

1 **3.3.15 Commercial and Recreational Fisheries**

2 The region supports both commercial and recreational fishing activities, discussed
3 below. The potential effects of the Project on those activities and mitigation measures to
4 reduce or eliminate those potential impacts are also provided. This environmental issue
5 area is not included in the State CEQA Guidelines Appendix G checklist, but is included
6 here due to the location of the Project within the nearshore marine waters of central
7 California.

8 3.3.15.1 Environmental Setting

9 **Commercial Fishing.** Commercial catch data within the marine waters off California
10 are reported by the CDFG from a series of 10 latitude by 10 longitude area blocks, each
11 covering an area of approximately 343 km² (100 nm²), called a Fish Block (FB). FB
12 boundaries correspond to lines of latitude and longitude and so, due to the irregular
13 California coast, FBs that include the shoreline encompass a smaller area. Figure
14 3.3.15-1 shows the regional FB coverage; the Project area is within FB 615, which
15 extends from the Morro Bay Sand Spit to approximately 1.9 km (1.2 nm) north of Point
16 San Luis and offshore to water depths of up to approximately 320.0 m (1,049.6 ft).
17 Seafloor habitats within that FB range from fine sediments in the deepest water areas to
18 low- and high-relief rocky reefs and isolated pinnacles closer to shore.

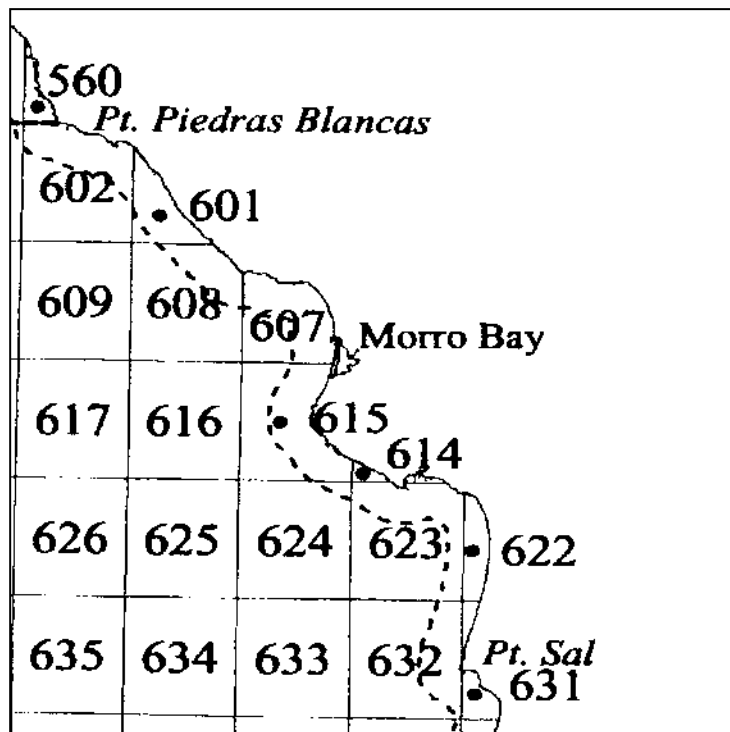
19 Data sources used in the following discussions include technical reports and personal
20 communications with local fishers, and commercial catch data that were obtained from
21 CDFG.

22 The primary ports that provide facilities for commercial vessels within the area are
23 Morro Bay and Port San Luis/Avila. Discussions with E. Endersby and S. McGrath
24 (pers. comm.), harbor masters at Morro Bay and Port San Luis Harbors, respectively,
25 indicate that currently between 145 and 170 commercial fishing vessels berth in the two
26 ports (75 to 100 in Morro Bay and approximately 70 in Port San Luis). The number of
27 trawlers within the Morro Bay/Avila Harbors has decreased over the past 10 years and,
28 currently, commercial fishing in the vicinity of Morro Bay targets a variety of species
29 ranging from crab to rockfish to pelagic species such as salmon and albacore. More
30 recently, a trap fishery for hagfish has redeveloped in the region.

31 Gear types used to catch these resources include trawl, gill net, trap, diving, round-haul
32 nets, and hook-and-line. Table 3.3.15-1 provides a summary of the commercial gear
33 types, target species, and areas fished within the Project area.

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Figure 3.3.15-1. Regional and Site CDFG Fish Blocks



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Table 3.3.15-1. Commercial Fisheries and Gear Types Used in Project Area

| Gear | Target Species | Notes |
|-----------------------------|---|---|
| Hook and line | Rockfish, Salmon, Albacore, Sablefish, Lingcod | Trolling (salmon and albacore) in late summer and fall; long line fishing all year |
| Set gill net / Trammel net | Rockfish (on Santa Lucia Bank), Sharks, Halibut, White sea bass | Nets anchored to the bottom and checked regularly; most set in less than 100 m (330 ft) for halibut and 500 m (1,650 ft) for other species |
| Drift gill net | Thresher shark, Swordfish, Sea bass, Barracuda | Fished at night 5 to 130 km (3 to 80 mi) offshore |
| Purse seine and lampara net | Mackerel, Anchovy, Market squid, Herring, Sardine | For pelagic, schooling fish; lampara nets used in depths less than 45 m (150 ft) |
| Trawl | Rockfish, Halibut, Sole, Sablefish, Shrimp, Prawns | Fished all year beyond the 3 nm State-waters limit, except pink shrimp (1 April-31 October); most sole fished at depths of 365 to 550 m (1,200 to 1,800 ft) although some to 950 m (3,120 ft), halibut at less than 82 m (270 ft), rockfish at 110 to 275 m (360 to 900 ft), shrimp/prawns at 100 to 400 m (330 to 1,320 ft) over green mud |
| Hookah/ Diving | Urchins, Cucumbers | Divers work from small boats in water usually less than 37 m (120 ft) |
| Trap | Crab, Prawns, Sablefish, Rockfish | Traps set on the bottom (at depths of 18 to 110 m [60 to 360 ft] for crabs and prawns, <500 m [1,650 ft] for sablefish, and <200 m [660 ft] for rockfish) with marker buoys. |

Source: SAIC 2000b

1 For the period 2006 through 2010, the five most recent years of available commercial
 2 catch data from CDFG, approximately 1.1 million pounds, valued at \$2.4 million, were
 3 reported as caught within FB 615 (CDFG, unpublished). As shown in Table 3.3.15-2,
 4 five species accounted for over 90 percent of the total commercial catch by weight
 5 within FB 615 for that five-year period. Those five species groups also accounted for
 6 over 92 percent of the total value of the commercial catch from that FB during those five
 7 years.

8 **Table 3.3.15-2.** The Five Most Abundant Commercial Taxa from FB 615
 9 (2006 through 2010)

| Species | Total Pounds | Total Value | Percent of Total (pounds) | Percent of Total (\$\$) |
|--------------------|----------------|--------------------|---------------------------|-------------------------|
| Hagfish | 661,553 | \$576,886 | 60.6 | 49.1 |
| Rockfish | 167,407 | \$1,147,568 | 15.3 | 48.2 |
| Sablefish | 96,468 | \$147,652 | 8.8 | 6.2 |
| Cabazon | 48,974 | \$284,409 | 4.5 | 11.9 |
| Crab (all species) | 25,462 | \$50,870 | 2.3 | 2.1 |
| <i>Total</i> | <i>999,864</i> | <i>\$2,207,385</i> | <i>91.2</i> | <i>92.6</i> |

Source: CDFG, unpublished.

10 Most of the hagfish and sablefish reported from this block were caught with fish traps,
 11 although setlines were also used to catch sablefish. Hook and line, setline, and vertical
 12 line fishing contributed most of the rockfish and Cabazon; traps were used to catch the
 13 multiple crab species reported. Trawl catch for this period within FB 615 was 109,921
 14 pounds (10.1 percent of the total), with rockfish and flatfish (halibut and sole) being the
 15 primary target species. By law, all commercial trawling in this area can only occur
 16 seaward of the state 3 nm limit and therefore none of the trawl catch was from the
 17 portion of the FB that will support the proposed OBS units.

18 The varied seafloor habitat within the area of the proposed OBS units suggests that
 19 hook and line and setlines for rockfish and Cabazon, as well as crab traps, would be
 20 used within the Project area.

21 **Recreational Fishing.** Recreational fishing vessels, including commercial passenger
 22 fishing vessels (CPFV) from Morro Bay and Port San Luis, tend to stay within 4.8 km (3
 23 mi) of the shoreline and target rocky habitat-associated species including rockfish,
 24 lingcod, and Cabazon. Seasonal open-water trolling for albacore and salmon occurs
 25 further offshore, and fishers target California halibut and other flatfish in nearshore
 26 sedimentary habitats.

27 Rocky habitats within Estero Bay, immediately offshore of the mouth of Morro Bay and
 28 off the Montaña de Oro State Park, are targeted by CPFVs from Morro Bay. CPFVs
 29 from Port San Luis would be expected to use rocky reef areas off Point San Luis and to

1 the south offshore Pismo Beach, as well as sedimentary habitats within San Luis Bay
2 where halibut and pelagic species would most likely be found.

3 3.3.15.2 Regulatory Setting

4 **Federal.** No federal regulations are applicable to the commercial and recreational
5 fishing within the area.

6 **State**

7 **California Coastal Act.** The Coastal Act includes the following policies related to
8 commercial and recreational facilities and opportunities.

9 Section 30234 states, in part: *“Facilities serving the commercial fishing and recreational
10 boating industries shall be protected and, where feasible upgraded. Existing commercial
11 fishing and recreational boating harbor space shall not be reduced unless the demand
12 for those facilities no longer exists or adequate substitute space has been provided.
13 Proposed recreational boating facilities shall, where feasible, be designed and located
14 in such a fashion as not to interfere with the needs of the commercial fishing industry.”*

15 Section 30234.5 states, in part: *“The economic, commercial, and recreational
16 importance of fishing activities shall be recognized and protected.”*

17 **Marine Life Protection Act of 1999 (MLPA)** (Fish & G. Code, § 2850 et seq.). The
18 MLPA directs the State to redesign California's system of MPAs to function as a network
19 in order to: increase coherence and effectiveness in protecting the state's marine life
20 and habitats, marine ecosystems, and marine natural heritage, as well as to improve
21 recreational, educational and study opportunities provided by marine ecosystems
22 subject to minimal human disturbance. There are six goals that guide the development
23 of MPAs in the MLPA planning process: 1) Protect the natural diversity and abundance
24 of marine life, and the structure, function and integrity of marine ecosystems; 2) Help
25 sustain, conserve and protect marine life populations, including those of economic
26 value, and rebuild those that are depleted; 3) Improve recreational, educational and
27 study opportunities provided by marine ecosystems that are subject to minimal human
28 disturbance, and to manage these uses in a manner consistent with protecting
29 biodiversity; 4) Protect marine natural heritage, including protection of representative
30 and unique marine life habitats in California waters for their intrinsic values; 5) Ensure
31 California's MPAs have clearly defined objectives, effective management measures and
32 adequate enforcement and are based on sound scientific guidelines; and 6) Ensure the
33 State's MPAs are designed and managed, to the extent possible, as a network.

34 To help achieve these goals, three types of MPA designation types are used in the
35 MLPA process: State Marine Reserves (SMRs), State Marine Conservation Areas
36 (SMCAs), and state marine parks (see Section 3.3.4.2, Regulatory Setting, for
37 restrictions applied to SMR and SMCA areas). The Point Buchon MPA is within the
38 Project area. Within that MPA, there are two different area designations: the SMR and
39 the offshore SMCA. According to California Code of Regulations, Title 14 section 632,

1 subdivision (b)(47), an SMR designation prohibits the take of all living marine resources;
2 within an SMCA, take of all living marine resources is prohibited except the commercial
3 and recreational take of salmon and albacore (Cal. Code Regs., tit. 14, § 632, subd.
4 (b)(48)).

5 **State of California, 2011-2012 California Ocean Sport Fishing Regulations.** Each
6 year, the CFGC issues regulations on recreational fishing within the marine waters of
7 the State of California. These regulations specify season, size and bag limits, and gear
8 restrictions as well as licensing requirements. Since the development of the MPAs, a
9 section on fishing restrictions within the MPAs has also been included.

10 **State of California, Commercial Fishing Laws and Licensing Requirements.**
11 Similar to the recreational fishing industry, commercial fishing is regulated by a series of
12 laws passed by the CFGC and issued each year in a summary document. Seasonal
13 and gear restrictions within the various Fish and Game Districts, licensing instructions
14 and restrictions, and species-specific fishing requirements are provided in the
15 document. Most of the MPAs have commercial fishing restrictions (based on the
16 designation of each area) which are also listed in the summary document.

17 3.3.15.3 Impact Analysis

18 **Significance Criteria.** Although no federal or state criteria for significant impacts to the
19 fisheries of the Project area have been established, previous state-administered
20 environmental analyses have used loss of available area, reduction of habitat, and/or
21 substantial decrease in the number of organisms of commercial or recreational value as
22 the basis for analyzing impacts. For the Project, a significant impact to the fisheries
23 would occur if:

- 24 a) 10 percent or more of the currently-available fishing area used by a target
25 species was lost.
- 26 b) Commercial or recreational fishing activities were precluded from a currently-
27 utilized area for more than one month.
- 28 c) The Project resulted in substantial reduction in the Essential Fish Habitat
29 required by one or more of the species managed by the Pacific Fisheries
30 Management Council's fisheries management plans.

31 **Impact Discussion**

32 The Project consists of placing temporary and long-term OBS units and an associated
33 cable onto the seafloor in water depths up to 82 m (270 ft) within the state 3 nm limit.
34 Short-term, less than significant impacts to the recreational and commercial operations
35 within the immediate area of the Project vessels would occur due to preclusion of
36 available area. This temporary (less than one day for any one location) impact is not
37 considered to be significant due to the availability of the similar seafloor habitat and
38 open water areas within the region. Less than 1 percent of the available fishing area

1 within the Project area would be affected during the installation and operation of the
2 OBS units and cable.

3 FB 615 encompasses approximately 208 km² (108 mi²) between the Morro Bay Spit to
4 the north and the shoreline immediately east of Pecho Rock on the south (See Figure
5 3.3.15-1). The Pt. Buchon MPA is an irregular-shaped area that encompasses
6 approximately 37.0 km² (14.3 mi²) within south-central portion of FB 615. Because the
7 fishers are not required to report where within the FB the catch was taken, it is not
8 possible to quantify the level of fishing that occurred within that area prior to the
9 establishment of the MPA. For the same reason, it is not possible to discern how much
10 of the salmon or albacore reported from FB 615 were taken from within the MPA.

11 Potentially significant impacts to in-place commercial fishing gear could occur if the
12 project vessel passes across and/or the cable and OBS units are laid onto that gear.
13 The potential for such an impact to occur would be reduced by the applicant-proposed
14 noticing of local fishing interests through the issuance of a Notice to Mariners, and
15 through the posting of notices in the harbormasters' offices of Morro Bay and Port San
16 Luis at least 15 days in advance of in-water operations; however, there remains a
17 chance that commercial fishing gear will be in-place during in-water operations. The
18 implementation of mitigation measure MM FISH-1, described below, would ensure this
19 potential impact remains less than significant.

20 The OBS locations and cable route were developed to reduce impacts to commercial
21 fishing (i.e. OBS units and cable would be placed inside the State 3-Mile Limit to
22 eliminate impacts to trawling operations; no buoys would be placed onto the OBS units,
23 thus reducing potential entanglement with fixed fishing gear or vessel anchors; and all
24 OBS units and all but 1.6 km [1.0 mi] of cable would be placed on sedimentary seafloor
25 to reduce impacts to rocky substrate and the associated biota) while allowing for the
26 collection of meaningful data (i.e. placing the long-term OBS units on both sides of
27 known faults to maximize detection of earth movements). Minor relocations (i.e. placing
28 OBS-4 inside the MPA) could increase the length of cable needed, or result in additional
29 impacts to rocky substrate from the OBS and/or cable; additionally, per conversations
30 with CDFG staff, relocation of OBS-4 into the SMR would be inconsistent with MPA
31 policy and would likely not be permitted under an SCP, making the option infeasible.

32
33 The actual locations of the long-term OBS units and the final as-laid alignment of the
34 cable will be recorded during the post-installation ROV survey. If minor locational
35 adjustments are required, those could be facilitated following consultation with the
36 CSLC and with consideration of the potential effects of such relocation.

37 As is discussed in the Essential Fish Habitat Assessment (Appendix G), no significant
38 project-related impacts to the Habitats of Particular Concern (HAPC), which include kelp
39 beds, sea grass areas, and rocky reefs, are expected as a result of the Project. The
40 OBS units are to be placed on sedimentary habitat and the cable has been routed to
41 avoid HAPCs throughout its length. Further, the cable has been routed to avoid as

1 much rocky substrate as possible and crosses approximately 1.6 km (1.0 mi) of low to
2 high-relief solid substrate. As designed, no significant impacts to the EFH are expected
3 to result from the installation or operation of the proposed project.

4 Although the OBS units would extend up to 0.3 m (1.0 ft) above the seafloor, assuming
5 no natural burial, those units are not expected to represent a significant “snag” for
6 recreational or commercial fishing operations. Likewise, the cable, which is expected to
7 naturally sink into the sediment, is not expected to be a significant seafloor obstruction
8 to recreational or commercial fishing. The sediments along the proposed alignment vary
9 from fine, silty clays to sand and shell hash and the length of time needed for the cable
10 to sink will vary with the sediment type and wave/current action. In areas of fine
11 sediment, burial is expected to be immediate; however areas where the cable is laid
12 onto coarser-grained material may take longer. PG&E will conduct a post-installation
13 ROV survey that will document the location and condition of each of the long-term OBS
14 units and the cable, as well as the seafloor at the temporary OBS locations. A video
15 record and a written report on the results of that survey will be submitted to the
16 appropriate agencies.

17 Where the OBS cable crosses the low-relief rock habitat is within the DCP Security
18 Zone, which has restricted access to recreational and commercial fishing vessels. Also,
19 with the completion of the post-installation survey of the cable and long-term OBS units,
20 the locations of the units will be provided to the NOAA nautical chart facility for
21 incorporation onto future nautical charts. As proposed, no significant effects of the cable
22 within this area to ongoing and future fishing are expected.

23 Although no Project-related material will be left on the seafloor following the completion
24 of data collection, MM FISH-2, described below, would require a post-removal survey to
25 verify that no material that could pose a hazard to commercial fishing operations is
26 present on the seafloor following the recovery of the long-term OBS units and cable.

27 The Project would generate a small amount of additional vessel traffic in and out of the
28 Morro Bay Harbor, and would not result in any physical changes to any harbor facilities
29 provided in the Project area. Therefore, the Project would not result in any adverse
30 effects to existing commercial or recreational fishing facilities. As demonstrated by the
31 analysis provided above, the Project would not result in activities that would
32 substantially diminish the importance of commercial or recreational fishing activities that
33 occur in the Project area. Therefore, the Project would be consistent with the Coastal
34 Act policies described in Section 3.3.15.2, Regulatory Setting.

35 3.3.15.4 Mitigation and Residual Impacts

36 **Mitigation**

37 **MM FISH-1** At the beginning of each day that in-water operations are to occur,
38 observations shall be made along the proposed cable route and the
39 presence of in-place commercial fishing gear located within 30 m (100 ft)
40 of the OBS site and/or cable route shall be noted. The vessel operator

1 shall notify the owner of the gear and request that the gear be removed
2 and/or the cable will be re-routed to avoid the existing gear by at least 30
3 m (100 ft).

4 **MM FISH-2** Upon Project completion and removal of the OBS units and cable, the
5 Applicant shall survey each OBS site and the cable route, submit a report
6 to CSLC staff documenting the condition of any Project-related materials
7 left on the seafloor, and remove, within 6 months after Project completion,
8 any Project-related materials that CSLC staff determines pose a hazard to
9 commercial fishing operations.

10 **Residual Impacts.** With the incorporation of the proposed mitigation, no residual
11 impacts are expected.