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August 5, 2011

The Honorable John Laird  
Chair, California Ocean Protection Council  
1330 Broadway, Suite 1100  
Oakland, California 94612

**RE: Modernization of the California State Lands Commission's Geophysical Survey Permit Program; August 11, 2011 Meeting Agenda Item #9**

Dear Secretary Laird:

Thank you for the opportunity to comment on the Modernization of the California State Lands Commission's (CSLC) Geophysical Survey Permit Program Project (Modernization Project). These comments are submitted on behalf of Ocean Conservancy and the Natural Resources Defense Council (NRDC).

Overall, our organizations are very supportive of the goals of the Modernization Project. We understand that the intent of the Modernization Project is to ensure that permits authorized by the CSLC for geophysical surveys of the ocean bottom are based on the most up-to-date science regarding potential impacts on marine life and the coastal environment and subject to complete environmental analysis and public review. Ultimately, we believe this project has the potential to help reduce unintended environmental impacts caused by geophysical surveys throughout the state of California.

With the goal of ensuring the Modernization Project has as much utility as possible, we offer the following specific comments regarding the project scope.

(1) **We urge** the project scope to be revised to explicitly include the compiling of species density and fisheries data for impact modeling and mitigation assessment purposes. We believe it is important that the Modernization Project compile and synthesize data, and if feasible fill in critical data gaps on species densities, seasonality, and fisheries production in relevant areas. This is essential so that the CSLC has the information necessary to model specific impacts, as well as to prescribe appropriate and effective mitigation measures (e.g., avoidance of activity during certain times of year).

(2) If the project includes modeling for airgun sources, **we urge** modeling of marine mammal impacts at exposure levels *below* 160 dB. The historic exposure level threshold of 160 dB re 1  $\mu$ Pa (RMS) is widely recognized to be an out-of-date standard that does not reflect the latest science on seismic airguns and certain other noise sources, which shows impacts to many species caused by exposure to sounds well below 160 dB.

(3) Our organizations particularly support the role of the Ocean Protection Council's Science Advisory Team in peer-reviewing products that are developed under the Modernization Project. In performing any peer review under this project, **we urge** the OPC Science Advisory Team to seek assistance from

scientists with expertise in bio-acoustics and marine mammals as necessary to augment the expertise of the current members of the team itself.

(4) We ask that the project scope be revised to require that any information and data collected under this project be made readily available in electronic and widely accessible format. To achieve OPC's current strategic goal to "Improve scientific understanding of our ocean and coastal ecosystems", it is not enough to simply collect new data. This data must be made compatible and readily available; this will also increase the value and multiple uses of information and data collected for this project. We suggest that this can be done by ensuring this data is available for uploading to a common management system and web portal for authoritative information available for stakeholders and marine resource managers alike.

(5) Finally, we appreciate the staff report's statement that the Modernization Project "will complement a parallel effort by the CSLC in 2011-12 to analyze the potential impacts associated with a proposed site-specific, high-energy survey and a project-specific geophysical survey (characterizing an offshore fault system related to the Diablo Canyon Power Plant in San Luis Obispo County), thereby promoting greater government efficiency." We recognize that the Diablo Canyon Seismic Imaging Project is intended to help address a significant public safety and environmental issue. However, we also note that there is scientific disagreement about the likely utility of the current research plan. We have urged the CSLC to convene an independent scientific peer-review of the research plan for the Diablo Canyon project to help ensure that the project is based on the best available science and designed to avoid unintended consequences to the greatest extent practicable, particularly given the project area's overlap with three of California newest marine protected areas. **We urge** the OPC to voice its support for peer review of the research plan for the Diablo Canyon Seismic Imaging Project.

Thank you for your consideration of these comments.

Sincerely,



Pacific Program Director  
Ocean Conservancy



Co-Director, Oceans Program  
NRDC



Staff Attorney, Oceans Program  
NRDC