggerhead turtle conservation areas active at certain times and certain conditions within the preliminary planning area that are included as part of a larger dataset with Leatherback Conservation Areas (which are not within the preliminary planning area). The dataset in Appendix D of the Preliminary Assessment Report included the full name of the dataset to better reflect the portion of the dataset that is relevant to this pilot project. Data outside of the preliminary planning area was reviewed as reference to complement other data. While the data is listed as reviewed, it may have been determined that it
98	West Coast Fisheries Consultants	13. Why is data that is clearly outside the Project Area included in the datasets (DGN closures, etc)? This would seem to unnecessarily complicate the project while adding no value.	Page 70 of 84 D

DRAFT	Commenter	Comment	Response Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. should not be incorporated into the Web Mapping Application.
99	West Coast Fisheries Consultants	14. What makes an area “biologically important area for Cetaceans”? Is this based on historical information or is it current - given increases in Cetacean population and local ocean conditions (El Nino, The Blob, and marine heat waves). Unlike the other types of data collected, this seems to require a judgment call and would be ripe for disagreements and debate. These questions and concerns would be equally applicable to the dataset on Whales Pacific Summer Density.	All metadata (information about a dataset, its intended use, source, date of publication, data limitations, etc.) will be made available for stakeholders to review while testing the Web Mapping Application before its public release. We will be able to answer specific questions and comments about datasets at that time. Questions about how a biologically important area for cetacean would be best directed to the source of the dataset, listed in Appendix D.

DRAFT	Commenter	Comment	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
100	West Coast Fisheries Consultants	15. Was any effort made to confirm the current validity of this kelp canopy data with the local fishing communities which are on the water on a daily basis?	All metadata (information about a dataset, its intended use, source, date of publication, data limitations, etc.) will be made available for stakeholders to review while testing the Web Mapping Application before its public release. We will be able to answer specific questions and comments about datasets at that time. Questions about the kelp canopy data would be best directed to the source of the dataset, listed in Appendix D.
101	West Coast Fisheries Consultants	16. Were any subject matter experts brought in to review specific datasets? Is it assumed that historical datasets will have value (or be useful) in the future?	The SDOPP compiled publicly available datasets with accompanying documentation for the application. The majority of these datasets are from authoritative organizations such as the National Oceanic and Atmospheric Administration (NOAA) or the California Department of Fish & Wildlife that have already been reviewed. Subject matter experts were not brought in to review specific datasets but we welcome input on specific datasets while we test the Web Mapping Application with stakeholders prior to its public release. Some datasets which otherwise may not reflect current conditions may still be useful for identifying historical trends and are often provided by authoritative sources of the underlying data.

DRAFT	Commenter	Comment	Response
102	West Coast Fisheries Consultants	17. Appendix D refers to Annual Commercial Landings in Tons by different gear types. Looking at the DFW's commercial fishing landing data – there is no such Report that breaks it down by gear type available on the website. How were these numbers obtained?	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
103	West Coast Fisheries Consultants	18. What methodology did you use to break down the DFW blocks into usable information?	The methodology was consistent with guidance from the California Department of Fish and Wildlife and will be made available for stakeholders to review as they test the Web Mapping Application.
104	West Coast Fisheries Consultants	19. Can you provide an example of an Essential Fish Habitat (EFH) Area which is protected from fishing? EFH are designed on a species (or complex) basis and while fishing for a certain species may be disallowed, fishing for other species continues. As an example, there are a number of offshore banks which are a part of the Cowcod Conservation area. Retention of certain species in these area is forbidden; but other species (tunas for example) are allowed.	All metadata (information about a dataset, its intended use, source, date of publication, data limitations, etc.) will be made available for stakeholders to review while testing the Web Mapping Application before its public release. We will be able to answer specific questions and comments about datasets at that time. Questions about Essential Fish Habitat Area would be best directed to the source of the dataset, listed in Appendix D.
105	West Coast Fisheries Consultants	20. Given that the California Recreational Fisheries Survey data is sparse (at best) – what methodology was used to convert that into something that is usable?	While these datasets have limitations, they will be included in the Web Mapping Application for reference and to potentially identify trends in certain areas. Further, all metadata (information about a dataset, its intended use, source, date of publication, data

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			Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. limitations, etc.) will be made available for stakeholders to review while testing the Web Mapping Application before its public release.
106	West Coast Fisheries Consultants	21. How will the overlays of various fishing closures be shown and used? Follow-up question related to Fishing Closures – Is BOEM the proper agency to get this information from? It would seem DFW, NOAA and/or USCG would be the proper Agencies.	A dataset's source may be listed in Appendix D based on a data portal from which it was originally acquired. The originator of the data will be included in the underlying metadata, with any alterations documented, and this metadata will be included in the Web Mapping Application before its public release. Economically Significant Sites refers only to sites identified by the California Department of Fish & Wildlife (CDFW) as "economically significant" when responding to oil spills. We originally intended for this dataset to be incorporated into the Web Mapping Application, however it will not be included. It is still listed in Appendix D because that list refers to all datasets that were reviewed by the Partners. We have updated the title of the dataset in Appendix D to further describe this.
107	West Coast Fisheries Consultants	22. Regarding "Economically Significant Sites" – it is assumed this will be defined. There also has to be an awareness that different users will have different views on whether a site is economically significant and what value to set as the baseline for determining the significance of a site.	Yes, the Marine Life Protection Act outlines the requirements for a "coordinated statewide marine spatial planning process." For further reference, please refer to Fish and Game Code, Division 3, Chapter 10.5. Marine Life Protection Act [2850-2863].
108	West Coast Fisheries Consultants	23. Do you stand by the statement on Page 30 that the MLPA required a "coordinated statewide marine spatial planning process"? The MLPA process was corrupt (at best) and was more concerned about restricting access to certain user groups (fishing).	Yes, the Marine Life Protection Act outlines the requirements for a "coordinated statewide marine spatial planning process." For further reference, please refer to Fish and Game Code, Division 3, Chapter 10.5. Marine Life Protection Act [2850-2863].

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109	West Coast Fisheries Consultants	24. How does aquaculture lead to increasing opportunities for fisheries? While it is beyond dispute that artificial reefs create fishing opportunities, is there an awareness that they also effectively close areas to certain gear types?	We recognize that these should be more specifically categorized to better explain how “aquaculture” and “artificial reefs” may provide increasing opportunities in the ocean space. Please see updated content in Section 4. Preliminary Assessment: "Increasing opportunities for fisheries <u>sustainable seafood harvest and habitat</u>"
110	West Coast Fisheries Consultants	25. Page 41 recounts other items to consider or be concerned with through this process. One of the items is to “Listen to all voices equally”. It is said that all stakeholders feel heard. Perhaps a better goal would that all stakeholders are heard.	This section is intended to represent what was stated directly by stakeholders. You bring up an important distinction of wording and, together, both statements should be worthwhile goals and we have updated content to reflect your input: "Listen to all voices equally: don't let one voice or the loudest voice take over the discussion; make sure all stakeholders feel heard <u>and are heard</u>..."
111	West Coast Fisheries Consultants	26. Page 48 addresses potential pilot projects. Has the SLC (or Port for that matter) identified any “select projects to evaluate the ‘Early Engagement’ framework”? If so, what are those projects; and do they have any connection to the Port’s Blue Economy Incubator?	Not at this time, but we welcome stakeholder input and suggestions.

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112	West Coast Fisheries Consultants	27. The Early Engagement Framework (pg 49) references the lease application process. Wouldn't it be a better idea to make more headway on the SDOPP before instituting the lease application process? Unless, and until, the SDOPP moves farther along in its processes – this seems very premature. If one economic use is forcefully displaced by another, is it contemplated that the new lease will provide compensation to the displaced user/group?	<u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Throughout the report, mention of "lease applications" specifically refers to leases issued by the State Lands Commission. Please refer to the section on "State Lands Commission Leasing Authority" for more information about this authority. As it comes up in the report, we have tried to clarify that "lease applications" refers to leases issued by the State Lands Commission. The intent of the development of an Early Engagement Framework is not to institute a new leasing process. Please see the updated content in Section 5. Moving Forward - Potential Next Steps for the Partnership: "The Commission may... and Commission staff during the <u>already established Commission</u> lease application process."
113	West Coast Fisheries Consultants	28. Page 50 addresses Periodic Assessments, has there been any consideration given to potential events (being natural or man-made) which may require immediate reassessments? Examples may include extreme El Nino events, major tsunami, major oil spills, or other man-made activities which impact local reefs and or eel grass beds?	The Web Mapping Application will be updated periodically to reflect newly available data. Available resources may otherwise limit how quickly this data may be incorporated. However, we will consider this recommendation given our staff's resources and welcome your input on the Web Mapping Application prior to its release.

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114	West Coast Fisheries Consultants	29. Page 51 outlines potential next steps for the Commission, has the Commission identified "other areas of the State that face similar complex challenges related to the ocean space and balancing Public Trust uses"? If so, what are those and how are they ranked in terms of priority?	Please see updated content in Section 5. Moving Forward: <u>"Finally, the Commission will explore using the SDOPP pilot project as a model for regional ocean planning projects that could be implemented in other areas of the state that face similar complex challenges related to the ocean space and balancing Public Trust uses, if there are the resources to do so. The Commission has not currently identified any additional regions in the state to apply this model."</u>
115	West Coast Fisheries Consultants	30. On Page 52 the following statement is made, "the Port's strategic location can benefit the SDOPP moving forward by proactively identifying pilot projects and/or partners interested in exploring opportunities in the ocean space." Can you explain how this is true and if any pilot projects and/or partners have been identified.	The Port and Commission are already involved in collaborative partnerships, and one of the purposes of this effort is to maintain and strengthen relationships with all stakeholders. As the local San Diego partner for the SDOPP, the Port can further this relationship-building through local stakeholder engagement and coordination, some of which is through partnerships, such as the MOA that the Port and the U.S. Navy entered into on coastal resiliency. Stakeholders will be given the opportunity to provide input on any pilot projects and, as stated in the report, the pilot projects would be intended to provide more information to stakeholders about how the Early Engagement Framework could be used and how it could be improved.

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116	West Coast Fisheries Consultants	I thank you for your time and consideration of the comments raised in this letter. The SDOPP remains a deep concern to fishermen and fishing groups in the Project Area and throughout the State. As you would imagine, any initiative which has a possibility of closing more waters to fishermen is one that fishermen and fishing communities follow closely.	Acknowledged.
117	U.S. Navy Region Southwest	We have reviewed the DRAFT and submit our comments on behalf of the Navy. These were written in an effort to ease your use of crafting language that we think needs to be portrayed in the document. Working off these comments you may be able to smooth them very easily into your document without much effort should you deem them appropriate for the assessment.	Acknowledged and thank you.
118	U.S. Navy Region Southwest	We also think a map depicting a visual summary of Port and Navy properties will help you clarify the need and value of a collaborative effort with the Navy in this endeavor. We have attached a simple map of Navy properties without annotation that you may use however you may have a better one that has more detail and annotation of Port and Navy properties.	Please refer to Section 2. Partnership – Coordination with the U.S. Navy in the San Diego Ocean Space for updated content.

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119	U.S. Navy Region Southwest	We have also attached the SDMAC Economic Impact study for your reference in which you will find information that portrays the economic significance of the military community in San Diego. It was from this document that our comment on acknowledgement of ocean uses and military economic was derived. Upon review of the SDMAC study you may find that you can expand further on our comment.	Thank you for this material, please refer to Section 2. Partnership – Coordination with the U.S. Navy in the San Diego Ocean Space for updated content.

DRAFT	Commenter	Comment We wish to take this opportunity to express our disappointment with the level of public engagement and stakeholder outreach that took place prior to the release of the Draft Report. Coastkeeper has on several occasions expressed to the Port and the State Lands Commission its interest in any efforts or attempts to provide a platform or framework for future coastal resource use, extraction, or preservation. Despite this interest, we were invited to meet only once with Port staff and their consultants for a total of 20-30 minutes to express our thoughts, concerns, and priorities surrounding these efforts. Other than what appears to have been a last-minute public meeting providing information and seeking input on the Draft Report, we were made aware of no other instances or opportunities to weigh in on the direction, substance, or purpose of the agency partnership or the framework as a whole. We hope that if any further actions are taken to advance the SLC-Port agreement or framework, a much more robust and meaningful public engagement process is undertaken.	Response <u>Bold and underlined</u> text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary.
120	San Diego Coastkeeper		We recognize and acknowledge this feedback with the public engagement process thus far. We plan to enhance public engagement moving forward, as communicating clearly and often and transparency were frequently heard suggestions through these focused stakeholder meetings. We are constantly improving our approach and hope to make opportunities to participate and be engaged better known in the future. Moving forward, enhancing and improving ongoing public engagement is one of our identified potential next steps and we have updated content in Section 5. Moving Forward - Potential Next Steps for the Partnership to include: "Stakeholders noted that the Partners could still continue to enhance and improve public engagement to make ocean planning more familiar to communities and raise awareness regarding specific projects and their anticipated impacts, benefits, and alternatives. Transparency is a foundational pillar, and as such, the Partners are committed to enhancing future public engagement. <u>"Communicating clearly and often" with the public and with stakeholders was a common piece of feedback that the Partners should prioritize when continuing public engagement.</u>"

DRAFT	Commenter	Comment	Response
121	San Diego Coastkeeper	Perhaps due to this lack of meaningful public engagement throughout this process, we are still unclear as to the specific purposes or intended uses of this partnership, framework, or tools that result. The Draft Report is careful to note that, “the intent of the Partnership is not to establish zones in the ocean space for specific uses, diminish the significance or purpose of previously established areas, nor promote specific ocean uses over others,” but it appears to speak more to what it is not meant to do that what it is meant to accomplish moving forward.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see the updated content in the Preliminary Assessment Report in Section 1. Purpose: <u>"Essentially, this first phase is a “visioning” process through which the Partners learned from stakeholders about their vision for the ocean space and what practical objectives and deliverables the SDOPP could fundamentally establish that aligns with that vision."</u> And updated content in the Section 3. Approach - Timeline <u>"With conclusion of the Assessment Phase, the Partners will further consider potential next steps, identified in the “Moving Forward” section of this report. Any subsequent phase of this pilot project will necessitate further public engagement and data collection to develop, define, and shape future deliverables and outcomes."</u>

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122	San Diego Coastkeeper	To the extent that comments are being sought on a future direction for ocean planning in the Bay and immediate coastlines off San Diego County, Coastkeeper does not believe such efforts are necessary, or even ripe for undertaking, at this time. While a mapping tool may provide useful to demonstrating what types of extractive, protective, or other uses exist currently, we urge great caution to the Port and SLC not to allow such a tool to be used in such a way that facilities industrial or other development which would further strain our coastal and ocean resources.	Bold and underlined text refers to content added to the report. Strikethrough text refers to content removed from the report. Bold text is used to refer to a specific section, when necessary. Please see updated content in Section 3. Web Mapping Application: <u>"The Web Mapping Application is an informational tool that makes ocean conditions and Public Trust use and resource data available and accessible to everyone. It is meant to inform decision-making, raise awareness about the ocean space, and facilitate collaboration, communication, and coordination. For example, for areas that are of particular interest for a proposed or existing use, the Web Mapping Application will not only provide information about environmental conditions of that area and how it is currently used, but also provide contact information for stakeholders and ocean users so that they may start a dialogue about issues of mutual concern and interest.</u> In addition, the ability to visualize multiple layers of data at one time could help inform management decisions, such as the Commission's process for considering lease applications in the ocean space. <u>The Commission will document the use of the Web Mapping Application when it informs the Commission's decision-making."</u>

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123	San Diego Coastkeeper	Finally, we are not convinced, and do not now believe, that further ocean planning efforts are necessary or warranted, as existing regulatory or legislative mechanisms (such as CEQA, Coastal Commission, and SLC review, among others) currently serve to ensure the protection and proper use of our marine and coastal waters.	This ocean planning process is distinct from other marine spatial planning efforts that took place in the past. This process is about putting together information and resources that everyone can reference for better, more-informed decision-making, founded on science and community engagement. All are invited to participate. It is the Commission's responsibility, as the manager of the public's lands, to expand its efforts to gather and use the best available science to make decisions about the lands entrusted to its care in the best interests of all Californians. This process and the Early Engagement Framework only seek to enhance the Commission's current lease application review process (referenced here).
124	County of San Diego	The Draft Preliminary Assessment Report does not directly address recreational trails as part of the recreational uses that are associated with the ocean space. Specifically, the California Coastal Trail (CCT), managed by the California State Lands Commission, is described in the County's Trails Master Plan as a planned regional trail along the coastline from the northern to southern border of the County.	We will contact you to determine the best way to include the California Coastal Trail in the Web Mapping Application.

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125	County of San Diego	According to the Department of Parks and Recreation's (DPR) current data, the CCT is only 69% complete with more than 20 mile of gaps in North County. In 2000, the CCT was recognized as a State and national resource, and the trail was designated as California's Millennium Legacy Trail. Per the 1975 California Coastal Plan, the trail should align along or near the coast, ideally near the shoreline.	Acknowledged. The Commission's land ownership jurisdiction ends at the ambulatory Public Trust boundary, as commonly measured by the Mean High Tide Line. The Commission is tasked with ensuring meaningful public access to the State's navigable waterways, and will work with other agencies who have jurisdiction and authority over adjacent lands to maintain and enhance public access, including through the use of recreational trails like the California Coast Trail.
126	County of San Diego	DPR requests that the California State Lands Commission consider the extension of the California Coastal Trail (CCT) along or near the coast as part of this Project.	We have also included this feedback into Section 4. Preliminary Assessment: Do you have suggestions for managing the ocean planning process here in San Diego?