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Fish and Game Commission



Sonke Mastrup, Executive Director
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September 15, 2014

Mr. Jason Ramos, Project Manager
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825

Subject: Revised Analysis of Impacts to Public Trust Resources for the Broad Beach Restoration Project

Dear Mr. Ramos:

On behalf of the California Fish and Game Commission (Commission), I am writing to share our concerns with the proposed Broad Beach Restoration Project (Project) currently under consideration by the California State Lands Commission. The Commission is concerned about that portion of the Project that will take place within the Point Dume State Marine Conservation Area (SMCA), which is protected under California Code of Regulations Title 14, Section 632.

Our Commission adopted the Pt. Dume SMCA as part of a redesigned network of marine protected areas (MPAs) along the California coast, created under authority of the Marine Life Protection Act (MLPA). Among other goals, the network is designed to protect the natural diversity of marine life and the structure, function, and integrity of marine ecosystems. To achieve that goal in Southern California, the Commission adopted MPAs that include representative areas of the south coast marine environment as well as unique and critical habitats.

Each MPA in the coastal network has specific objectives designed to help achieve the goals of the MLPA. The Pt. Dume SMCA was established to protect "some of the most diverse habitats in Los Angeles County"¹, including unique rocky reef structures, extensive kelp and surfgrass, diverse understory algal habitat, and the biological diversity associated with those habitats. Consistent with those values, state regulations were designed to provide a very high level of protection, achieved in part through prohibiting fishing except for highly mobile species that are transient within the MPA. Additionally, this SMCA was co-located with the Mugu Lagoon to Latigo Point Area of Special Biological Significance to take advantage of the water quality protections afforded by the State Water Resources Control Board.

¹ http://www.dfg.ca.gov/marine/pdfs/scsr_description_ipa.pdf

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The Commission believes that the proposed Project should not be allowed to diminish the values that the MPA was established to protect. We are concerned that the proposed Project may have significant adverse long-term impacts within the MPA. Specifically, we are concerned that rocky reef and surfgrass habitats may be buried under sand. While the Pt. Dume SMCA regulations allow certain sand nourishment and other sediment management activities, burial of rocky and biogenic habitat is inconsistent with the intent of this provision. We understand that the California Department of Fish and Wildlife has submitted comments that provide more detail about these potential impacts.

To protect the marine resources within Pt. Dume SMCA consistent with our intent to provide a high level of protection, the Commission requests that the State Lands Commission not issue a permit for work that would cause avoidable harm to the SMCA. Alternatively, we recommend that you work with the Department of Fish and Wildlife to identify how to avoid or minimize potential impacts to intertidal and subtidal rocky and biogenic habitat impacts from the proposed Project, or any other chosen alternatives.

We understand that the Project applicant may introduce changes that could meaningfully address our concerns regarding adverse impacts in the MPA. We welcome this development and request the opportunity to review any new Project elements.

Thank you for the opportunity to comment and for your thoughtful consideration of these concerns as the State Lands Commission considers whether to issue a lease for portions of the Project within its jurisdiction. If you have any questions, please contact Susan Ashcraft, the Commission's Marine Advisor, at Susan.Ashcraft@fgc.ca.gov or 916-653-1803.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Sutton", with a long, sweeping horizontal line extending to the right.

Michael Sutton
President

ec: Members, California Fish and Game Commission
Sonke Mastrup, Executive Director, California Fish and Game Commission
Catherine Kuhlman, Executive Director, Ocean Protection Council
Charlton Bonham, Director, California Department of Fish and Wildlife
Craig Shuman, Marine Region Manager, California Department of Fish and Wildlife
Charles Lester, Executive Director, California Coastal Commission
Samuel Unger, Los Angeles Regional Water Quality Control Board
Paul Hann, Environmental Program Manager, State Water Resources Control Board