

ADDENDUM TO FINAL STATEMENT OF REASONS
Section 632, Title 14, CCR
North Central Coast Marine Protected Areas

Continuation of Item IX. Summary of Primary Considerations Raised in Opposition and in Support of the Proposed Changes Provided in the March 15, 2010 Continuation Notice:

Paul Weakland, oral comments at April 8, 2010 Commission meeting.

1. He stated that he does not believe the changes in the 15-day notice were inadvertent omissions. He stated that he heard they were whole new suggestions.

RESPONSE: As explained in the Continuation Notice, errors in coordinates included in the preferred alternative were identified subsequent to the Fish and Game Commission adoption hearing on August 5, 2009 and do not reflect new proposals. The erroneous coordinates were corrected to match the correct locations of the proposed MPAs in the preferred alternative, as depicted in the maps contained in second amended ISOR. These maps were reviewed by the public during the Commission public process, which officially started at the Notice hearing in October 2008, although drafts of the preferred alternative maps were circulated for ten months prior to publication of the coordinates in the second amended ISOR (April 2009).

2. He stated that Point Reyes Headlands, Estero de Limantour, Point Resistance Rock, Double Point, Stormy Rock, and especially Farallon Islands Special Closure areas were not covered in the original dialog for this rulemaking package. He stated that these MPAs constitute new material and require a 45-day public comment period.

RESPONSE: This is not accurate. The special closures were included in the original rulemaking package, and were detailed in Table 2 of Attachment 14 to the Second Amended ISOR, which detailed the BRTF motion for the Integrated Preferred Alternative (IPA). These special closures, as reflected in the Second Amended ISOR, were included in the FSOR and Continuation Notice as originally described.

3. He stated that the new coordinates, especially the ones for the Fisherman's Bay boundary expands the area of the MPAs.

RESPONSE: Mr. Weakland's reference to Fisherman's Bay pertains to the Southeast Farallon Island Special Closure in Subsection 632(b)(32), not an MPA. As stated in the Continuation Notice, this coordinate was a correction to an erroneous coordinate and was updated to match the maps and description as intended. Also see Response 2 regarding special closures.

4. He stated that prior to the Farallon Islands Sanctuary, fishermen did not anchor closer than 300 feet and that they put their exhaust under the water to reduce noise and that these measures did not affect bird migration or birds. He stated that there is no science or biological necessity for these measures.

RESPONSE: Mr. Weakland is referring to the special closures at the Farallon Islands. The restrictions on boating and operations indeed were originally established in the Farallon Islands

State Marine Conservation Area for purposes of noise abatement to protect sea birds. The adopted regulation retained these existing restrictions within a special closure designation. Rationale explaining the biological benefits of special closures in reducing bird disturbance events was provided by the MLPA Science Advisory Team, and is detailed in Attachment 11 to the Second Amended ISOR.

5. He stated that the MPAs hinder safety because the Farallon Islands are 26 miles from San Francisco and there is no where to anchor.

RESPONSE: This is incorrect. The Special Closure at the Southeast Farallon Island restricts access, including anchoring, except as permitted by federal law or emergency caused by hazardous weather, and specifically exempts Fishermen's Bay and East Landing from the closure area to allow for mooring and anchoring in two key harbors at the island (subsection 632(b)(32)(B)). Anchoring in MPAs is allowed unless specifically prohibited in subsection 632(b), and is not restricted in any MPAs at the North Farallon and Southeast Farallon Islands.

6. He stated that the Coast Guard will be in violation if it uses its own mooring site at the Farallon Islands.

RESPONSE: This is incorrect. The Southeast Farallon Island Special Closure exempts employees of the United States Coast Guard, in performing their official duties, along with other entities specified in subsection 632(b)(32)(C), from special closures that prohibit entry into the area.

7. He stated that he hand-delivered written comments to the Department of Fish and Game's Santa Barbara field office.

RESPONSE: The Commission and the Department are separate entities. The notice clearly indicated that written comments were to be submitted to the Commission's office in Sacramento via postal mail, e-mail or fax. Nevertheless, the Commission contacted the Department's Santa Barbara field office and diligently searched for Mr. Weakland's letter, but it could not be located.

8. He stated that the 1000 foot closure areas described in the 15-day notice are different than the 1000-foot closure areas in the original notice.

RESPONSE: See Response 2 above.

Samantha Murray, oral comments at April 8, 2010 Commission meeting

1. She stated that her organization enthusiastically supports the confirmation of the regulations as outlined in the 15-day notice.

RESPONSE: Support noted.

2. She urged the implementation of the regulations as soon as possible and stated that her organization would like the regulations to go into effect on May 1, 2010.

RESPONSE: Comment noted.