

From: Eckerle, Jenn  
Sent: Tuesday, October 13, 2015 4:40 PM  
To: CEQA Guidelines@CNRA  
Cc: Dawson  
Subject: CEQA guidelines update

Please accept the following comments on the preliminary discussion draft for OPR's CEQA guidelines as you develop a final draft.

OPR's comprehensive update of CEQA guidelines provides a timely opportunity to include specific guidance for avoiding or minimizing impacts to California's new network of marine protected areas. We note that this task was explicitly included in the Marine Protected Area Statewide Leadership Task Force Work

Plan<[http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20150922/Item5\\_Attach2\\_MPALeadershipTeam\\_Workplan\\_FINALv2.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20150922/Item5_Attach2_MPALeadershipTeam_Workplan_FINALv2.pdf)> endorsed by the Ocean Protection Council, chaired by Secretary Laird at their September 22, 2015 meeting. See Work Plan Key Action Item 3.2.3 on Page 10 which reads: "draft MPA specific guidance for potential inclusion in next Office of Planning and Research CEQA guideline update."

Inclusion of language referencing California's network of state marine protected areas within the CEQA guidelines would be consistent with the revisions already included in OPR's discussion draft regarding improving biological resource impact analyses. Furthermore, including such language in the CEQA guidelines would help integrate California's MPAs into the state's environmental review process, consistent with the Memorandum of Understanding for Implementation of the Marine Life Protection Act signed by the California Ocean Protection Council, California Natural Resources Agency, California Department of Fish and Wildlife, California Fish and Game Commission, California Department of Parks and Recreation, State Water Resources Control Board, California Coastal Commission, California State Lands Commission, California Ocean Science Trust, and Resources Legacy Fund that went into effect in March 2015 and has since been joined by several federal agencies as well.

Specifically, we recommend that the sample checklist, Appendix G, include references to marine protected areas, as follows:

Page 54, IV. Biological Resources. Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on state or federally protected wetlands or state marine protected areas as defined by Fish and Game Code Section 2850-2863 and Public Resources Code Section 36700-36900 as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

On Page 62, XI. Open Space, Managed Resources, and Working Landscapes: Would the project adversely affect open spaces containing natural resources and working landscapes? Considerations may include, among others, whether the project would:

- a) Adversely impact open space for the preservation of natural resources, including, but not limited to:
  - (i) habitat required for the preservation of fish and wildlife species, including habitat corridors and state marine protected areas;
  - (ii) waters of the state; or
  - (iii) unique paleontological resource or site or unique geologic feature?

Thank you for considering our comments and we look forward to participating in the formal rulemaking process.