



Lester Snow, Secretary for Natural Resources, Council Chair  
John Chiang, State Controller, State Lands Commission Chair  
Linda Adams, Secretary for Environmental Protection  
Susan Golding, Public Member  
Geraldine Knatz, Public Member  
Fran Pavley, State Senator  
Pedro Nava, State Assemblymember

**MEMORANDUM**

TO: Ocean Protection Council

FROM: Amber Mace, Executive Director

DATE: March 3, 2010

RE: Ocean Protection Council Evaluation Expert Advisory Panel

ATTACHMENT: [Request for Proposal](#) (RFP) for OPC Program Evaluation

---

**REQUESTED ACTION:**

Staff recommends the Council approve the following resolution:

“The Ocean Protection Council appoints the individuals identified in the staff recommendation to serve as expert advisors to the evaluation of the Ocean Protection Council. If any of these individuals are unable to serve through the tenure of the evaluation, the Ocean Protection Council delegates authority to the Council Chair to appoint a replacement for that member.”

**BACKGROUND:**

In its first five years, the OPC has made significant contributions to improved ocean and coastal management. As the organization begins preparing to develop its next strategic plan, the timing is opportune to evaluate the OPC’s performance to date against the goals of the California Ocean Protection Act (COPA) and to identify opportunities to improve institutional processes, address the adequacy of policies and laws to manage ocean resources, and to integrate science into governmental decision making. The NewPoint Group has been selected under the Request for Proposals (see Attachment) to conduct an evaluation of the OPC’s first five years, and staff are now requesting the OPC authorize the assemblage of an expert advisory panel to assist this contractor in developing the final work product.

The purpose of the evaluation is to conduct an independent assessment of accomplishments to date and recommend how best to align the OPC’s future activities, actions, and strategies with the intent and purpose of COPA. The evaluation will provide practical recommendations to help guide the next phase of the OPC’s work and the panel of experts will help ensure the recommendations are both visionary and feasible over the next five years.

## **Need for Expert Consultation**

The OPC staff will convene an expert advisory panel to bring vision, strategic thinking, and pragmatic knowledge to the evaluation process to ensure that it will help the OPC more fully achieve its mission. The panel will include eight experts who have broad knowledge and expertise in policy development and government processes. Its primary role will be to provide guidance to the consultant in conducting the evaluation and in producing useful and actionable recommendations. Experts will participate as individuals, not as representatives of their respective agencies or organizations.

We are recommending individuals for your consideration that represent diverse spheres of influence and expertise, and who can help achieve the panel's dual goals of high level strategy and actionable outcomes. These individuals are collaborative, open minded, pragmatic, and possess knowledge of government processes. They have a reputation of integrity and intelligence and proven impact in policy, governance, or institutional change. While this is not a representative panel of all partners and stakeholders that OPC engages with, it does include individuals with experience with the following areas: state and federal agencies, legislation and policy development, funding, academia, and the private sector.

### *Panel Selection Process*

OPC staff solicited suggestions from representatives of numerous organizations across state and federal agencies, non-governmental organizations (NGOs), industry, the legislature, and the scientific community. After receiving suggestions, staff ranked the nominees based on the following criteria:

- experience and knowledge of California policy development and evaluation;
- proven impact in policy, governance, or institutional change;
- familiarity with OPC legislation, mission, activities;
- experience facilitating cross-agency collaborations;
- geographical balance;
- diversity of views and opinions; and
- willingness and ability to serve in this capacity.

### *Recommended Expert Advisory Panel Members*

We recommend the following individuals with the overall highest qualifications.

#### **Steve Blank**

Mr. Blank is a faculty member of the University of California Berkeley Haas Business School where he teaches classes on entrepreneurship which focus on how to start and manage new companies and new product introductions. Appointed to the California Coastal Commission by Governor Schwarzenegger, February 2007, Mr. Blank has over 25 years of experience in high technology companies and general management as a founder and executive. He has been a founder or participant in eight Silicon Valley startups since 1978. His last company, E.piphany, started in his living room in 1996. Other startups include two semiconductor companies (Zilog and MIPS Computers), a workstation company (Convergent Technologies), a supercomputer firm (Ardent), a computer peripheral supplier (SuperMac), a military intelligence systems

supplier (ESL) and a video game company (Rocket Science Games). In addition to the Coastal Commission, Mr. Blank is on the Board of the California League of Conservation Voters (CLCV), Peninsula Open Space Trust, Audubon California (and its past chairman.) and is a trustee of U.C. Santa Cruz foundation.

### **Celeste Cantú**

Celeste Cantú joined the Santa Ana Watershed Project Authority (SAWPA) three years ago and has been working on the Crest to Coast, Corner to Corner Integrated Regional Watershed Management Plan called One Water, One Watershed (OWOW) that addresses all water-related issues, joins all entities, and hundreds of stakeholders seeking to create a new vision of sustainability for the Santa Ana River Watershed. SAWPA owns the Santa Ana River Interceptor, a large brine line utility that collects salt from the upper watershed to improve water quality in the Santa Ana River. Celeste served as the Executive Director for the California State Water Resources Control Board, which is responsible for water rights and water quality for the State. During the Clinton Administration Celeste served as the USDA Rural Development State Director for California. Celeste was born and raised in the Imperial Valley to a pioneer family. There she served first as Planning Director for her hometown, Calexico, and later as Executive Director for the Imperial Valley Housing Authority. Celeste has a BA from Yale in Urban Planning and Policy and a Masters in Public Administration from Harvard's Kennedy School of Government.

### **Richard Frank**

Richard M. Frank is Executive Director of the Center for Law, Energy & the Environment (CLEE) at the University of California at Berkeley School of Law. Mr. Frank, who joined the U.C. Berkeley Law School faculty in 2006, also serves as a Lecturer in Residence at the law school, where he teaches courses in environmental law, climate change and public interest litigation. During calendar year 2010, Mr. Frank is serving as a visiting lecturer at the U.C. Davis School of Law. Before coming to CLEE and U.C. Berkeley, Mr. Frank practiced law with federal and state agencies for 32 years, most of that time with the California Department of Justice. Immediately before joining Berkeley Law, he served California's Chief Deputy Attorney General for Legal Affairs. In 2006, Governor Schwarzenegger appointed Mr. Frank to the Delta Vision Task Force, an advisory body asked to develop policy recommendations for the Governor and Legislature, addressing environmental problems confronting the California Delta. He served in that capacity in 2007-08. In May 2009, he was appointed to the Economic Allocation & Advisory Committee, an advisory body formed to assist the Air Resources Board in implementing California's landmark Global Warming Solutions Act (AB 32). Mr. Frank earned his J.D. from the U.C. Davis School of Law in 1974, and his B.A. from U.C. Santa Barbara in 1971.

### **Dewitt John**

Dr. John has been the director of the environmental studies program and a lecturer in government at Bowdoin College since August 2000. Before coming to Bowdoin, he worked with state governments and non-governmental organizations including The Aspen Institute, the Ford Foundation, the W.K. Kellogg Foundation, National Governors' Association, the State of Colorado, the Denver Research Institute and the Massachusetts Office of Human Services. Dr. John was a member of the Science Advisory Panel to the US Commission on Ocean Policy, a co-

author of the evaluation of the Marine Life Protection Act's Central Coast process, a co-author of the Marine Life Management Act evaluation that is close to finishing, and the director of two studies by the National Academy of Public Administration about the federal national marine sanctuary program. Mr. John has a Ph.D. in Political Science from the University of Chicago and a B.A. in Economics, magna cum laude, from Harvard University.

### **Fred Keeley**

Mr. Keeley is currently the Treasurer of Santa Cruz County. From 1996 to 2002 he was a member of the California State Assembly, representing District 27 which included parts of Santa Cruz County and Monterey County. In 1998, Mr. Keeley was selected by Assembly Speaker Antonio Villaraigosa to be Speaker pro Tempore. Mr. Keeley was the author of the Marine Life Management Act and the statute that established the California Ocean Science Trust. He also authored the two largest park and environmental protection bonds in the nation's history, Proposition 12 on the California ballot in March 2000, and Proposition 40 on the California ballot in March 2002. Prior to his election to the California Assembly, Mr. Keeley served for eight years as a member of the Santa Cruz County Board of Supervisors. Mr. Keeley is a 1974 honors graduate of San Jose State University.

### **Paul A. Sandifer**

Dr. Sandifer is the Senior Science Advisor to the NOAA Administrator where he provides input regarding the overall NOAA science enterprise, the President's Ocean Policy Task Force, NOAA's coastal and marine spatial planning efforts, and development of science policy related to coastal management, aquaculture, oceans and human health, and other areas. Previously, he served as Senior Scientist for Coastal Ecology for NOAA's National Ocean Service. In that role, his responsibilities included NOAA's Oceans and Human Health Initiative and aspects of ecosystem science, aquaculture, marine animal health, and external partnerships. Dr. Sandifer serves on the US National Committee for the Census of Marine Life, as Co-Chair of the Interagency Working Group on Harmful Algal Blooms, Hypoxia, and Human Health, and on the Institute of Medicine's Roundtable on Environmental Health Science, Research, and Medicine. He was a member of the US Commission on Ocean Policy and has served on numerous other boards and committees. He is an Honorary Life Member of the World Aquaculture Society and Fellow of the American Association for the Advancement of Science. Previously, Dr. Sandifer had a 31-year career with the South Carolina Department of Natural Resources, including service as scientist, marine division director, founder and director of the Waddell Mariculture Center, and agency director. He holds faculty appointments at the College of Charleston, Medical University of SC, and University of SC and is author or co-author of over 140 publications in aquaculture, marine science, and ocean policy.

### **Terry Tamminen**

In 1993, Mr. Tamminen founded the Santa Monica BayKeeper and served as its Executive Director for six years. He co-founded Waterkeeper programs in San Diego, Orange County, Ventura, and Santa Barbara. He also served for five years as Executive Director of the Environment Now Foundation in Santa Monica, CA and co-founded the Frank G. Wells Environmental Law Clinic at the School of Law, University of California Los Angeles. He was appointed as the Secretary of the California Environmental Protection Agency in November, 2003, and Cabinet Secretary, the Chief Policy Advisor to the Governor, in December, 2004. In

2006 Terry founded Seventh Generation Advisors, a non-profit organization which advocates environmental and clean energy policies by providing advice and guidance to political leaders and emerging clean technology firms world-wide and guides climate change policy initiatives for other non-profit organizations. In April, 2007, he was named the Cullman Senior Fellow and Director of the Climate Policy Program of The New America Foundation, a non-profit, post-partisan, public policy institute. In September, 2007, he was appointed as an Operating Advisor to Pegasus Capital Advisors. An accomplished author, Terry's latest book, *Lives Per Gallon: The True Cost of Our Oil Addiction* (Island Press), is a timely examination of our dependence on oil and a strategy to evolve to more sustainable energy sources.

### **Andrea Tuttle**

Dr. Tuttle consults internationally on forest and climate policy. She served as Director of the California Department of Forestry and Fire Protection (CDF) from March 1999 to June 2004, and served as Chair of the California Fire Alliance and member of the National Association of State Foresters (NASF) and Western States Forestry Leadership Coalition. She currently serves on ETAAC, the Economic and Technology Advancement Advisory Committee for the California Air Resources Board, pursuant to the *Global Warming Solutions Act of 2006*. Other service includes the California Coastal Commission and Northcoast Regional Water Quality Control Board. Her education includes an MS in marine ecology from the University of Washington and Ph.D. in environmental planning from UC Berkeley.

### *Appointment of Expert Advisory Panel Alternates*

Although all recommended Expert Advisory Panel members are confirmed and able and willing to serve, unforeseen circumstances may arise. Because the people appointed to these positions do not have alternates, it is in the best interest of the Expert Advisory Panel to have replacement representatives appointed as quickly as possible. Since the OPC meets only quarterly, staff is requesting the Council to grant authority to the Chair to fill a vacancy, selecting if possible from the ranks of highly recommended individuals already considered in the nomination process, if one arises.

### *Additional Panel Information:*

#### Expert Panel Charge

An Expert Advisory Panel will be convened to bring vision, strategic thinking, and pragmatic knowledge to the evaluation report as described in the RFP to ensure that it will help the OPC more fully achieve its mission. Its primary role will be to provide guidance to the consultant in conducting the evaluation and in producing a report that highlights past successes, identifies useful changes, and provides an effective path forward for the OPC.

#### Panel Tasks

- Participate in an initial webinar, two in-person meetings, and, if needed, 1-2 additional conference calls.
- Advise the OPC and the project evaluators in:

1. Developing practical and actionable recommendations based on the analytical findings; and
  2. Setting priorities among recommendations to help guide the next phase of the OPC's work.
- Critically evaluate the draft and final study report and findings to ensure that they are accurate, robust, and useful.

The panel is an advisory body. The panel will not engage directly in any information gathering, interviews, analysis, or report writing. It will not author the study or findings and therefore does not need to reach consensus on the final report.

Active service on the panel is likely to start in early March and end in October of 2010.

#### Preliminary Evaluation Timeline and Expert Panel Engagement

1. **Initial webinar, March 2010.** Consultant briefs panel on the study work plan and products and solicits panel feedback on the approach.
2. **First in-person Panel, May 2010.** Panel receives and provides feedback on preliminary findings and conclusions regarding lessons learned and OPC effectiveness.
3. **OPC meeting, June 2010.** Panel chair and consultant introduce evaluation at the OPC meeting.
4. **Second (final) in-person Panel meeting, July 2010.** Panel receives and provides feedback on draft report.
5. **OPC meeting, September 2010.** Panel chair and consultant present study findings to the OPC.

#### **Compensation**

The OPC anticipates that it will be able to pay travel expenses for the members of the panel. Other than travel costs, members will serve as volunteers.

#### **CONSISTENCY WITH THE CALIFORNIA OCEAN PROTECTION ACT:**

The proposed action is consistent with the California Ocean Protection Act (Division 26.5 of the Public Resources Code). The evaluation process will identify how and where the OPC has successfully met the requirements of the Act.

#### **CONSISTENCY WITH THE OPC'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

The project is consistent with the OPC's Five-Year Strategic Plan in the following respect:

**Goal A (Governance), Objective 7a: Performance Measures:** "Identify outputs and outcomes for at least one objective under each goal and evaluate activities in producing that outcome over the next five years." The proposed action is designed to provide additional expertise in evaluating OPC's activities, outcomes, and outputs over the last five years.