

# CALIFORNIA OCEAN PROTECTION COUNCIL

## MEETING MINUTES

**June 10, 2005**  
**Ferry Building (2<sup>nd</sup> floor)**  
**Port Commission Hearing Room**  
**The Embarcadero at Market Street**  
**San Francisco, California 94111**  
**10:00 a.m. – 4:00 p.m.**

### **Council Members in Attendance:**

Mike Chrisman, Secretary for Resources, Council Chair  
Cruz Bustamante, Lieutenant Governor, Chair of the State Lands Commission  
Alan Lloyd, Secretary for Environmental Protection  
Sheila Kuehl, State Senator, Ex officio Member  
Pedro Nava, State Assemblymember, Ex officio Member  
Brian Baird, Assistant Secretary for Ocean and Coastal Policy, Resources Agency

### **1. Welcome, introductions, and opening comments**

*Mike Chrisman, Secretary for Resources, Council Chair*

The Chair opened the second session of the California Ocean Protection Council (Council) by welcoming everyone and introducing members of the council.

The Chair outlined that the Council was created to: coordinate state agencies; provide a mechanism for protecting California's valuable marine resources; improve protection; collect and share scientific data; and to identify and recommend changes to federal and state law to achieve protection and enhancement of coastal and marine resources.

Highlights of some of the progress at the federal level so far has been in addressing national energy policy, the Coastal Zone Management Act, the U.N Convention on Law of the Sea.

### **2. Announcements by Council members**

Secretary Lloyd offered that some of the work in the Ports and Goods workgroup—dredging issues, for example—show many similarities to activities with the work of the Council.

Assemblymember Nava considered it a privilege and honor to serve on the Council, and suggested future meeting venues include affordable parking.

### **3. Consideration of adoption of March 21 meeting minutes**

Chair Chrisman adopted March 2005 meeting minutes. Ms. McIver stressed that Senator Kuehl would like to participate in actions to streamline funding for the Council. The minutes were adopted without amendment.

#### **4. Federal affairs**

The Chair alerted the Council to letters and briefings in Council briefing books and highlighted the Council's policy positions at a national level. The Council opposes lifting the moratorium on offshore oil leasing activities, strongly opposes efforts to reduce coastal ocean protection provided by Coastal Zone Management Act, and strongly objects to eliminating the State's role in citing Liquefied Natural Gas (LNG) facilities in State waters.

Paul Michel of EPA Region IX reported on the United States Ocean Action Plan and Coastal America partnership activities seeking to locate synergies between State and Federal ocean plans. The EPA approved the Resources Agency application for a wetlands grant demonstration pilot program, which seeks to track status and trends and provide funds for non-regulatory solutions to restoration problems.

Lt. Governor Bustamante asked whether the EPA took a position on the thermal energy bill, voicing his strong concerns, and suggested the EPA provide briefing to the Council.

Secretary Lloyd voiced concerns regarding when funding can be expected from Federal government for Council projects.

Ms. McIver noted Assembly Joint Resolution 14; Senator Kuehl is working to get Senate authors on bill.

Assemblymember Nava stressed central coast opposition to lifting the no-drilling moratorium, citing a 1969 oil spill that left a strong impression in the minds of the public. Furthermore, environmental impacts from aquaculture should be an issue on the Council agenda.

Ms. McIver suggested that updates on State policy discussions related to ocean waters should be included along with federal updates on the Council agenda.

Secretary Schuchat updated the Council on current legislation before the State regarding LNG terminals impact on coastal communities, large aquaculture facilities in State waters, and suggested giving the Council regular updates on these issues.

#### **5. Public comment on non-agenda items**

Steve McAdam of the Bay Conservation and Development Commission offered support to the Council and welcomed them.

David Lewis of Save the Bay stressed the need for scientific research effort toward examining habitat and species in San Francisco Bay, especially deeper Bay waters.

Peter Grenell of San Mateo County Harbor District argued the importance of the Council working with local agencies in carrying out project goals.

Michelle Moss of Senator Barbara Boxer's office highlighted legislation Senator Boxer is sponsoring, including the National Ocean Protection Act of 2005 and the National Marine Sanctuary Expansion Act.

Tom Brown, author of *The Dolphin's View*, condemned Japanese dolphin slaughter and brought it to the Council's attention, speaking in favor of Senator Boxer's bill.

Richard Charter of the National OCS Coalition encouraged the Council to support striking from the Senate Energy bill requirements for exploratory oil and gas seismic survey in California waters, and encouraged the Council to oppose rescinding current legislation that protects coastal lands and resources.

Rebecca Smyth of NOAA Ocean Service offered general support to Ocean Council activities.

Orville Magoon of the Coastal Zone Foundation asked the Council to consider supporting modification of existing structures near breakwaters and other coastal infrastructure to protect against possible impacts from tsunamis, as well as the impacts of coastal erosion due to sand and gravel mining. These should be considered when forming coastal protection policies.

Assemblymember Nava noted that he is supporting an Assembly bill allowing CalTrans to use recycled roadbase materials and establishing statewide standards.

Tim Eichenberg of the Ocean Conservancy voiced support of standards to mitigate effects of aquaculture in coastal waters, and also supports establishing a preferred reserve network and comprehensive protections of Channel Islands under the National Marine Sanctuaries Act.

Donna Soloman, resident of Moss Landing, alerted the Council to recent problems with the selling of fishing vessel property rights in the region and other aspects of the buyout program.

Craig Schuman of Heal the Bay stressed the importance of scientific monitoring of subtidal resources to marine reserves.

Kate Wing of the National Resources Defense Council offered support for Marine Life Protection Act and stressed federal support for Channel Islands reserves network.

Lt. Governor Bustamante suggested there be discussions regarding standards for building LNG structures off the coast of Mexico.

Tom Roth, representing Representative Woolsey's office, discussed Sonoma Ocean Bill legislation, which seeks to expand marine sanctuaries off Sonoma and San Francisco coasts.

## **6. Funding discussion**

*Sam Schuchat, Executive Officer, State Coastal Conservancy, Council Secretary*  
*Gerald Secundy, Board Member, State Water Resources Control Board*

Mr. Schuchat presented an update on Council funding issues, and highlighted the likely \$5-10 million dollars coming from the Tidelands Oil Fund for Council projects recommended by the Council. Mr. Schuchat also intends to pursue discussions with private funders. The Council

should focus on primarily on supporting long term monitoring, establishing a fisheries revolving loan fund, coordinating integrated monitoring, implementing invasive species plan, establishing goals for seafloor mapping, and supporting coordinated research efforts coast wide.

Mr. Secundy briefly relayed history of State Water Resources Control Board's work on the California coast, and stressed the Water Board is looking to accelerate and dedicate \$10 million to the Council previously earmarked for the "Clean Beaches" fund. In June 2006 the Water Board will bring projects to the Council for their recommendation.

**Public comment:**

Holly Brown-Williams from the University of California, Berkeley, recommended adding public health focus regarding fish and shellfish contamination by DDT, mercury etc.

Burr Heneman of Commonweal Ocean Policy Program suggested adding to selection criteria how projects benefit a range of existing marine programs, such as MLPA, Channel Islands etc.

Kurt Solomon of Solomon Live Fish added his concerns regarding fishing boat buyout program funding.

Kate Wing of the National Resources Defense Council offered support for adopting Project Funding, Selection and Application Guidelines.

Jim Curland of the Defenders of Wildlife requested prioritizing funding for programs monitoring disease-causing mussel, surface ambient water programs, and pathogens in marine waters and nearshore ecosystems.

Tom Graff of Environmental Defense discussed revolving loan funds and how they benefit both the fishing industry and the marine environment with a combination of public and private capital.

Warner Chabot of the Ocean Conservancy urged the Council to adopt Interim Guidelines.

Council voted to adopt Interim Funding, Project Selection and Application Guidelines: passed 5-0 with Lt. Governor Bustamante abstaining.

## 7. Pilot projects

Mr. Schuchat introduced pilot projects being brought before the Council.

- A. Sheila Semans (State Coastal Conservancy) asked the Council to consider the **California Derelict Fishing Gear Removal Pilot Project**, and possible: 1) determination that it is a high priority project, and 2) authorization for the Council's Secretary to take actions needed to provide up to \$300,000 for its planning or implementation. Kirstin Gilardi of the University of California at Davis Wildlife Health Center related successful fishing gear removal projects on coral reefs of northwestern Hawaiian Islands and Washington State.

Lt. Governor Bustamante asked whether compensation will be sought after for gear removal, perhaps used for gear resale.

Secretary Lloyd asked how success of the pilot program be defined. Answer: ability to document gear, noting how much removed, and to set goals yearly on removing a standard amount of gear.

Assemblymember Nava asked how project will record, store and share information in ways that satisfy other agencies' protocols for retrieving data. Answer: data could be stored in Excel and readily available, shared.

Secretary Chrisman asked if the project would be using pilot program as baseline. Answer: yes, this project will set standard for future removal projects, documenting conditions of gear.

**Public comment:**

Zeke Grader of the Pacific Coast Federation of Fishermen supports the pilot project. What is needed is a self-sustaining program in deeper waters for fishermen to retrieve their fishing gear. There is also the need to bring out legislation to put trap limits in place to facilitate a lower amount of gear being lost in the first place.

Natalie Manning of the NOAA Restoration Center announced nationwide funding available for marine debris removal projects, and that California should insure projects are feasible to receive funding.

Council voted and determined project to be high priority and authorized actions for implementation.

- B. Marc Beyeler and Kara Kemmler (State Coastal Conservancy) asked the Council to consider the **Channel Islands Marine Protected Areas Remotely Operated Vehicle Monitoring Program**, and possible: 1) determination that it is a high priority project, and 2) authorization for the Council's Secretary to take actions needed to provide up to \$765,000 for its planning or implementation.

Dirk Rosen from Deep Ocean Engineering offered a presentation on data collection operations of ROV and mapping capabilities of fish and habitat in deep coastal waters.

Lt. Governor Bustamante inquired how future funding will be secured.

Assemblymember Nava asked if the goal was to be able to present good scientific results for MPLA to establish good baseline data.

Council voted and determined project to be high priority and authorized actions for implementation.

- C. Michael Bowen (State Coastal Conservancy) asked the Council to consider the **Klamath River Sediment Study**, and possible: 1) determination that it is a high priority project,

and 2) authorization for the Council's Secretary to take actions needed to provide up to \$350,000 for its planning or implementation.

David White of the National Marine Fisheries Service related the Klamath River's historic importance as resource for both tribal and commercial fisheries, and the various barriers to salmon passage upstream from ocean to upper watersheds of Klamath basin, giving options of decommissioning dams and fish ladders to restore vital habitat.

Assemblymember Nava questioned the percentage of sediment stuck behind dams which would have ordinarily gone to beaches and coastal areas, and stressed the importance of knowing sediment content.

Secretary Lloyd asked how long the project would take. Answer: goal is to have studies completed by October 2005.

Ms McIver asked if prospective sediment study has been approved or accepted by collaborating stakeholders.

**Public comment:**

Zeke Grader of the Pacific Coast Federation of Fishermen supports proposal, which shows connection between healthy rivers and coastal commercial fisheries in ocean.

Secretary Chrisman echoed how important the dam re-licensing issue is at this time, as it concerns both hydroelectric power for people living and working and adequate river habitat for anadromous fish in California.

Orville Magoon of the Coastal Zone Foundation brought up issue of who owns flowing sediments in the Klamath River, and how legal issues would carry on to Southern California.

Jeff Bright, a steelhead fly fisherman, pointed out that Klamath River health is essential to ocean health.

Annie Manji of the Department of Fish & Game voiced support of completing sediment study as soon as possible to contribute to good decisions on dam re-licensing.

Council voted and determined project to be high priority and authorized actions for implementation.

- D. Abe Doherty requested from the Council consideration of the **Eelgrass and Native Oyster Restoration Project** in San Francisco Bay, and possible: 1) determination that it is a high priority project, and 2) authorization for the Council's Secretary to take actions needed to provide up to \$350,000 for its planning or implementation.

Secretary Lloyd asked how long it would take eelgrass to mature from seed to mature plant. Answer: one year.

Lt. Governor Bustamante asked if there were priority spots identified for oyster restoration as there is for eelgrass. Answer: one aspect of project is to gather more data on priority restoration sites.

**Public Comment:**

Zeke Grader of the Pacific Coast Federation of Fishermen argued that meaningful and successful restoration of oyster beds requires adequate studies, as well as good coordination between agencies and organization to spend money wisely for mapping and restoration of beds.

Patrick Ruten of the NOAA Restoration Center stressed the importance of NOAA working with the State doing oyster bed and eelgrass restoration in San Francisco Bay.

Steve Edmondson of the NOAA National Marine Fisheries Service offered support for the project and argued that it is in alignment with the recommendations of the Subtidal Goals Report.

Edwin Grolholz of the University of California, Davis, offered support for the project and noted the advantage of native oyster and eelgrass habitats providing increase of diversity of other native marine species. Furthermore, oyster fisheries can be a model restoration project for valuable future development of commercial oyster fisheries in other California bays.

Council voted and determined project to be high priority and authorized actions for implementation.

**8. Discussion of once-through cooling systems in power plants**

*Paul Richins, Energy Commission*

Mr. Richins gave an overview of coastal power plants, their review procedures, and their impacts on marine life through use of vast amounts of water for cooling and intake valves and screens which trap fish, shellfish, and their larvae. He also noted their importance to California for meeting energy needs.

Secretary Lloyd wanted to know the difference in cost between dry and wet/water cooling. Answer: dry not so costly and once-through cooling can be competitive but it depends on regions and markets.

Ms. McIver asked how decisions for re-licensing were arrived at up to the present and on what had they been based? Answer: developers so far have undertaken necessary studies but the goal is to establish regional peer-review board statewide for establishing protocol.

Dominic Gregorio of the State Water Board gave overview of permitting process for once-through cooling power plants.

**Public comment:**

Joe Geever of the Surfrider Foundation advocated for statewide policy on once-through cooling because of its extensive environmental impacts—recycled water cooling and cooling towers are the best technology and improvements to cooling technology are needed.

Craig Shuman of Heal the Bay listed environmental damage done by once-through cooling, and recommended the Council take aggressive stand to phase out once-through cooling.

Lorena Gonzalez-Bradford noted that Lt. Governor Bustamante has been very active voicing opinion on once-through cooling.

Alfred Wenger of the Coastal Commission requested that the Council hire experienced consultant to prepare proposal giving permanent funding for ocean and coastal stewardship.

## 9. Ocean action plan implementation

- A. Draft Ocean and Coastal Information, Research, and Outreach Strategy (Action 4)  
*Brian Baird, Assistant Secretary for Ocean and Coastal Policy, Resources Agency*  
*Leah Akins, Ocean and Coastal Policy Analyst, Resources Agency*

Assistant Secretary Baird listed the primary recommendations for the Ocean and Coastal Information, Research and Outreach (IRO) Strategy: to 1) identify and refine coastal information research priorities; 2) make California's ocean observation system a national model; 3) involve California and other states as partners in develop national research agenda; 4) make management-oriented research a key priority; 5) launch ocean and coastal Web Info portal; 6) incorporate ocean and coastal education in K-12; and 7) build a joint public outreach strategy.

Leah Akins presented the California IRO Strategy needs for building solid scientific foundation to form sound policy. Areas of focus can be divided into five categories: fisheries and aquaculture; ecosystems and habitats; coastal hazards and shoreline processes; water and sediment quality; and invasive species.

Justin Malan of the California Ocean Science Trust offered his support of the Council's activities and his organization's help in any way.

- B. Planning, readiness, and coordination of oil spill response (Action 2)  
*Carl Moore, Administrator, Office of Oil Spill Prevention and Response*

Postponed.

- C. Coastal Sediment Management Master Plan (Ongoing Actions)  
*George Domurat, Operations/Regulatory Team Leader, South Pacific Division, U.S. Army Corps of Engineers*  
*Kim Sterrett, Public Beach Restoration Program Manager, Department of Boating and Waterways*

Kim Sterrett argued that beaches are naturally re-nourished through rivers, but mining and concreting channels have upset balance of sediment beach replenishment. Coastal

recreation accounts for a large use of coastal areas/beaches. Little tax revenue goes to local cities for beach restoration, as most going to State government. He stated that beach management and restoration works well in California.

George Domurat provided overview of importance of California beaches for recreation, but underlined the effect damming has had on sediment supply and problem with diversity of sediment that exists behind present dams looking to be decommissioned for providing sediment to beaches. The Army Corps has been doing coastal sediment management. Mr. Domurat provided project goals, objectives and ongoing activities, coordination and Management Master Plan status, and the future directions and benefits of Army Corps programs implementing coastal sediment management.

Joe Geeber of Surfrider Foundation asked that Surfrider and other organizations get involved in the coastal sediment management.

- D. Education and Environment Initiative, AB 1548 (Action 5)  
*Andrea Lewis, Assistant Secretary, Cal/EPA*  
*Gerald Lieberman, Principal Consultant for the Education and Environment Initiative, Cal/EPA*

Ms. Lewis and Mr. Lieberman gave a joint presentation of the background of the legislation signed into law in 2003, which established partnerships between the EPA and others to develop principles, concepts and curriculum for K-12 schools. The focus would be looking at interaction of human systems and natural systems, how they are dependent on one another, and their importance, looking at effects human systems have on natural systems. A significant deliverable would be developing a model curriculum plan going before State Board of Education, which looks to identify model curriculum connections. Funding is needed from the Council for designing appropriate instructional components.

Justin Malan of the Ocean Science Trust offered support and vowed to work with the Council to help through the Education and Environmental Initiative.

- E. Marine debris: overview of issues and current state and local efforts (Action 13)  
*Chris Parry, Public Education Program Manager, California Coastal Commission*  
*Dominic Gregorio, Senior Environmental Scientist Ocean Unit, State Water Resources Control Board*  
*Steve Aceti, Executive Director, California Coastal Coalition*

Chris Parry highlighted threat of marine debris to ocean environment. Litter, mostly plastic, is a large problem and its environmental impacts on the health of the coastal and ocean ecosystem, as well as economic impacts of cleaning beaches etc., are compounded by the lack of retrieval (animals ingest plastics, etc.).

Dominic Gregorio presented the regulatory tools the Water Board is using, such as municipal storm water permits and regulating urban stormwater discharges.

Steve Aceti discussed local level review of actions being undertaken on regions along coast, working with organizations, plastics industries, and local governments. He voiced

need for educational and other materials available to visitors to the coast to bring awareness of litter problem.

Joe Geeber stated that Surfrider launched new program to get baseline and tracking data of plastics accumulation on beaches and work with highschool students.

## **10. Next Steps**

*Council members*

Secretary Chrisman announced the next meeting will be September 23<sup>rd</sup>, 2005 in San Diego.