



**To:** cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
**Cc:**  
**Bcc:**  
**Subject:** Fw: PSLCFA NOAA/NMFS comment letter  
**From:** James Patterson/BOS/COSLO - Monday 10/29/2012 03:30 PM  
**Sent by:** Amy Gilman/BOS/COSLO

----- Forwarded by Amy Gilman/BOS/COSLO on 10/29/2012 03:30 PM -----

**From:** brian stacy <bstacy166@yahoo.com>  
**To:** jpatterson@co.slo.ca.us  
**Cc:** bgibson@co.slo.ca.us, pteixeira@co.slo.ca.us, jpatterson@co.slo.ca.us, fmecham@co.slo.ca.us, Adam Hill <ahill@co.slo.ca.us>  
**Date:** 10/29/2012 01:14 PM  
**Subject:** PSLCFA NOAA/NMFS comment letter

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Dear Chair Patterson and Board members, Here are my comments to NOAA from a couple weeks ago. They sum up most of our concerns and hope they help you make a informed decision. They have also been provided to the CCC.

Chair Patterson please allow me two trips to the podium one at the begging of each segment. I would like to keep my comments focused and not blend the two seperate issues. Or perhaps allow others to "cede" their time as I have had many offers to do so and my fishermen have offered as well.

And provided I am givin the oppertunity to answer any questions that the board may already have it may not be needed. Perhaps if there are some from the information I have provided or this letter they could be addressed upfront and save me from talking to much as I am not one that enjoys time at the mic. in this type of setting.

Regardless of which approach you feel is best, I hope you find a way to recomend not issuing a permit for HESS. And find a way to help solve the problems created by issueing permitts for the current tests without a public process. Please let me know if there will be any changes to the one time to the podium three minute rule?

Thank you for your conscideration of these issues. Feel free to call if you have any questions.  
Brian Stacy V.P. PSLCFA 805-225-1316



Port San Luis Commercial Fishermens Associatio2[1].docx

## **Port San Luis Commercial Fishermen's Association (PSLCFA)**

October 24, 2012

Mary Shallenberger, Chair

California Coastal Commission

45 Fremont Street Suite 2000

San Francisco, CA 94105

### **RE: Opposition to Pacific Gas & Electric Seismic Survey:**

**Consistency Certification and Coastal Development Permit (E---12---005 and CC---027---12)**

Comments on Proposed High Energy Seismic Survey (HESS) off OUR coast

Dear Chair Shallenberger and Honorable Commissioners,

Hello, Thank you for accepting these comments and I hope you weigh them when making your decision on PG&E's request to perform the HESS within our coastal fishing waters. We urge you to deny both the Consistency Certification and the Coastal Development Permit. The proposed project violates several codes of the Coastal Act, but most importantly to us, it violates our right to make a living fishing sustainably in our local ocean waters.

**Section 30234.5 - Economic and Recreational Importance of Fishing. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.**

My name is Brian Stacy, and I am a lifelong resident of Morro Bay (47yrs). I am a 24-year local fisherman, and I started my career in the shallow water fishery now known as the "Nearshore fishery." I am the current V.P. of PSLCFA, and for the past 13 months I have been one of the main representatives in regards to the unproductive, "NON-negotiations" with PG&E for fisheries displacement and resource damage mitigation to fishermen due to PG&E's proposed HESS. I have been frustrated by PG&E's failure to negotiate in good faith. We fishermen have learned about the destructive nature of the HESS, and the 250 dB seismic surveys, which are new to our knowledge of the ocean.

We OPPOSE these tests being permitted and conducted and have joined the C.O.A.S.T. ALLIANCE AND SUPPORT THEIR EFFORT TO STOP HIGH ENERGY SEISMIC SURVEYS HERE.

I will share my experience and knowledge I learned through a year and a half of wasted time dealing with PG&E proposing this project, and their unethical business practices. PG&E refuses to reimburse the fishing associations for legal and consulting fees incurred in our review of THEIR project. It is very difficult for fishermen to take time off work, pay gas to unproductive meetings, spend time preparing and participating in a bogus process where PG&E's only intention seems to have been to stall us to this point.

Too much valuable time and money has been spent by fishermen to understand this proposed project, which we have learned is not mandated by AB 1632, as some might have you believe. I feel my experience is relevant in your deliberations in regards to this project and any authority or influence you may have to deny a permit or advise others to do so. It should provide you enough insight to understand why PG&E should not be permitted to do the HESS. I will also share why PG&E should not have been allowed to do the low energy seismic surveys (LESS).

I will first touch on the LESS and the problems with it. The proposal for the LESS permit did not go through a CEQA process as it should have. There was no EIR or current MND to go with this project even though it was conducted around protected areas like the RCA, MPA and under the MLPA. None of these protected

marine areas were referenced in the environmental document Furgo (PG&E's contractor) was allowed to use under the California State Lands Commission's (CSLC) outdated Geophysical Survey Permit Program (GSPP). There was also no mention of current fisheries we utilize like hagfish and nearshore, the ones that were directly impacted by the LESS. Although using a totally inappropriate and outdated permit, Furgo did not even comply with the mitigation measures outlined in the 1984 MND 358 and GSPP that CSLC issued their "umbrella" permit under.

Further, CSLC refuse to accept complaints on or do monitoring after complaints were made, or enforcement of any of the inappropriate mitigation measures that were outlined in the two outdated documents. Also, they refuse to recognize the update, "guidelines to reduce conflicts between "geophysical surveys and fishermen," that was produced by Fishermen and oil companies in 1989 through the "Joint Oil Fisheries Liason Committee" in response to problems that had arisen after the 1984 program was introduced and implemented.

This background is all relevant because you are reviewing a document. The HESS EIR, that was produced by the same entity and full of inadequacies and unmitigated impacts. I thought you might like to know of the LESS situation in regard to CSLC and the project applicant, as I made Both aware of the problems.

Many problems arose from the LESS, and I believe the LESS was an Illegal seismic survey because our rights under CEQA were not provided to us by CSLC Staff. First to my area, the Nearshore, fish suffered from mortality issues (abnormal amount dying in the tank) and the catch was down by 50% in Port San Luis, and there were behavioral issues as well – a lot of fish were found to be weak. The halibut trawlers catch dropped off to near nothing, and the Hagfish fishermen were displaced as well and their catch was down 50% too. All of this happened after the ship performing the LESS showed up unannounced.

There was displacement of fishing effort by the survey vessel and noise issues as far as catching fish. The whales and bait left after the last LESS showed up unannounced creating a tourism impact to Avila and the harbor. None of these problems were Identified before they happened or mitigated after. Had we been

provided our due process under CEQA, we would have fought for all of these problems to be fully addressed, studied and mitigated as needed., alongside other California residents.

As far as the fishermen I represent go, I registered a complaint with the HESS applicant PG&E and they said "it was not their permit," but that they were "prepared to compensate the displacement of fishermen" only. They gave me a "refrigerator claim form" (fridge form) the type they give out if the power goes out and there is "food spoilage." PG&E has not created forms for fishermen, and PG&E expects fishermen to drive to the Templeton office many miles away.

Also, PG&E said they were going to pay the claims, and later they rejected them after stalling until that survey was over. PG&E told me to pass out the forms to affected fishermen, and I did. I indicated to PG&E that it was not a "fishing type of claim form," and that we should have had meetings and negotiated a process for claims, and forms qualifying criteria ect., and I asked were they prepared to do that now? PG&E refused to discuss it as it was not their permit, so they said. I asked "how did your contractor get a permit without us having a chance to review and comment and negotiate for fair mitigation for my fishermen and to identify impacts on our resources and get agreements in place to mitigate all the above. They indicated talk to FUGRO; it is their permit.

These problems happened after 12-4-11 when the unannounced 20 day LESS began. My life since PG&E refused to mitigate the fishermen has been very difficult. These problems all happened on the heels of the HESS negotiations beginning, and we fishermen have achieved nothing in regard to those. PG&E's dismissive treatment of the fishermen they displace with their surveys, and their utter disregard for our rights as established businesses, and our permits to catch fish, and our right to make a living. Unfortunately, the same can be said for PG&E's concern for the marine resources they will further disrupt should the HESS be permitted and allowed in the same general area, which I really hope it is not.

The problems are compounding: the CEQA violations, the failure to enforce mitigation measures, the fishery related issues, the overall resource issues, the compliance issues, the data poor issues, the failure to address MLPA, MPA, RCA

issues, the no compensation issues, the no agreements issues, the no baseline data issue, the noise related issues, the NO CURRENT ENVIRONMENTAL ASSESSMENT OR DOCUMENT pertinent in today's regulatory environment issues, the applicable fisheries issues. All of these problems can be traced back to denial of our rights to review a proposed permit for seismic testing like this under CEQA.

As fishermen we have a pretty good knowledge of our local ocean resources and how they could be affected by different events that happen in the ocean environment, from a "EL NINO" event to what our concerns would be with a "LESS" and most things in between. My personnel feeling about the worst thing from the LESS being conducted without review is that we lost a golden opportunity to collect data prior to these possibly surveys starting. As we did with the HESS, we fishermen would have called for a current baseline of data to be gathered so we could identify impacts after the LESS.

Now, I see that could have been applied to the HESS as well. The LESS has already had impacts on the resources, and we may never be able to know for sure what they are. More than 6 dolphins died, some seals, and a couple of sea otters, I was told they did not do mammal monitoring at all. So, we do not know what kind of harassment the whales and dolphins may have had bestowed on them, or if they were injured or killed as with no mammal monitoring, as was outlined in that old MND they used, and we will never know the full impact of the missing birds, fish, and other marine life. We have not been told the decibel level that the survey vessels used. We believe they were on the "high side" of whatever is considered low intensity.

CSLC staff told me last week that they didn't follow through because "they are too broke to provide public process and produce a new environmental document for the LESS. CSLC also refused to allow a complaint on my second attempt as well, and refused to do any enforcement too. CLLC indicated the contractor Fugro had "complied with all mitigation measures" because "Fugro told us they had," even though I was offering evidence to the opposite. They refused to take a complaint or do anything at all. They did say that currently PG&E is working on a new MND

for the LESS----- so maybe I accomplished something—after the fact and the destruction. But it makes you wonder "why not before they began LESS?"

I neglected to mention that Richard Greenwood, the CSLC staff member in charge of these surveys, was unable to produce a copy of MND 358 or the GSPP, even though he was giving out those permits. CSLC had not placed them on the website either. Two fishermen have made two formal complaints to CSLC on LESS, and CSLC has taken NO action, and they have refused to either take a complaint or monitor for compliance after I MADE THE FIRST ONE ONLY ALLOWED THEM TO GO ON. This staff developed the inadequate EIR that is lacking in so many areas that you are preparing to make a decision based on. Has anyone seen the section on the Western Grey Whale?

I think the main points I want to make are the Lack of regard for OUR CEQA rights, potential impacts to the marine resources, the needs of fishermen and their families, and the frustration the fishermen feel when PG&E does not value us and the work we do to maintain sustainable local fisheries.

Lessons learned through this process: or lack thereof:

1. PG&E cannot be trusted---not with such a valuable marine resource as our central California Ocean. They cannot be trusted to compensate affected businesses and municipalities or anybody impacted by their operations anywhere--- look at the poor folks in San Bruno and others.

2. CSLC will overlook any violation and do not understand the words mitigation, enforcement, monitoring, compliance, complaint, process, and a few others or CEQA either. We had no way or opportunity to comment. And, the current EIR for HESS would need a substantial upgrade to be inadequate----- I was being kind!

I have others, but it would seem like I resent this HESS process and LESS issues eating up so much of my life because I volunteered to be abused by PG&E when I first allowed myself to be elected "Nearshore fishermen's representative," and later, when I allowed myself to be elected V.P. of PSLCFA and become lead on this Issue. I work to protect my fellow fishermen, our marine resources, and to stop

the destruction of our marine ecosystem. I urge you to do the right thing and deny the permit and reject this destructive and intrusive unmandated project.

As fishermen, we just learned another survey vessel is arriving in our waters November 4, 2012 and will be prepared to perform sonar. How many covert activities have been occurring within our sustainable local fishing waters?

Thank You for your time and consideration in regard to this matter.

Brian Stacy, Vice President Port San Luis Commercial Fishermens Association

*PSLCFA is a member of the C.O.A.S.T. Alliance and supports their efforts to stop permitting of this project and the project itself for the sake of our local resources!*



**Fw: Ask the Coastal Commission to Stop Seismic Testing off California**

**James Patterson** to: cr\_board\_clerk Clerk Recorder

10/29/2012 03:32 PM

Sent by: **Amy Gilman**

----- Forwarded by Amy Gilman/BOS/COSLO on 10/29/2012 03:32 PM -----

From: Anne Leone <mail@change.org>  
To: jpatterson@co.slo.ca.us  
Date: 10/29/2012 03:30 PM  
Subject: Ask the Coastal Commission to Stop Seismic Testing off California

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Greetings,

Ask the Coastal Commission to Stop Seismic Testing off California

Supervisors,

In the early exhibits for the staff report on seismic testing, both Supervisor Frank Mecham (2010) and Supervisor Adam Hill (2011) signed letters asking for an expedited process for seismic testing -- due to the then recent discovery of the Shoreline Fault. These letters were written before the CEQA (California Environmental Quality Act) process did it's job, identifying the environmental impacts of the project through the Environmental Impact Report and supporting studies.

Now that we all are aware of the serious risks to the marine environment and that the Nuclear Regulatory Commission has deemed the power plant safe from the potential effects of the Shoreline Fault, it is perfectly reasonable to RECONSIDER the project in full.

Countless agencies, organizations and individuals are calling for a stop to the project. With your help it will be.

Thank you,

Julie Tacker (On facebook: Stop the Diablo Canyon Seismic Testing)

This is a horrific idea. Not only would it kill thousands of innocent animals, but their loss would impact the environment we cannot foresee. Our planet's natural systems are delicate, interdependent and unbelievably complex – developed over millennia – and when we mess with them, we are tinkering in things we do not fully understand. Moreover, and most importantly, our lack of understanding makes it hard to accurately predict the full ramifications of our actions.

Anne Leone  
Medina, Ohio

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/san-luis-obispo-county-board-of-supervisors-ask-the-coastal-commission-to-stop-seismic-testing-off-california>. To respond, [click here](#)



**Fw: Ask the Coastal Commission to Stop Seismic Testing off California**

**James Patterson** to: cr\_board\_clerk Clerk Recorder

10/29/2012 04:21 PM

Sent by: **Amy Gilman**

----- Forwarded by Amy Gilman/BOS/COSLO on 10/29/2012 04:21 PM -----

From: Jean Lyon <mail@change.org>  
To: jpatterson@co.slo.ca.us  
Date: 10/29/2012 03:43 PM  
Subject: Ask the Coastal Commission to Stop Seismic Testing off California

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Greetings,

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Thank you,

Julie Tacker (On facebook: Stop the Diablo Canyon Seismic Testing)

There is no 'acceptable take'. Stop seismic testing!

Jean Lyon  
Morro Bay, California

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**Fw: Ask the Coastal Commission to Stop Seismic Testing off California**

**James Patterson** to: cr\_board\_clerk Clerk Recorder

10/29/2012 04:23 PM

Sent by: **Amy Gilman**

----- Forwarded by Amy Gilman/BOS/COSLO on 10/29/2012 04:22 PM -----

From: Dorothy Upton <mail@change.org>  
To: jpatterson@co.slo.ca.us  
Date: 10/29/2012 03:52 PM  
Subject: Ask the Coastal Commission to Stop Seismic Testing off California

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Ask the Coastal Commission to Stop Seismic Testing off California

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Thank you,

Julie Tacker (On facebook: Stop the Diablo Canyon Seismic Testing)

Dorothy Upton  
Los Osos, California

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**Fw: Ask the Coastal Commission to Stop Seismic Testing off California**

**James Patterson** to: cr\_board\_clerk Clerk Recorder

10/29/2012 04:39 PM

Sent by: **Amy Gilman**

----- Forwarded by Amy Gilman/BOS/COSLO on 10/29/2012 04:39 PM -----

From: Vivian Krug <mail@change.org>  
To: jpatterson@co.slo.ca.us  
Date: 10/29/2012 04:25 PM  
Subject: Ask the Coastal Commission to Stop Seismic Testing off California

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Greetings,

Ask the Coastal Commission to Stop Seismic Testing off California

Supervisors,

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Countless agencies, organizations and individuals are calling for a stop to the project. With your help it will be.

Thank you,

Julie Tacker (On facebook: Stop the Diablo Canyon Seismic Testing)

If PG&E's own reports show a list of those animals projected to be killed, how can this be a safe test? It's a waste of our money, damaging not only to our animals, but our tourism and fishing industry and has no plan for any change no matter what the outcome.

Vivian Krug  
Arroyo Grande, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/san-luis-obispo-county-board-of-supervisors-ask-the-coastal-commission-to-stop-seismic-testing-off-california>. To respond, [click here](#)