



November 28, 2018

Ms. Betty Yee, Chair
California State Lands Commission
100 Howe Avenue Suite 100-South
Sacramento, CA 95825

Re: Agenda Item 76 – December 3rd State Lands Commission Meeting – San Diego Ocean Planning Partnership

Dear Chair Yee,

We are fishery representatives and associations who have been paying close attention to the San Diego Ocean Planning Partnership (“SDOPP”). Some of us have met numerous times with staff from both the Port and State Lands Commission (“SLC”). We have also submitted detailed comments on the SDOPP and the DRAFT Preliminary Assessment Report. We offer the following general comments on the action you will be considering during your 12/3/18 meeting – namely “Consider approval of the final Preliminary Assessment Report of the SDOPP.”

We appreciate SLC staff sharing a draft of the final Preliminary Assessment Report (“Final Report”) as it afforded us the opportunity to prepare this comment letter in a timely fashion. To the extent the SDOPP will result in: (1) development of a conflict resolution process and (2) design of a Web Mapping Application that displays datasets of ocean and marine-related information within state waters offshore San Diego County; we are supportive. We see the value of these outputs; and think they are in line with similar efforts outside of California. These outputs reflect what we have been told by Port and SLC staff and is in line with certain verbiage in the Final Report. We also applaud the SDOPP’s “foundational pillar” of transparency and suggest more needs to be done to meet this requirement. While we acknowledge the difficulties surrounding stakeholder engagement of a project this broad, we would be remiss if we did not point out that transparency – at least with regard to commercial fishing interests – has not been achieved. We are encouraged that your staff has recently engaged us directly; and we hope this continues as the SDOPP moves forward.

We do remain concerned about possible implications of the SDOPP based on the Final Report and repeat concerns raised about the need to amend the October 2016 Memorandum of Agreement (“MOA”). In our perfect world, the MOA would be amended prior to approval of the Final Report; but understand this may not be likely under the circumstances.

1. SDOPP – possible implications

We appreciate the numerous statements in the Final Report that ocean zoning is not an intended outcome of the SDOPP. We are concerned with the repeated references to “ocean planning” given how that phrase is currently

defined in the Final Report. “Ocean planning” is “an effort to sustainably plan for the ocean space by considering and balancing all uses (commercial, recreational, environmental, biological, and others), while minimizing conflict.” (See P. 27 of the Manuscript Draft). This, arguably, contains language upon which zoning of the ocean could result.

We suggest the Final Report strengthen the intent of the SDOPP by indicating that ocean zoning will not result from the SDOPP. We further suggest the definition of “ocean planning” be amended to read, “a science-based and data-driven tool for stakeholders and Agencies to cooperatively analyze, address and solve potential issues with regard to that space. Ocean planning provides information and cross-sector engagement that can help identify and resolve potential conflicts early, helping decision makers in the private and public sectors to do their jobs better.”¹

We expect that individuals and groups which offered comments on the Draft Preliminary Assessment Report will be commenting on the Final Report separately.

2. Need to amend the MOA:

The MOA suffers from a number of deficiencies: primarily a lack of clarity and revocation of the Executive Order upon which the MOA is based. In our view, the MOA can be read in a way that supports zoning of the ocean in the project area. We, other users (both current and prospective), and the public would benefit from amending the MOA to provide necessary clarity that ocean zoning will not be a future outcome of the SDOPP.

In June of this year, Executive Order 13547 was revoked and EO 13840 implemented. This new EO defined purposes, goals and objectives which differ substantially from the EO upon which the MOA is based. The third full paragraph, on Page 2 of the MOA, starts as follows: “The effort the Parties are undertaking aligns with the marine conservation and resource management goals of the National Ocean Policy”. This is a factually incorrect statement as these are no longer goals of the Ocean Policy as described in EO 13840. One of the purposes of the current Ocean Policy is maintaining and enhancing “our fisheries resources” which “help feed the Nation and present tremendous export opportunities”.

Overall, we are encouraged by the direction the SDOPP is headed and hope that it continues. Our review of the Final Report shows many of the concerns and comments submitted on the Draft Preliminary Assessment Report have been addressed. We remain committed to working with SLC and Port staff in the future.

Sincerely,

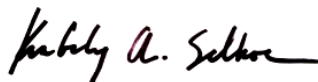
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¹ Derived from the Northeast Ocean Plan and www.Keeptheoceanworking.com