



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE

Gulf of the Farallones National Marine Sanctuary  
991 Marine Dr., The Presidio  
San Francisco, CA 94129

March 10 2010

Mr. Paul D. Thayer  
Executive Officer  
California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202

Dear Mr. Thayer:

This Letter of Intent (LOI) from the U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office of National Marine Sanctuaries (ONMS), through the Gulf of the Farallones National Marine Sanctuary (GFNMS) expresses the intent of this agency to collaborate with the California State Lands Commission (SLC) to jointly determine if an Environmental Impact Report (EIR) / Environmental Impact Statement (EIS) will be needed for the Tomales Bay Vessel Management Plan by conducting an Initial Study/Environmental Assessment (ISEA) and, if so, to fund and contract for services to develop and EIR/S (if such funding is available). Both the GFNMS and the SLC are co-lead agencies in an Interagency Committee that is working to develop a Vessel Management Plan for Tomales Bay. This letter sets forward the understanding of the GFNMS that the two agencies, SLC and GFNMS, have agreed to implement specified tasks if funding is available, to: 1) conduct the ISEA; 2) develop a mooring permit/leasing program and, 3) if necessary, complete the EIR/S documents.

#### **BACKGROUND**

Our agencies, GFNMS and SLC, are co-leading a multi-agency effort to identify ways to improve ecosystem protection in Tomales Bay by assessing vessel use and storage. Eleven local, state and federal agencies with jurisdiction over boating, parks, waters, submerged lands, and shore areas of Tomales Bay are jointly developing a vessel management plan for Tomales Bay. The Plan is intended to achieve the following goals identified by the multi-agency committee:

- Protecting public health
- Improving water quality
- Protecting habitat
- Decreasing wildlife disturbance
- Ensuring safe and enjoyable water-related recreation

The Draft Vessel Management Plan for Tomales Bay addresses these specific concerns:

- Preventing discharges of sewage from vessels
- Removing and preventing derelict and abandoned vessels
- Removing illegally and improperly placed moorings
- Providing mooring and additional boat storage in a manner that protects Bay resources
- Preventing the introduction of invasive species
- Preventing discharges of oil, gas, and toxic products from vessels

At this time, an ISEA must be performed to determine whether the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) require an EIR/S or other environmental document to be developed. If required, our agencies will enter into a Memorandum of Understanding to jointly provide for the funding, if available and services needed to develop these reports.

#### **ACTIONS TO BE IMPLEMENTED**

It is my understanding that GFNMS and SLC have agreed that the following actions will be conducted:

- A. The GFNMS will:
  - 1. Perform an ISEA.
  - 2. If an EIR/S is needed, collaborate with the SLC to seek funding to develop an EIR/S.
  - 3. If an EIR/EIS is needed, collaborate with SLC to determine the Scope of Work to complete an EIR/S for the Tomales Bay Vessel Management Plan.
  - 4. Collaborate with the SLC in the development of a Tomales Bay mooring, leasing and permitting program.
- B. The SLC will:
  - 1. Assist the GFNMS in the development of the ISEA for the Tomales Bay Vessel Management Plan (provide review and comment, ensure consistency with State of California requirements, and assist with analysis of impacts).
  - 2. If an EIR/S is needed, collaborate with the GFNMS to seek funding to develop an EIR/S.
  - 3. If an EIR/S is needed, collaborate with the GFNMS to develop a Scope of Work to develop the EIR/S for the Tomales Bay Vessel Management Plan.
  - 4. Subject to the availability of funds, and as needed, conduct a competitive bidding process and hire a contractor to conduct the EIR/S.
  - 5. Collaborate with the GFNMS in development of a Tomales Bay mooring, leasing and permitting program.

Please confirm that this is your understanding of the process and actions for moving forward. I look forward to the continued cooperation between our two agencies to see this project through to completion. Feel free to contact Karen Reyna, at 415-561-6622 x208, karen.reyna@noaa.gov, with questions or concerns.

Sincerely,



Maria Brown, Superintendent  
Gulf of the Farallones National Marine Sanctuary

I concur with this letter.

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Paul D. Thayer  
Executive Officer  
California State Lands Commission