



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

November 29, 2018

Re: Comments on Agenda Item 76 – December 3rd State Lands Commission Meeting – “San Diego Ocean Planning Partnership” (“SDOPP”)

Dear Chair Yee,

The San Diego Fishermen’s Working Group (“SDFWG”) is a 501-c-3 non-profit dedicated to representing the commercial fishing men and women of the greater San Diego region, and educating the public about commercial fishing issues. The SDFWG’s Board of Directors is comprised of representatives of all the major fisheries, and gear types, operating in this area. We have been substantially engaged with Port and SLC staff throughout the SDOPP process, since we first learned of its existence in December, 2017.

In the Final Preliminary Assessment Report (“Report”), the SDOPP is portrayed as providing essentially two products: 1) a web-based geographic tool that attempts to capture known data as to existing ocean uses, and 2) guidance for an “early assessment” of potential conflicting uses, and a path towards conflict resolution. These are worthy goals of this process, and the SDFWG supports them as stated.

The Report repeatedly states that “ocean zoning” is not an intended outcome, a statement that the SDFWG appreciates, as we see zoning as a messy and inherently inaccurate instrument. There remain elements of the Report and the Memorandum of Agreement, on which the Report is based, that remain a concern to our Board and our members:

- The MOA is clearly no longer accurate, as it reflects a National Ocean Policy which was replaced last June. Further, many of the goals of the Report don’t align with those

stated in the MOA. It is puzzling to the SDFWG why the Report, which references the MOA, is being adopted before necessary amendments to the MOA are adopted.

- Although there are clear statements in the Report that ocean zoning is not an *intended* outcome, there are numerous references to ocean planning, leading to decisions, allowing for differing interpretations. The MOA and Report would be improved by clearly stating that the purpose of the plan and planning is to develop a fair and robust early assessment/conflict resolution *process*
- The Port as a partner in the SDOPP is knowledgeable of meeting Public Trust requirements. However, the Report fails to make it clear that the Port has no authority or responsibility to manage such uses offshore—an environment that we see as much different from San Diego Bay.
- In earlier comments on the DRAFT Report, the SDFWG pointed out that the Port, and perhaps even the SLC at times, may have a direct or indirect economic interest in potential offshore uses. Under its Blue Economy Incubator program, the Port is a partner in activities which could require use of areas within the Project Area – for example: offshore aquaculture projects and seaweed farming. For the SLC, a potential conflict could arise when it considers non-revenue producing uses of submerged lands versus proposed new uses which produce lease revenue. The potential for a conflict of interest in a future conflict resolution process is not addressed in the final Report, but it should be. A stakeholder should not be in charge of the process.
- The SDFWG greatly appreciates the repeated commitment to an open and transparent process, with early and full public outreach. We must point out that this has not always been the case in developing the draft and final Reports. We are encouraged by more recent staff engagement with our organization and other commercial fishing groups and representatives.
- We feel that there are good recommendations found in the “Goals” and “Next Steps” sections of the Report. The SDFWG hopes that we will be allowed to work collaboratively with the SDOPP partners in developing, defining and refining those next steps; especially in the development of a fair and impartial conflict resolution process.

Thank you for considering the comments of the San Diego Fishermen’s Working Group.



Pete Halmay
President