

**California Ocean Protection Council
MEETING SUMMARY**

August 11, 2011
10:00 am – 3:00 pm
State Capitol, Room 437
Sacramento, CA 95814

Members in Attendance

John Laird, Secretary for Natural Resources, Council Chair
Matt Rodriguez, Secretary for Environmental Protection
Gavin Newsom, Lieutenant Governor, Chair of the State Lands Commission
Susan Golding, Public Member
Bill Craven for Fran Pavley, State Senator
Toni Atkins, State Assemblymember

1. Welcome and Council Member Announcements

Secretary Laird called the meeting to order. Secretary Laird welcomed the newly-appointed Secretary for Environmental Protection, Matt Rodriguez, as a new member, and lauded Rodriguez' extensive experience with environmental issues. He stated that nine days into his new appointment, he continues to show an amazing breadth of knowledge. Rodriguez thanked Secretary Laird and stated that he was looking forward to working with the Ocean Protection Council.

Secretary Laird provided updates on notable accomplishments regarding the implementation of the Marine Life Protection Act (MLPA): (1) the Ocean Protection Council had awarded \$4 million to support initial monitoring of the newly designated South Coast Marine Protected Areas (MPAs); (2) the Fish and Game Commission voted to implement regulations for the South Coast Marine Protected Areas beginning October 1st, 2011; and (3) the Commission adopted a set of preferred alternatives regarding the North Coast; the newly presented map made good progress for accommodating to different interests of marine life protection, and included alternatives for tribal activities.

Secretary Laird also announced that the California Coastal Commission's newly re-designed Whale Tail License Plate was officially released last week. Through the years, revenue from this plate has provided \$60 million to the state for conservation, restoration, and outreach programs.

Last, Secretary Laird congratulated Skyli McAfee, Executive Director of the California Ocean Science Trust, on her appointment as one of two science experts to the California Fish and Wildlife Blue Ribbon Citizen's Commission. The Blue Ribbon Commission, along with the

Stakeholder Group, will support the Executive Committee in developing a strategic vision for the Department of Fish and Game and the Fish and Game Commission.

2. Public comment on non-agenda items

- Sean Bothwell – Clean Seas Coalition – Brought attention to Senate Bill 568 (Lowenthal), which would prohibit the use of polystyrene for take-out food containers except where local jurisdictions could achieve at least 60% recycling.
- Chris Pincetich – Turtle Island Restoration Network – Shared recent successes of the leatherback turtle watch program, and mentioned that he looks forward to working with the OPC in the future.

3. Report from the Executive Director

Dr. Amber Mace, Executive Director, reported that at this meeting, the Council would be discussing and receiving feedback on the OPC's Draft Strategic Action Plan which will be available for public comment through 12 September. The Strategic Action Plan is intended to guide the OPC's efforts for the next five years. Dr. Mace further stated that the later part of the meeting ties together two interdependent areas that are very relevant to the proposed strategic action plan and highlighted the importance of science-based decision making and providing access to useful data and information. Mace mentioned the need to provide clear guidance, which could help incentivize environmentally sound renewable energy and technology development.

4. Report from the Secretary

Sam Schuchat, Council Secretary, presented a summary of the budget for FY11-12, stating that there are more funds in the present budget relative to the budget presented at the last meeting because some bond funds have been re-appropriated and because funds from a California Coastal Impact Assistance Plan (CIAP) grant, authorized over a year ago, were recently awarded.

5. Report from the Science Advisor

Skyli McAfee, Executive Director of the California Ocean Science Trust (OST), discussed some of the recent progress made by the Monitoring Enterprise, an OST program charged with developing a cost effective science-based approach to monitoring marine protected areas (MPAs). She stated that the monitoring plan for the South Coast MPA was adopted by the Fish and Game Commission earlier this month and that research grants have been awarded to collect baseline data for the characterization of the socioeconomic and biological benefits to the South Coast region. McAfee mentioned that the Monitoring Enterprise will soon be turning their attention to the North Coast and will reach out to stakeholders and partners, including

recreational and commercial fishermen, environmental groups and tribal communities, to learn about that region's unique characteristics. She further reported that the 2008 OPC Sea Grant research was completed and that efforts were underway to link results to management, and planning for the 30 September OPC-SAT, OPC managers' meeting has begun.

6. DISCUSSION: Briefing and Council input regarding California and West Coast priorities for President Obama's National Ocean Policy.

Brian Baird, Assistant Secretary for Ocean and Coastal Policy at the California Natural Resources Agency, provided a brief overview of federal ocean policies and some upcoming actions.

Baird reported that implementation of the National Ocean Policy (NOP) is guided by the National Ocean Council (NOC), which will work closely with the Governance Coordination Committee (GCC), a national advisory group. California is represented on the GCC by Councilmember Geraldine Knatz, Jacque Hostler, Chief Executive Officer of the Cher-Ae Heights Indian Community of the Trinidad Rancheria, and Brian Baird. Regional Planning Bodies will be set up to aid in planning for coastal and marine spatial planning (CMSP). Our region encompasses California, Oregon, and Washington; the West Coast Governors' Agreement on Ocean Health already spans this region and is taking an early lead on this effort. The federal government will soon ask Governors Brown (CA), Kitzhaber (OR), and Gregoire (WA) to sign operational agreements to commit to working with the Regional Planning Bodies and to advance CMSP on a regional scale. These agreements are slated to be signed by the end of the year.

Dr. Amber Mace provided comments from the State's perspective. She stated that in September 2009, the OPC passed a resolution to support interagency collaboration and management of geospatial information, to identify priority uses and potential user conflicts in the environments, and to develop recommendations in marine spatial planning. In November 2010, the OPC approved a conceptual work plan. To carry-out this work, the OPC staff convened the interagency Marine Geospatial Working Group, which determined that existing State-run data houses are inadequate, and that California should not invest in a single data house because it would be obsolete before it was completed. In September 2010, Assembly Bill 2125 (Ruskin) was passed, and required the OPC to support State agencies in the use and sharing of geospatial information, and for CMSP. In response, the OPC is conducting a scoping study to identify data and information management needs, the needed infrastructure to deliver this information in a useful way, the costs and benefits of the proposed approach, and potential institutional homes for a new information system that will meet the identified needs. She said staff intends to bring recommendations to the December meeting.

Secretary Laird asked for a clarification on the state's expectations and the federal government's intentions on developing and furthering CMSP, and potential funding. Dr. Mace responded that for California, it is a priority to develop our marine geospatial data in order to identify potential conflicts in the ocean, and to make intelligent decisions about ocean uses. In the context of the federal effort, which seeks take a comprehensive look at all ocean uses in federal and state

waters, California wants to move forward through the collection of needed data and aggregation of existing data.

Baird added that it is the intent of the Obama administration to fund the nine regional efforts (through the Regional Planning Bodies), but given fiscal constraints, funding may not occur at the proposed \$20M. Other alternatives include considering shorter-term projects, or perhaps scaling back.

Mace concluded by stating that despite the fiscal and staff limitations, OPC staff recommend moving forward with addressing the State's geospatial data and infrastructure needs. She stressed that California is in need of taking a logical approach to bringing together information and creating efficient access to our existing data. Additional benefit would be realized if the result from this effort could be applied to future national CMSP efforts.

7. ACTION: Ocean Protection Council support for the principles of the Marine Debris Act Reauthorization Amendments of 2011 (HR 1171)

Dr. Mace requested the Council consider sending a letter in support of the principles of Federal House of Representatives Bill 1171. HR1171 would advance work on marine debris, a priority issue for the Council. This bill would reauthorize a program originally created in 2006, and it has been key to identifying, reducing, and eliminating marine debris in coastal and marine waters. The bill as written is bi-partisan, maintains the Act at current funding levels, and would codify minor amendments to the Act that strengthen the engagement of NOAA and the Coast Guard. HR 1171 has strong support.

Public Comment:

- Kaitilin Gaffney – Ocean Conservancy – Stated the Ocean Conservancy's strong support for the legislation and the letter.
- Chris Pincetich – Turtle Island Restoration Network – Stated support for the letter.

The item was moved for approval by Golding, seconded by Laird, and unanimously approved.

8. DISCUSSION: Provide input to OPC staff on draft strategic action plan.

Dr. Amber Mace presented a draft of the OPC Strategic Action Plan, which was developed by OPC staff with input from the OPC Steering Committee, the Science Advisory Team, and stakeholders. The draft Strategic Action Plan presents a vision for the OPC for the next five years, and was crafted to strategically guide the OPC's efforts such that the OPC will have the greatest impact on the most pressing issues given the Council's strengths.

The draft Strategic Action Plan will be open for public comment until September 12th; in addition, the OPC staff will hold three public workshops to gain input from the public in Northern and Southern California as well as the Bay Area. (For opportunities to comment and more information on the workshops, please [see this memorandum](#)).

Public Comment:

- Chris Pincetich – Turtle Island Restoration Network – Expressed desire to see more language describing the lethal effects from marine debris.
- Ron Davis – Cal Desal – Proponent for desalination and pleased with the public comment process; requested that staff revisit the latter portion of the Issue 9 narrative, and metrics associated with Actions 9.2.1 and 9.1.1.
- Bob Yamada – San Diego County Water Authority – Recommended a revision of the metrics associated with Action 9.2.1; stated existence of examples in which once-through cooling (OTC) intakes were found to have no significant impacts; expressed that OTC and desalination are different; and stated need for open ocean intakes in order to meet San Diego water supply goals by 2020.
- E.J. Caldwell – West Basin Municipal Water District – Expressed concern with the metrics associated with Action 9.2.1; stated that ocean water desalination is necessary water supply option for Southern California.
- Robert Harding – Metropolitan Water District of Southern California – Noted that the District’s Integrated Resources Plan calls for desalination to meet water supply demands; stated that open ocean desalination should not be precluded.
- Stan Williams – Poseidon Resources – Associated his comments with those by Ron Davis and his colleagues.
- Pete Stauffer – Surfrider Foundation – Stated support for the use of recycled waste water and other innovative water management approaches.
- Linda Sheehan – CA Coastkeeper Alliance – Stated that the OPC is well placed to take a leadership role; noted that OPC’s OTC resolution created a precedent for action, and importance of OPC’s role regarding desalination; suggested an opportunity for OPC leadership on ocean acidification; expressed support for including actions related to estuaries and water quality standards for marine reserves.
- Sean Bothwell – CA Coastkeeper Alliance – Stated opposition to co-location of desalination facilities with existing power plants, and to open water intakes; expressed concern with seawater dilution of brine; urged look at cumulative impacts of certain current and proposed industrial uses.
- Kaitilin Gaffney – Ocean Conservancy – Stated support for science integration and better application of spatial management tools; noted her agreement with the comments of

Linda Sheehan; reminded the Council that the California Ocean Protection Act is an ecosystem-based piece of legislation; and expressed the need for the industrial uses section to talk about impacts as well as benefits.

- Tom Raftican – The Sportfishing Conservancy – Commented on cost of fisheries management in context of permit revenues; reminded the Council and public of availability of DFG warden stamp; supported consideration of derelict gear as marine debris.
- Susan Jordan – CA Coastal Protection Network – Expressed support for the desalination section as written; urged the OPC to take the lead on desalination policy such that it does not undermine the SWRCB’s OTC policy.
- Lesli Daniel – Sierra Club California – Commended the OPC for the level of outreach to local government; expressed concurrence with the comments of Susan Jordan; urged the OPC to address tidal wetlands in the plan.
- Sarah Newkirk – Indicated that she would provide written comments on the climate change, fish, and land/sea sections; urged recognition of the primacy of ecosystem protection; urged the OPC to reconsider putting tidal wetland actions into the plan.
- Leila Monroe – NRDC – Indicated that she would provide written comments on behalf of the NRDC; supported leveraging existing investments; stated her concurrence with the comments from Coastkeeper; suggested that the need for science integration is illustrated through the debate on desalination; thanked staff for their outreach to stakeholders, and supports coordination between agencies to improve the health of the oceans.
- Casey Elliott – Municipal water district of OC – Associated himself with the comments of Ron Davis; expressed that ocean desalination must be a viable option.

9. ACTION: Authorize disbursement of up to \$222,000 to California State Lands Commission to review and update its offshore geophysical permit program.

Sarah Flores, California Sea Grant Fellow, recommended the disbursement of up to \$222,000 to the California State Lands Commission (SLC) for the review and update of the SLC’s offshore geophysical permit program. She stated that approval of this project would be consistent with the OPC’s goals, would provide an opportunity address potential impacts to marine life from geophysical surveys to as soon as possible, and allow the SLC to more efficiently evaluate two geophysical survey programs.

Public Comment:

- Leila Monroe – NRDC – Presented a joint letter of support from the NRDC and the Ocean Conservancy.

The item was moved for approval by Newsom, seconded by Golding, and unanimously approved.

10. Marine Renewable Energy

A. SPOTLIGHT ON SCIENCE:

Dr. William O'Reilly, Senior Development Engineer at the Scripps Institution of Oceanography, presented a talk entitled "California's Coastal Renewable Energy Resources," which covered what is known about offshore renewable energy resources (tidal and ocean wind, current, and wave) in California.

Margaret Caldwell, JD, Executive Director for Center for Ocean Solutions, presented a talk entitled "Investing in geospatial data and tools: California's opportunity to enhance the protection and sustainable use of its coast and ocean," which focused on the utility of geospatial information and tools for supporting safe and sustainable renewable energy development.

Lt. Governor Newsom stated that this is an issue he is intensely passionate about, and agreed that a focus on geospatial information is essential. He emphasized that data sharing allows for increased efficiency, and increased government accountability, while garnering the trust of the public. He stated that this approach is consistent with the mandate of the OPC, and wanted to know specific ways in which we could move forward. Laura Engeman, OPC Project Manager, stated that following presentations from the panel on marine renewable energy, she would make a presentation to the Council that would outline some possible next steps.

B. PANEL: Marine Renewable Energy: California Test and Pilot Project Opportunities

Laura Engeman, OPC Project Manager, introduced and moderated a panel on Marine Renewable Energy. The panel consisted of the following members:

- *Mirko Previsic, RE Vision Consulting*
- *Bill Lyte, Protean Energy Ltd.*
- *Bill Toman, SAIC Maritime Solutions*
- *Pete Stauffer, Surfrider Foundation*

The panelists discussed opportunities and constraints for offshore renewable energy development in California and identified opportunities where OPC can advance informed decision-making with sound data while simultaneously promoting investment and developing guidance for environmental responsible wave energy. After the presentation, the panelists were joined by two State Agency representatives:

- *Cy Oggins, California State Lands Commission*
- *Eugenia Laychak, California Energy Commission*

The Agency representatives and panelists then answered questions from the Council.

Lieutenant Governor Newsom pointed out the institutional barriers that exist in CA, and pointed out that we need a more collaborative and engaged process in California so we can continue to innovate (?). Asked from the panelists what the top recommendations are

Streamlining the process – agree on a site

Market push component R&D minimizing permitting process

Market pull – establish an i

C. ACTION: Request that the OPC sponsor an inter-agency workshop to develop a statewide regulatory guidance document for test and pilot hydrokinetic energy projects.

Laura Engeman, OPC Project Manager, requested that the OPC sponsor an inter-agency workshop to develop a statewide regulatory guidance document for test and pilot hydrokinetic energy projects. The resulting white paper would contain a forward from the Council including recommendations to the California Energy Commission for a statewide policy on marine renewable energy.

Public Comment:

- Kaitlin Gaffney – Ocean Conservancy – Stated support for the workshop.
- Christina Cairns – National Oceanic and Atmospheric Agency, Coastal Services Center (NOAA, CSC) – Stated that the NOAA CSC is proud to partner with OPC staff on the Geospatial Work Group, and to move forward on the workshop.

Councilmember Golding suggested that the resolution be amended to clarify the goal of the OPC with this workshop. She directed staff to, at their discretion, add language that states that the goal is to improve the State’s ability to produce marine renewable energy in a quicker and less expensive way, while protecting the environment. OPC staff later amended the resolution as follows:

“The Ocean Protection Council will sponsor a workshop and resulting white paper providing preliminary guidance for test and pilot hydrokinetic projects in California with the goal of advancing environmentally friendly projects to test these renewable energy technologies in California waters.”

The item was moved for approval by Newsom, seconded by Golding, and unanimously approved.

11. Adjourn

Secretary Laird adjourned the meeting at 3:00pm.