Public Comment to the California Ocean Protection Council
Draft Strategic Plan Comments: January 13 – April 01, 2006

Date	Name	Affiliation	Subject of Communication
02-02-2006	Rod Fujita	Environmental Defence	COPC Draft Strategic Plan
02-03-2006	Teri Shore	Bluewater Network	
03-13-2006	Craig Shuman	Reef Check	
03-17-2006	Rod Fujita	Environmental Defence	
03-24-2006	Linda Sheehan	California Coastkeeper Alliance	
03-28-2006	Jodi Cassell	UC Davis	
03-28-2006	Anthony G. Morton	NOAA's National Marine Fisheries Service, Southwest Region	
03-28-2006	Susan Williams	Bodega Marine Laboratory, UC Davis	
03-29-2006	Ellen G. Aronson	MMS Pacific OCS Region	
03-29-2006	Jim Ayers	Oceana	
03-29-2006	Lawrence B. Coleman	University of California, Office of the President	
03-29-2006	Susan Ellis	California Department of Fish and Game	
03-29-2006	Toby Garfield	San Francisco State University	
03-29-2006	Edwin Grosholz	UC Davis	
03-29-2006	Catherine Hickey	PRBO Conservation Science	
03-29-2006	Beth Huning	San Francisco Bay Joint Venture	
03-29-2006	Jonathan B. Jarvis	National Park Service	
03-29-2006	Leigh T. Johnson	UC Davis	
03-29-2006	Caroline Pomeroy	California Sea Grant Extension Program	
03-29-2006	Barbara Salzman	Marine Audubon Society	
03-29-2006	Donna Schroeder	Channel Islands Marine Sanctuary Foundation and UC	

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		Santa Barbara	
03-29-2006	Steve Shimek	The Otter Project	
03-30-2006	John L. Largier	Bodega Marine Laboratory, UC Davis	
03-30-2006	Will Travis	San Francisco Bay Conservation and Development Commission	
03-31-2006	Patrick J. Rutten	NOAA, National Marine Fisheries Service	
04-12-2006	Chris Miller	California Lobster and Trap Fisherman's Association	

COMMENTS OF ENVIRONMENTAL DEFENSE

CONCERNING

THE OCEAN PROTECTION COUNCIL'S DRAFT STRATEGIC PLAN

Environmental Defense
Tel: 510 658 8008
Email: rfujita@environmentaldefense.org

February 2, 2006

These comments pertain to the OPC Strategic Plan Outline distributed at our February 1, 2006 meeting in San Francisco. The goals that I've suggested below are intended to be additional to the sectoral goals in the outline, except that I'm recommending that measures and projects concerning ocean economic activities should be combined within one section.

The strategic plan will set the course for the Ocean Protection Council (OPC), and as such should lay out a bold vision with practical steps for realizing it. The vision should be an articulation of a desired state of affairs (example: "productive fisheries supporting vibrant fishing communities and healthy ecosystems") designed to inspire, rather than process statements (e.g., "improve fisheries management").

Because the OPC has a mandate to do ecosystem management, and because the OPC should strive to add value and not duplicate effort, the specific activities should be chosen using criteria that embody these principles. The OPC should also take advantage of its unique assets, which include: ground-breaking mandate; flexible and relatively unrestricted Ocean Protection Trust Fund; strong leadership; and provision of the only forum for agencies with jurisdiction over land, water, air, and ocean conservation to meet and discuss issues.

PRINCIPLES AND CRITERIA FOR SELECTING ACTIVITIES AND PROJECTS

Overall, the most important things that the OPC can do will:

1. Harmonize economic activities with ocean conservation. This is where the OPC can break new ground, by parting with old strategies that are based on command-control regulation, increasing conflict and costs while reducing stewardship and ownership. Instead, the OPC can implement the human dimension of Ecosystem Based Management by promoting and implementing policies that create incentives for conservation and stewardship that are aligned with intelligent economic development (e.g., values-education, participatory processes, community-based management, performance standards, designated access privileges to fishing opportunities, etc.)
2. Add value to existing efforts and avoid duplication

3. Implement Ecosystem Based Management by breaking bureaucratic logjams, increasing funding, and promoting EBM pilot projects

To achieve the most impact and greatest success, the OPC should use the following criteria to evaluate project selection:

- Is this project or activity something that no other group can undertake?
- Can the OPC break a bureaucratic logjam by undertaking this activity?
- Can OPC lend political clout to a worthy cause by virtue of its unique mandate, composition, and good standing with the public?
- Can OPC integrate agency activities and funding by undertaking this activity or project?
- Will this project promote the "beneficiaries should pay" principle with respect to ecosystem services and resource management?
- Will this project or activity increase and stabilize overall funding for ocean conservation?

GOALS

Using the above guiding principles, the OPC's strategic plan should rise above sectoral activities and fully embrace the OPC's ecosystem-based management mandate-- which calls for cross-jurisdictional cooperation, cross-sectoral management, the protection of ecosystem processes as well as biodiversity and structure, and the use of tools that are responsive to the human dimension (e.g., social and economic incentives). Thus, the OPC should adopt explicit goals that embody these concepts.

GOAL: IMPROVE INTEGRATION OF AGENCY ACTIVITIES AND FUNDING SOURCES TO ADDRESS CROSS-SECTORAL AND CROSS-JURISDICTIONAL OBSTACLES TO ACHIEVING THE MISSION

- perform audit, surveys to identify problems and needs (ask Linda Sheehan and others)
- assemble problem-solving teams
- exercise oversight to keep teams on track

GOAL: INCREASE AND STABILIZE FUNDING FOR OCEAN CONSERVATION AND MANAGEMENT, INCREASE CAPACITY FOR OCEAN PROTECTION ACROSS THE BOARD

- develop compelling case statement for more money and associated marketing materials and talking points
- strategy for building political will
    - educate policymakers
    - prepare policy vehicles, budget proposals – from resources agency, Environmental Protection Agency (EPA), state lands, legislative liaisons
    - create constituencies
    - develop strategy for raising and maintaining funds

GOAL: DEVELOP AND SUPPORT ECOSYSTEM BASED MANAGEMENT (EBM)PROJECTS IN AREAS WITH HIGH DENSITY OF ECOSYSTEM SERVICES AND IMPORTANT HUMAN USES

- map ecosystem services hotspots (Gretchen Daily, Stanford University)
- choose sites (1 in each Marine Life Management Act (MLMA) management region)
- cultivate leadership and projects
- provide seed grants
- provide implementation grants
- prepare recommendations for state infrastructure planning (to prevent large and careless investments in infrastructure that would work against EBM and conservation goals)
- push state commitment to Nonpoint Source Pollution (NPS) control (cuts across environmental media, farming, watersheds, estuaries, coastal ocean) and coordinate efforts by EPA, State Lands, and Resources Agency to solve NPS problem in EBM model sites
- develop new funding sources for Coastal Commission to ensure that land use is consistent with EBM goals

GOAL: HARMONIZE ECONOMIC AND RECREATIONAL USES OF THE OCEAN WITH CONSERVATION AND STEWARDSHIP (this should be done in a variety of relevant sectors, including fisheries, aquaculture, waterfronts (ports/harbors), energy resources (oil/gas)

- identify strong performance standards, sideboards for industry/recreation, foster innovation with flexible regulatory approaches
- implement participatory fact-finding and problem-solving
- cultivate community leadership
- create social and economic incentives for stewardship
- fund co-management institutions and activities

This final goal of harmonizing human use with conservation is a vital component of the strategic plan. Each of these sectors may deserve its own detailed strategy. Here is one for fisheries:

Fisheries strategy

- problem statement – CA fisheries are in decline, some are harming marine ecosystems, and most are undervalued
  - fundamental drivers of fisheries decline
    - management is disconnected from environmental drivers (?)
    - lack of precaution
    - poor governance, perverse incentives
    - markets, vertical integration and globalization have all led to commodification of fish
- theory of victory

- address the fundamental drivers of decline
    - support fishery management plans that incorporate environmental variables in explaining population dynamics
    - create stewardship incentives to institutionalize precaution and enforce the MLMA's unique EBM approach (e.g., nearshore Fishery Management Plan harvest control rule with tiered management tied to levels of uncertainty)
    - reform fishery governance to end race to maximize catch
    - cultivate new markets that will support alternative ways of fishing. For example, niche or boutique markets with value-added products and environmental certification
    - encourage co-management with a focus on science and conservation
- opportunities
    - emerging science to support fishery management based on consideration of environmental and population drivers of fishery dynamics
    - increasing acceptance of Dedicated Access Privileges (DAPs) as a management tool
    - economic, conservation benefits from DAPs
    - emerging markets for sustainable fish
- ecosystem-based scientific management of fisheries will yield more accurate projections of surplus production and maintain biomass levels appropriate for maximum economic yield (rather than maximum sustainable yield, which creates risk for fish populations and low profits for fishermen)
- reforming fisheries governance with DAPs tailored to specific fisheries or portfolios of fisheries will increase profits, instill a conservation ethic, increase co-funding of conservation and management by industry, reduce conflict, improve conservation performance, and attract private sector capital for further reform
- support fishery leadership and constituency-building for governance reform, which will result in "bloom of innovation" and good climate for investment
- create innovative fisheries capital pool to demonstrate how capital can be applied to improve fishery conservation and financial performance
- communicate and replicate successful models

o principles
- achieve density of impact by carefully choosing model fisheries and concentrating grants, technical support, and lending; aim for early success that can be replicated
- address fundamentals (governance, markets)
- create success stories in a few places/fisheries
    - criteria for candidate fisheries (existing or readily cultivated)
        - leadership
        - organization

        - infrastructure
        - interest
        - market potential
        - conservation needs
    - strategy
        - support fishery leaders with planning grants
        - build consensus around problems
        - co-create solutions (e.g., specific type of DAP?)
        - develop reform package
        - develop constituency for reform package
        - win reforms
        - develop new markets, create partnerships
        - develop business plans
        - obtain financing from fisheries capital pool; later, from private sources
        - implement and manage
- communicate success
    - Public Relations and communications campaign
    - fishermen exchange

February 13, 2007

Brian Baird
Assistant Resources Secretary for Coastal and Ocean Policy
California Ocean Protection Council
1416 Ninth St., Suite 1311
Sacramento, CA 95814

Re: OPC Strategic Plan

Dear Brian and Ocean Protection Council,

Thank you for inviting Bluewater Network to participate in the Ocean Protection Council Strategic Plan public process and the session held on Wednesday, Feb. 1, in San Francisco. We support the state of California's efforts to continue to make ocean protection a high priority. In particular, we very much appreciate the support that the Natural Resources Agency, CalEPA, California Air Resources Board and the Schwarzenegger administration have given to legislation that we have forwarded over the past few years to ban ship dumping and incineration along the California coast.

We believe that the establishment of the Ocean Protection Council is a very positive outcome of the governor's Ocean Action Plan. It provides an opportunity for the state to lead the way to more dynamic and new outcomes for ocean protection. The key mission of the Ocean Protection Council should be to initiate actions and policies that are not currently being undertaken by the state.

With that approach in mind, Bluewater Network would like to submit for your consideration recommendations, policies and actions related primarily to the prevention of pollution from the growing number of cargo vessels and cruise ships that are entering California waters for inclusion in the strategic plan; and to addressing ongoing air and water pollution from harborcraft such as ferries, fishing vessels and charter boats.

Recommendation 1: The strategic plan should include a Goal of preventing, minimizing and reducing air and water pollution from commercial marine vessels and harborcraft that operate in California waters.

The following polices and actions to implement this Goal should be considered:

a. Adoption of a statewide policy of no discharge (liquid or solid wastes) from commercial marine vessels into state waters.
b. Development of a program to implement shoreside wastewater discharge facilities for large commercial marine vessels at major ports.
c. Adoption and implementation of a statewide vessel monitoring and inspection program for all commercial marine vessels as conceptualized in the California Cruise Ship Task Force Report to the Legislature (2003).
d. Establish a safety and reporting program to prevent potential spills from chemical tankers that operate in California coastal waters and the Delta.
e. Establish statewide standards and incentives for use of alternative fuels in commercial marine vessels and harborcraft, including biodiesel.
f. Support the California Air Resources Board's regulatory efforts to reduce air emissions from commercial marine vessels and harborcraft.

Bluewater Network—a division of Friends of the Earth ● 311 California, Suite 510, San Francisco, CA 94104
T: (415) 544-0790 F: (415) 544-0796 bluewater@bluewaternetwork.org www.bluewaternetwork.org

Friends of the Earth ● 1717 Massachusetts Ave. NW, Suite 600, Washington, D.C. 20036-2002
T: (202) 783-7400 F: (202) 783-0444 foe@foe.org www.foe.org

g. Adopt funding mechanisms for the statewide vessel pollution prevention program including head taxes on cruise ships and container or other fees on commercial marine vessels.
h. Establish a state ballast water research and development center in partnership with government agencies, research institutions and the shipping industry.
i. Investigate the feasibility of a statewide port authority to oversee goods movement at the state's ports and to ensure equal environmental protection across ports instead of allowing expansion solely on a project-by-project basis – which has resulted in inadequate and unequal air and water quality mitigations among ports.
j. Conduct a statewide "carrying capacity" study to determine the limit of port expansion and ship traffic that can reasonably be accommodated in the state of California while maintaining and improving the air and water quality of our state waterways.
k. Evaluate the feasibility and environmental impacts of proposals to shift cargo from trucks and highways to barges and vessels along the coast and into estuaries as being conceived by the Port of Oakland and the U. S. Maritime Administration, which could turn state waters into marine highways.

Recommendation 2: The strategic plan should include an Environmental Justice component to ensure that the concerns and needs of economically challenged residents, people of color, disabled people and port communities are included in the state's ocean protection plans and public outreach programs.

Since I do not personally represent the Environmental Justice community, I urge the OPC to seek the advice and input of communities and groups that can provide specific recommendations on an EJ component.

Bluewater Network works to stop environmental damage from vehicles and vessels, and to protect human health and the planet by reducing dependence on fossil fuels. Bluewater Network is a division of Friends of the Earth – the U. S. voice of the world's largest network of environmental groups with one million supporters in 70 countries across five continents

I hope that you will take these recommendations under consideration when drafting the OPC strategic plan. Please feel free to contact me if you have any questions or would like further detail on some of the proposals above. Do keep me on your notification list for future meetings and public comment opportunities.

Yours sincerely,

Teri Shore
Clean Vessels Campaign Director

SAVING REEFS WORLDWIDE
RESEARCH, EDUCATION, CONSERVATION

March 13, 2006

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Comments on California Ocean Protection Council Strategic Plan

Dear Chairman Chrisman,

The Reef Check Foundation is a nonprofit environmental organization dedicated to the preservation of coral reefs globally and temperate reefs in California through research, education and conservation. We wish to commend the Council on its efforts to develop the Strategic Plan (Plan) through a thorough and transparent process and fully support the extensive outreach efforts to include California's ocean-minded citizens in the development process.

Overall, we feel the Plan lacks sufficient detail to guide the attainment of goals outlined in the mission. In this vain, we believe the Plan should have specific measurable objectives, a strategy and timeline for meeting objectives, milestones, and an outline for an evaluation/monitoring program. A major value of the Plan would be to ensure that all protection, management, research, education, and outreach activities were achieved in a coordinated effort. Rather than continue fragmented activities throughout the State, the Plan should be used to reduce duplicative efforts and create synergies to maximize the return of research, education, and outreach activities.

Our specific comments are summarized below:

1. The plan should include a specific category on education. Education and outreach is critical to increase public awareness and support of ocean conservation activities and science based ecosystem management. The value of science and monitoring is significantly reduced if it is not understood and/or supported by the general public.

2. There is a need for a category on non-coastal dependent impacts. Given the tremendous amount of stress placed on our coasts and oceans, we believe it is necessary to evaluate current and proposed activities to determine if coastal impacts can be eliminated. Energy production, and associated once-through cooling systems of coastal power plants, is an obvious example of a non-coastal dependent impact that should be evaluated.

PO Box 1057, 17575 Pacific Coast Highway
Pacific Palisades, CA 90272-1057 USA
Phone: (310) 230-2371 or (310) 230-2360 / Fax: (310) 230-2376 / Email: rcinfo@reefcheck.org
www.ReefCheck.org

3. Monitoring activities need to be coordinated to help drive management decisions and evaluate the success of such decisions. We believe it is necessary to formulate a statewide monitoring network that is fully coordinated from high in the watershed to deep in the subtidal. Rather than fragmented monitoring programs that are designed for specific objectives, it would be worthwhile to initiate a large-scale, long-term monitoring network designed to provide information in a coherent framework. This would not only achieve local monitoring needs, but also provide standardized information to help achieve large-scale management and evaluation needs. We believe the network should be two tiered with a strong academic arm as well as a community based arm. The community based arm would also help to achieve education objectives listed above.

The Joint Ocean Commission Initiative recently gave the Federal government a "D" grade on Research, Science, and Education, citing:

> "Doubling the ocean research budget and significantly increasing the support for ocean science and education are fundamental to improving our understanding and management of the oceans and coasts. The lack of an integrated ocean observing system capable of providing decision makers with important information compromises our nation's capacity to manage the oceans. The absence of an ocean and coastal stewardship ethic and a sluggish effort to coordinate the public education and outreach activities needed to enhance such an ethic hamper support for reform and funding[1]."

We believe California is poised to take the lead on the implementation of the aforementioned recommendations. Modification of the Plan to include specific objectives and timelines for implementation coupled with an emphasis on education and coordinated monitoring efforts will greatly help to achieve this goal.

Please do not hesitate to contact me if you have any questions or need additional information or clarification.

Thank you

Sincerely,

Craig Shuman, D. Env.
Director Reef Check California Program

[1] http://www.jointoceancommission.org/press/press/press/release0203_assets/ReportCard%200206.pdf

Comments on OPC Strategic Plan Draft 3/17/06
Submitted by Rod Fujita, Environmental Defense

Mission: addition of scope (tops of watersheds to deep ocean) is very nice

Legislative Mandate: Add bullet "Oversee Ocean Protection Trust Fund to support projects that implement OPC goals"

Guiding Principles*:* excellent

Improving Access to Science - Support Cross-Cutting Information Needs: "add "including integration of MPA and fisheries monitoring/research" to third bullet "support the development of biological…."

Developing a Funding Strategy – add "Assess opportunity of utilizing private sources of money as part of the overall funding strategy"

Potential Priorities for Action: this is where I think some more work is needed. The projects are no doubt worthy, but they don't seem to have been passed through the screen of the guiding principles. Do these projects facilitate and acknowledge interconnectedness? Fill gaps? Deploy new and innovative processes?

First, the OPC should consider engaging in a keystone project that can utilize the tools of the OPC and concurrently address each of the key areas (Ocean Resources, Coastal Water Quality, Beaches and Coastal Access, and Economic Uses). One such project would be to "fix" the Klamath River by systematically addressing the complexity of issues, such as water quality, salmon habitat, agricultural interests, dams, etc.

Second, I don't have the expertise to do this filtering for the sections on Restore Vital Habitats, Improve Understanding, Coastal Water Quality, Beaches and Coastal Access, and Economic Uses. But here are my two cents on Ocean Resources:

A.1. Isn't the MLPA initiative handling the MLPA implementation? Perhaps the OPC could focus on getting more funding for MPA and fisheries integrated monitoring in the context of MLPA and the Channel Islands MPA network as value-added to ongoing efforts of the Blue Ribbon Task Force, the Statewide Interest Group, the DFG, whatever new regional working group is set up in northern or southern California for the next state of MLPA implementation, and the Fish and Game Commission.

A.2. I think the proposed scientific/manager teams should be project-specific, not generic.

A3. I don't understand the logic of setting up multi-agency species specific task forces; that's what has already been going on, with a tremendous amount of resources. What's needed is a complementary ecosystem-based approach that focuses not on species but on

the restoration of ecological processes like flooding of floodplains, sediment transport unimpeded by dams and levees, etc. that is detached from the restoration of specific species but that will "raise all boats", i.e., restore and maintain biodiversity in general.

A.4. Isn't there already an Invasive Species Task Force? Again, it might be more efficient and add more value for the OPC to focus on getting adequate funding for efforts already organized and underway.

A.5. The DFG is charged with implementing the MLMA. The OPC can add value by establishing the Fisheries Fund to fill a large gap in sustainable funding and to add impetus to stalled efforts at fisheries reform. By ***strategically*** filling gaps and addressing bottlenecks, the OPC can remove obstacles in the path of the agencies and groups already charged with implementing laws like the MLMA and the MLPA.

A.6. We are now calling the Fisheries Capital Pool the California Fisheries Fund. *Replace "…similar strategy that will help promote rational fishing effort…" with "…similar strategy that will facilitate transition to more rational fishing…"* Also, I think the OPC should propose and support a state-wide re-commitment to our fisheries, with the Fisheries Fund and transition to designated access systems (not necessarily to quota or limited entry programs; this is an important distinction, because designated access is a general term that includes many different ways to allocating secure fishing privileges to communities, areas, cooperatives, or individuals while quota programs and limited entry programs are much more circumscribed). Recreational fisheries should be included in this section as well.

A.7. These measures are certainly laudable but seem to be more in the purview of DFG and the Fish and Game Commission. The OPC might be able to add value by advocating for budgetary increases for DFG and the Commission, for changes in fee structure (e.g., landing fees and increasing CEQA filing fees), and for other measures that would remove obstacles that the DFG and the Commission face in carrying out their legislative mandates.

My recommendation is that you go through the other sections using the filter of the principles articulated in the strategic plan to identify those few projects that the OPC can really lead on, make a mark with, and add value to – instead of just helping a little with an ongoing effort led by other groups or agencies.

CALIFORNIA COASTKEEPER ALLIANCE
PO Box 3156, Fremont, CA 94539
(510) 770 9764 www.cacoastkeeper.org

March 24, 2006

Mike Chrisman, Chair and Members
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Comments on California Ocean Protection Council Draft Five-Year Strategic Plan: Discussion Draft for March Workshops

VIA EMAIL: COPCpublic@resources.ca.gov

Dear Chair Chrisman and Members of the Council:

On behalf of the California Coastkeeper Alliance, which represents Waterkeeper groups from the Oregon border to San Diego and into the Bay-Delta Estuary, we welcome the opportunity to submit these comments on above-described Draft Strategic Plan. As we articulated in our July 25, 2005 and September 5, 2005 comments on the "Draft California Ocean and Coastal Information, Research, and Outreach Strategy" and "Ocean Protection Council Projects Memo," the ultimate success of the Council is dependent on steady movement away from the current system of managing by single issue, and towards the vision of truly integrated, ongoing institutional and societal action for the benefit of California's ocean home, which spans land and sea. While the current Draft Strategic Plan has improved over the January draft, additional work is needed to ensure that this vision is achieved, and that the Ocean Protection Council becomes more than the sum of its parts.

The Legislature specifically found that "**the purpose of [COPA] is to integrate and coordinate the state's laws and institutions responsible for protecting and conserving ocean resources**, including coastal waters and ocean ecosystems."[1] The current Draft Strategic Plan does identify the state's laws, institutions and key programs for protecting and conserving ocean resources. But, with only a few exceptions (such as the new recommendation regarding ecosystem-based management pilot projects), it fails to describe how the Ocean Protection Council actually will "integrate and coordinate" these laws and initiatives to accomplish the objectives laid out in the California Ocean Protection Act.

[1] Pub. Res. Code § 35515.

Such integration and coordination is essential if we are to move forward measurably in improving ocean health. The inextricably linked relationship between freshwater habitats and marine fisheries has been most starkly illustrated recently in the Klamath River watershed, which is suffering from years of ongoing pollution and water diversions. As a result of severe, long-term, institutional neglect of this essential fish habitat, Chinook salmon populations have crashed. The Pacific Fisheries Management Council is considering canceling the entire commercial salmon season from Oregon to Carmel, a $150 million industry, as only a stop-gap measure. The Ocean Protection Council is perfectly positioned to help steer coordinated efforts to address such ecosystem-based problems, which are not being addressed through the current, single-agency management structures. However, because it fails to specifically lay out a path for achieving greater agency integration, the Strategic Plan does not take advantage of the Council's strengths, and instead perpetuates a focus on single-agency management.

As we stated in our September 5, 2005 comments, the Council's Strategic Plan should map out the steps needed to develop the "institutional ecosystem" essential to restoring the ocean environment. Specifically, the Strategic Plan should show how the Council will: (a) obtain through its research efforts a clearer understanding of how various effects arise and develop in a common environment, and (b) take itself (through recommendations to the Legislature and other efforts) - or ensure others take - appropriate comprehensive, integrated, ongoing governance and policy actions for the benefit of the ocean environment. But rather than taking integrated action, the current Draft Strategic Plan remains focused on planning for integrated action, and on highlighting individual agencies' key ocean initiatives. The Ocean Protection Council must "add value" by implementing its legislative purpose to actually "integrate and coordinate the state's laws and institutions" on ocean management, rather than discuss them for the length of the five-year Plan.

There are a number of ways to accomplish this task. The current Draft Strategic Plan focuses primarily on the Council's role in prioritizing and pushing implementation of particular, agency-specific marine enhancement activities. This is certainly a valuable role for the Council, since its members have some authority over the agencies that ultimately are responsible for implementation and enforcement of the actions listed in Section III. of the Draft Strategic Plan. However, as the legislative purpose of COPA articulates, the chief role for the Council is "to integrate and coordinate the state's laws and institutions responsible for protecting and conserving ocean resources." This is where the Council can and must implement the vision of the Pew and National Ocean Commissions to **implement ecosystem-based management** for the health of our oceans.

For example, the Draft Strategic Plan recommends that within five years a new State Agency Steering Committee will, among other things, "review current laws to determine . . . whether additional legislative action may be necessary," and "[d]evelop a plan for how new policy or cross-cut budgeting approaches can improve efforts to address top priorities." Nothing is said about how and when the new Committee will consolidate these planning and review processes into recommendations to the Council, or how the Council would then act on any such recommendations. There is much existing information about the need to fix gaps in the law and the utility of cross-cut budgets. There is also a great deal of research by CalEPA on the benefits of integrating <u>enforcement</u> activities (*e.g.*, using DFG wardens to assist with identifying water quality violations), something that the Draft Strategic Plan does not discuss at all. The Council

was created to implement such initiatives, not create committees to study them further. The Strategic Plan should be revised to make the Council's legislative responsibilities far more clear and to hold agencies accountable on the extent to which they implement the Council's directives.

To this end the Draft Strategic Plan must describe how the Ocean Protection Council will demonstrate its own – and its member agencies' – measurable progress towards: (a) integrating and coordinating government functions where such integration leads to better and more cost-effective ocean management and (b) associated improvements from coordinated and individual agency actions on ocean function. For example, the Council should ensure that its member agencies fully implementation of EPIC as it pertains to ocean assessment,[2] and otherwise coordinate monitoring efforts to create a full picture of the habitats, resources, water quality and overall health of the coast and ocean.

Moreover, as we articulated in our September 5th letter, integrated ocean governance must be supported by strong linkages between society at large and its government, as well as between society and the ocean environment in which we all live. Without that underpinning of societal understanding, support and action, governance changes alone will be ineffective in the long term in protecting and enhancing the health of the ocean environment. Accordingly, the Council should articulate more clearly in its Strategic Action Plan how it will measure the impacts of the proposed outreach activities on increasing societal-governance and societal-ocean environment linkages, and how (ideally) it will measure improvements in ocean health as a result of those efforts. While we support the Education and Outreach initiatives outlined in the Draft Strategic Plan, additional thought should be given to how to reach the larger public that might not be looking on the Internet for ocean information or who might not be in school. For example, media campaigns should be multi-lingual, partnerships should be created with existing docent and outreach activities by nonprofits and others, campaigns should be pursued that both educate and protect the public (such as reducing contamination of seafood caught by subsistence fishermen), and special efforts should be made to reach underserved communities.

In addition to general comments about the need to focus the Plan on implementing the purpose of the Council as articulated in PRC § 35515, we have several specific comments. First, the Plan fails to consider coastal land uses and growth patterns and the potential for the Council to weigh in on specific problems associated with these issues (*e.g.*, in coordination with the Coastal Commission). Coastal land use is often the determinative variable in the health of adjacent marine habitats and cannot be left out of the Plan. The Plan also should consider a wider range of other stressors, such as seawalls, air pollution, and global warming/energy reform, and particularly consider whether solutions to reduce the impacts of such stressors are amendable to increased agency coordination.[3]

Finally, we would like to comment specifically on the Draft Strategic Plan's treatment of once-through cooling (OTC). The Draft Strategic plan states that the Council will "support appropriate policies on existing coastal industries, such as evaluating ways to reduce the impacts of once through cooling for coastal power plants." This language fails to outline a specific duty

[2] CalEPA, Resources Agency, "Environmental Protection Indicators for California" (April 2002), http://www.oehha.ca.gov/multimedia/epic/index.html.
[3] *See, e.g.*, Dep't of Fish and Game, "California's Living Marine Resources: A Status Report" (2001), http://www.dfg.ca.gov/mrd/status/status2001.html.

for the Council, and does not reflect the active role that the Council could take. The scientific evidence of OTC's significant harm, and the availability of alternatives, has been repeatedly studied, assessed and acknowledged by numerous state and federal agencies. The Council need not deliberate or study the impacts of these systems further before taking action. The Council has a valuable opportunity now to demonstrate its leadership by passing a resolution that calls on agencies with responsibility over these systems to create a coordinated, statewide policy that calls for the scheduled phase-out of this inefficient and environmentally destructive technology.

* * *

Rather than perpetuate the silo management style that is demonstrating its clear limitations, the Strategic Plan should define the integration and coordination initiatives the Ocean Protection Council should accomplish in the next five years, and set an aggressive pace for developing, implementing, and assessing the results of those initiatives. The Council can and must use its overarching management authority over its member agencies, its technical and policy expertise, and its political clout to swiftly and decisively to claim its role as the foremost national body acting to manage the ocean ecosystem as a whole.

Thank you for the opportunity to provide these comments.

Sincerely,

Linda Sheehan
Executive Director
lsheehan@cacoastkeeper.org

From: Jodi L Cassell [mailto:jlcassell@ucdavis.edu]
Sent: Tuesday, March 28, 2006 1:20 PM
Subject: OPC Strategic Plan Comments
Importance: High

Mike Chrisman, Chair
California Ocean Protection Council

Dear Secretary Chrisman,
Thank you for this opportunity to comment on the OPC Draft Five-Year Strategic Plan: Discussion Draft for March Public Workshops , and for the opportunity to participate in the March 23 Public Workshop on this plan in Sausalito. My name is Jodi Cassell, and I am a Marine Advisor with University of California Sea Grant Extension, working in the San Francisco Bay Region of California, and I would like to submit these comments, some of which may have been captured in the March 23 workshop. My expertise is in Aquatic Invasive Species Outreach and Management, Social/Human Dimensions of Natural Resource Management, and Marine Science Education, so my comments tend to address these issues in the OPC document. If you have any questions, or would like further input on the plan, or involvement with the OPC, please do not hesitate to contact me via email or phone (numbers listed in signature at the bottom of this email).

Best Regards, Jodi Cassell

Comments:

II. TOOLS TO IMPLEMENT COPA: STRUCTURE FOR OPC ACTIONS

A. COORDINATION, COLLABORATION, AND INTEGRATION: MAKING GOVERNMENT WORK BETTER

- **Create a State Agency Steering Committee**. **I stated at the workshop, but would like to reiterate the need to have strong integration between the "agency" and "science" teams … and most likely to have at least some degree of joint membership, so that there is integration rather than separation of the management and "science" arms of the program. The coordination/collaboration/integration function of the OPC is probably one of the most important roles that this entity can undertake … there are many disparate agencies, groups, and institutions undertaking action on the other components at a variety of levels, however, coordination is often lacking, particularly between sectors (e.g. government, academia, ngo's), and this is a key role for OPC to undertake.**

  Determine the most effective way to ensure the ongoing involvement of interested stakeholders in this process. Under this "sub-bullet" , I strongly recommend the need to have stakeholder/grassroots involvement as part of the planning process during ALL phases of OPC work (perhaps a stakeholder committee), not just "public involvement" as in reviewing plans and policies at the end of a decision-making process. Along these lines, some language that recognizes that recognizes that deliberative and

collaborative processes can result in innovative ideas and solutions to problems would be good here as well.

B. IMPROVING ACCESS TO SCIENCE

 Create a Science Advisory Committee. **Under this bullet, I would like to see *explicit* recognition of the fact that ALL forms of science should be included under this advisory committee … not just natural science, but social science (economics, political, and sociology/anthropology) should be well represented.**

C. IMPROVING EDUCATION AND OUTREACH. **I agree with the comments made at the workshop I attended (6 pm on 3/23, Sausalito) that there needs to be a stronger emphasis on the need for education and environmental literacy throughout the plan. Specifically, that the OPC needs to devote resources in two main areas:**

1) The identification and coordination of the numerous small scale marine education programs that are occurring throughout the state. Rather than reinvent the wheel, the council needs to work with these entities that are already functioning well, but don't have the resources to coordinate efforts. Coordination needs to be a key role of the OPC, with respect to ocean/marine education and environmental literacy. The OPC should work closely with programs such as UC Sea Grant, USC Sea Grant, Southwest Marine/Aquatic Educator's Association, and The California Center for Ocean Sciences Education Excellence (COSEE), among others, to achieve this coordination function.

2) The second major education function of the OPC should be to identify areas of marine education which haven't been adequately addressed or are important emerging areas, such as aquatic invasive species, and target funding toward these areas.

I also agree with comments from fellow workshop participants that education (and potentially research) should be identified as separate areas under the section III. POTENTIAL PRIORITIES FOR ACTION, with their own particular action items …. Leaving education, in particular, as an "umbrella" item to be incorporated under each different subject area leaves this as kind of an "add on" which will undoubtly rank lower in priority than specific expensive management or research items under each subject area (this is often why education and outreach are underfunded in many programs). I think that highlighting education as a separate "priority for action" improves the potential for OPC to have a strong (and necessary) impact on ocean education in California.

III. POTENTIAL PRIORITIES FOR ACTION

A. OCEAN RESOURCES: FISHERIES, HABITATS, AND SPECIES

PROTECT VALUABLE MARINE HABITATS AND SPECIES

Under **4. Reduce the harmful effects of invasive species on native populations and habitats.**

I support comments submitted earlier by Dr Ted Grosholz and Rebecca Verity, of the UC Office of the President, which I have copied below:

"Comments on bullet point 4:

No invasive species should be mentioned by name, as this may lend those species special status. Creation of a science-based management prioritization list of coastal invasive species is a necessary task, which should be outlined in this draft, rather than having a few commonly known invasives called out at random. Therefore the fifth point should be changed to reflect the necessity of such a list. Stating that the OPC should "complete or make significant progress towards eradication" is assigning tasks and oversight to the OPC that is superfluous: the OPC should support the agencies and groups that do this work, not suggest that they will do it themselves.

The third and fourth points in this section, as well as the creation of such a list, are all tasks which the proposed California Center for the Management of Coastal Invasive Species is proposing to undertake. In fact, the Center will also add coordination & collaboration, data management, education & outreach: all priorities of this plan as outlined in Section II: Tools. Therefore I suggest designating the support of this Center as a priority, and rewording bullet point 4 as follows:

4. Reduce the harmful effects of invasive species on native populations and habitats.

• Complete the statewide Aquatic Invasive Species (AIS) Management Plan by November 2006.

• Implement the key management actions identified in the AIS Management Plan for coastal and estuarine waters. These management actions include prevention; monitoring and early detection; response, eradication and control; restoration; education and outreach; coordination and collaboration; and policy and research.

• Support the creation of a multi-agency Coastal Invasive Species Center which will improve management and scientific coordination and collaboration, improve managers' access to scientific information, and coordinate public outreach and education via

- Creating a science-based prioritization system for invasive species prevention and management
- Establishing and maintaining a rapid response task force to quickly address or eradicate emerging invasive species threats
- Improving the collection of data on existing and emerging marine invasive species by coordinating, managing and providing access to current disparate data sets
- Creating digital databases of invasive species expertise, ongoing research, effective management strategies, and educational and outreach materials
- Supporting the implementation of science-based eradication and management strategies.
- Training the next generation of invasive species responders"

ACHIEVE SUSTAINABLE FISHERIES

5. Implement the Marine Life Management Act (MLMA).

- Develop at least one Fishery Management Plan per year that takes into account larger ecosystem considerations. Again, I would note here that, in its truest sense, ecosystem management incorporates humans as part of the ecosystem. So, I would like to see an emphasis on new ways to involve stakeholders in planning and decision-making. As taken from CA Fish and Game's website, "**Constituent Involvement:** The MLMA places a strong emphasis on decision-making that is open and that involves people who are interested in or affected by management measures". Presently, CA F&G has not placed any new emphasis on constituent involvement. Perhaps this is something that the OPC could emphasize to provide the potential for new opportunities for collaborative fisheries management and to make sure that this aspect of the MLMA doesn't fall by the wayside given the agencies current lack of resources for this aspect of management.

Jodi Cassell
University of California Cooperative Extension Sea Grant
300 Piedmont Avenue, Room 227
San Bruno, CA 94066
fax 270/897-7964
phone 510-219-9125

California Sea Grant: http://www-csgc.ucsd.edu/

West Coast Ballast Outreach: http://ballast-outreach-ucsgep.ucdavis.edu/

Dear Mr. Chrisman,

Thank you for the opportunity to comment on the California Ocean Protection Council's Draft Five-Year Strategic Plan (Plan).

While the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service, Southwest Region, offers the attached comments on the Plan, please note that the comments are not meant to represent the views of NOAA in it's entirety. Representatives of other NOAA offices, including the Ocean, Weather, Climate, Research, Coasts, Satellites, and Charting & Navigation Services all have various interests and expertise that do or could contribute to the objectives of the California Ocean Protection Council and we encourage you to continue to seek their involvement as well.

Thank you.
Anthony G. Morton
Acting Deputy Regional Administrator
(562) 980-3209

NOAA's National Marine Fisheries Service, Southwest Region
Comments on the California Protection Council's Draft Five-Year Strategic Plan
March 28, 2006

Page 3, revise the fifth bullet under Guiding Principles as follows:

- Making aesthetic, educational, commercial and recreational uses of the coast and ocean a priority

Page 5, Part II, A – add another bullet to the section Seek Federal Government Support for California's Priorities, as follows:

- Seek Congressional support for funding recovery of protected marine resources

Page 6, Part II, C – Add a bullet to the section on Improving Education and Outreach, as follows:

- Incorporate ocean stewardship into California's K-12 school curriculum

Page 9, Part III, A, 5 - add two bullets, as follows:

- Consider economic impacts to recreational and commercial fishing and the communities that depend on these industries as part of the MLPA process, so as not to result in their elimination.
- Maintain fisheries monitoring systems such as the Recreational Fisheries Information Network (RecFIN) and the California Sportfishing Recreational Fisheries Survey (CRFS).

Page 9, Part III, A, 7, add a bullet as follows:

- Develop a system to more quickly determine what stocks of salmon are being harvested in California's ocean fisheries.

Page 9, Part III, A, 8 - add another bullet at the bottom of page:

- Revitalize the marine artificial reef program so as to enhance recreational fishing opportunities and ecosystem health.

Page12, Part III, B, 4 - add another bullet:

- Work to ensure that municipal and industrial point source pollution standards are consistent with those set for ocean going ships.

Page14, Part III, D - add to end of introductory paragraph:

To ensure that the "economic uses of the ocean" action is implemented in an effective manner, the implementation of other actions in the Plan should be evaluated for their economic impact as appropriate.

Page14, Part III, D, 3 - revise in part as follows:

Upgrade commercial fishing and sportfishing harbors, and access, to ensure viability of these industries.

From: Susan Williams [mailto:slwilliams@ucdavis.edu]
Sent: Tuesday, March 28, 2006 9:36 AM
Subject: Strategic Ocean Plan- comments

Secretary of Resources, Mike Chrisman
Chair, California Ocean Protection Council

Dear Secretary Chrisman:

As a long-time California resident and ocean scientist, I applaud the Ocean Protection Council for rapidly developing a comprehensive and ambitious Strategic Plan for the ocean. I believe the Plan's major objectives are appropriate and will set an example for the Nation. As background, I am a member of RASGAP, the UC Marine Council, the Ecological Society of America's Rapid Response Team on Invasive Species, and a fellow of the California Academy of Sciences.

The only gap I see in the Plan is recognition of the rapidity of ocean climate change and the need to plan for its consequences. Without consideration of climate change, management plans and their implementation are likely to be inadequate, and potentially futile in specific cases. New information is now available on how climate change is impacting the ocean. For example, the observed rate of glacier melt and sea level rise has far exceeded previous estimates, as reported recently in the journal *Science*. My colleagues and I published a paper (Feb. 2006, Ecology Letters 9:228-241) highlighting new information on how climate change will impact nearshore ocean ecosystems.

I also strongly encourage the Plan to outline a rigorous process for scientific peer review of research to insure the very best science informs management. Expert peer review will also anticipate future emerging scientific needs for California's oceans.

My comments below are on specific points in the Plan.

1. **Support Cross-cutting Information Needs.**
   o Support the development of biological and socio-economic monitoring programs.

Comment: Ocean observing systems and to some extent mapping programs are physical descriptions of the ocean that will not in themselves lead to better management of living marine resources. Biological monitoring programs must accompany ocean observing.

2. **Create, test, and implement ecosystem-based management approaches.**
   • Develop and implement three or more pilot projects (such as the Morro Bay Ecosystem Based Management Project) to investigate the practicality and efficacy of ecosystem-based management of coastal and ocean resources.
   • Establish a team of scientists and managers to determine what ecosystem-based management approaches are feasible, appropriate, and effective.

Comment: Rigorous analysis of ecosystem-based management approaches is critical to

future success; the design for the analysis must be built into the development and implementation of the pilot projects. Socio-economic analyses are fundamental to ecosystem-based management approaches.

3. **Protect and restore populations of threatened and endangered marine and estuarine species.**

Comment: While this objective is a state obligation, a precautionary approach would be to identify susceptible populations before they reach the threatened status, at which point management efforts are costly and the outcome is uncertain, particularly under an ocean climate change scenario.

4**. Reduce the harmful effects of invasive species on native populations and habitats.**

Comment: Progress toward fisheries or wetland restoration can be wiped out by a single invasive species.

Having been involved as a scientist in management of some of California's marine invasive species (including *Caulerpa taxifolia*), I cannot emphasize enough the importance of a 'one-stop shopping' decision support center for managers fighting invasive species. Because resources will never be sufficient for all non-native marine species, it is critically important to establish scientific-based priorities for management options from prevention to control. The science is now available to establish priorities, *if* the information is centralized and readily accessible to managers. The newly available science and technology is outlined in Position Paper on Biological Invasions, released by the Ecological Society of American in March 2006 (for which I was the lead marine author). This plan distills the numerous priorities in the National Invasive Species Management Plan into six. This position paper outlines the need for centralized information for management; good models for California and the Nation are systems used in New Zealand and Australia. (http://www.esa.org/pao/esaPositions/pdfDocuments/Lodge%20paper%20no%20line%20numbers%20(final).pdf).

Complete, or make significant progress towards, eradication of problem species such as *Spartina* in San Francisco Bay and *Arundo* in Southern California.

Comment: The science-based recommendation for managing invasive species management actions is to prioritize prevention, then early detection and rapid response when prevention fails, then eradication and finally control, in an sequence of increasing costs as the probability for success diminishes. Science-based priorities for species which merit action and which action is feasible along the prevention-to-detection-to-eradication-to-control decision pathway will save precious state resources. For example, *Spartina* and possible *Arundo* might be beyond the eradication point, necessitating costly control programs.

5. **Complete planning and begin implementation for at least 25,000 acres of coastal**

wetland restoration projects.

• Complete planning and begin restoring the South Bay Salt Ponds, Napa-Sonoma Marshes, Dutch Slough, Ballona Wetlands, Bel Marin Keys, Tijuana Estuary, and Ormond Beach wetlands projects, including adaptive management and monitoring as necessary.

Comment: There is a dearth of science-based wetland restoration in California. Projects will benefit from true adaptive management in which restorations are designed at inception to be rigorously analyzed for performance and to provide information to improve the next step.

6. IMPROVE OUR UNDERSTANDING OF ESTUARINE AND MARINE ECOSYSTEMS

12. Complete the installation of a California ocean observing system and maintain adequate funding for operations and improvements.

• Complete the Coastal Radar (CODAR) system and ensure that it is fully operated and maintained.

Comment: To reiterate, ocean observing in itself is insufficient for management of California's living marine resources. It will be a powerful tool when concomittant biological monitoring is implemented.

• Develop a working group to define and develop an integrated system with federal, regional and state partners.

Comment: SCCOOS and CeNCOOS are charged with this objective, although funding is insufficient.

7. **14. Develop and implement a comprehensive state approach to acquire and manage monitoring data (including biological, physical and socioeconomic indicators). Support and expand existing ocean observation and monitoring programs such as Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO) and Cooperative Research and Assessment of Nearshore Ecosystems (CRANE).**

Comment: PISCO and CRANE are only two relatively new programs of many existing monitoring programs. For example, CalCOFI has produced invaluable insight to fisheries management. California also has a network of private and public academic marine laboratories, some of which have maintained monitoring programs for over 40 years. It will be important to identify gaps and overlap in existing programs, to set monitoring goals, to evaluate efficacy of the monitoring approach, and then to prioritize programs for support and expansion.

I appreciate the opportunity to comment on the Strategic Plan and I look forward to its

next iteration and importantly, its implementation.

Sincerely,

Susan L. Williams, Ph.D.
Professor, Evolution and Ecology
Director, Bodega Marine Laboratory
University of California at Davis
PO Box 247
Bodega Bay, CA 94923-0247
707-875-2211
707-875-2009 (FAX)

United States Department of the Interior

MINERALS MANAGEMENT SERVICE
Pacific OCS Region
770 Paseo Camarillo
Camarillo, California 93010-6064

March 29, 2006

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
COPCpublic@resources.ca.gov

Dear Secretary Chrisman:

The MMS shares several of the goals and principals of the California Ocean Protection Act and draft Five-Year Strategic Plan, including increasing coordination between Federal and state agencies, public involvement, data and information sharing, and promoting sustainable approaches to economic uses. There is one area we did not see addressed in the draft Plan that we think is of mutual interest and that is offshore renewable energy. We recommend this issue be included in your final plan.

As you know, the Energy Policy Act of 2005 (EPAct), Section 388, entrusted the U.S. Department of the Interior, Minerals Management Service (MMS) with regulatory authority over alternate energy-related uses of the Outer Continental Shelf (OCS). These uses include renewable energy projects (e.g., wind, wave, current, solar, and hydrogen generation), and alternate use of existing facilities (e.g., offshore aquaculture, marine research, education, recreation, support for offshore operations and facilities, and telecommunications facilities). Although the Act authorizes MMS to permit alternate uses of existing OCS facilities, MMS is not seeking the authority over activities such as aquaculture, but only the decision to allow platforms to be converted to such uses, if the appropriate agency approves the underlying activity. MMS is currently in the process of developing a program and rules for our new authority. Soon, the MMS will embark on the preparation of a Programmatic Environmental Impact Statement (EIS) for the new program and rule. We will keep you informed and would welcome comments from the State of California on environmental and technical issues as we develop this document.

The EPAct also requires MMS to establish an interagency comprehensive digital mapping initiative for the OCS to assist in our decision making relating to the siting of activities under our new alternate energy-related use authority. We are in the process of implementing this initiative and will continue to coordinate with the State through our Headquarters' Mapping and Boundary Branch as we progress.

Finally, any mutual sharing of resources and creation of other efficiencies between the California and MMS would be very beneficial. We have already commented through the Coastal America Program about cooperative efforts that could be undertaken between California and federal agencies that make up the Coastal America partnership, including MMS.

If you have any questions concerning our comments, please feel free to contact me at (805) 389-7502, or contact Lynnette Vesco at (805) 389-7810.

Sincerely,

Ellen G. Aronson
Regional Manager
MMS Pacific OCS Region

OCEANA | Protecting The World's Oceans.

99 Pacific Street, Suite 575C
Monterey, CA 93940

831-643-9266
www.oceana.org

March 29, 2006

Mr. Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Chrisman:

We appreciate the opportunity to participate in and comment on the Ocean Protection Council's (OPC) strategic planning process. Passage of the California Ocean Protection Act and the consequent creation of the Ocean Protection Council offer an unparalleled opportunity to act on the findings of the United States and Pew Oceans Commissions as well as Governor Schwarzenegger's Ocean Action Plan.

We believe the draft Five-Year Strategic Plan could be more explicit in two areas: 1) the use of ecosystem-based management (EBM) as the overarching approach to management; and 2) the role of science in the process.

1. Ecosystem-based management

The Draft Plan only identifies EBM as one of several components to consider in two sections: first, as one of four potential actions under the subcategory "Protect Valuable Marine Habitats and Species;" and second, in the introduction to the issues surrounding "Coastal Water Quality and Pollution."

EBM should be viewed as the *overarching* approach to use to ensure healthy ecosystems, not simply one of several components to consider when dealing with specific issues, including: protecting and restoring habitats; protecting and recovering threatened and endangered marine and estuarine species; achieving sustainable fisheries; improving water quality; and reducing debris.

Governor Schwarzenegger's Ocean Action Plan recognizes the importance of ecosystem-based approaches to coastal and ocean management and identifies the leadership role that the Ocean Protection Council can play in developing such approaches:

> **"The recommendations of the U.S. Commission on Ocean Policy, and the ocean and coastal protection and management needs of the State of California, make a compelling case for ecosystem management approaches.** The National Ocean Council recommended in the report of the U.S. Commission on Ocean Policy and the California Ocean Council can provide a significant role in developing new ecosystem based approaches to ocean and coastal management." (emphasis in original).

The Governor's Ocean Action Plan also calls for increased efforts to establish long-term funding for coordinated ecosystem management approaches and identifies OPC as the entity to move management in this direction:

> "The California Ocean Council and the recommended national ocean council can help by providing greater support for existing ecosystem processes and by identifying other management areas that can be modified to adopt this approach. This Action Plan recommends the building blocks for California to achieve these advances (i.e., establishing a California Ocean Council). The Council will examine existing law and policy, evaluate the economic contribution of the ocean and coast and the current level of investment in management, and develop a clear ocean and coastal research, outreach and education approach to support these efforts."

We therefore recommend EBM be explicitly identified as the overarching approach of the Five-Year Strategic Plan in order to aptly respond to the recommendations contained within Governor Schwarzenegger's Ocean Action Plan. At a minimum, the importance of EBM should be appropriately noted in the mission statement and in the introduction to each of the sub-categories of "Potential Priorities for Action." We offer a framework for how EBM can be used for fisheries management.

Implementing an EBM approach in the fisheries context

There has been much discussion in scientific literature, consensus statements and reports on ecosystem-based management definitions and objectives. A successful ecosystem-based fishery management approach will protect and maintain the health of the ecosystem and provide for sustainable fisheries, and it should include the goals of maintaining:

- biological diversity
- healthy populations of apex predators and prey
- local population and age structure
- healthy and intact habitats
- ecosystem functioning and key processes, and
- vibrant sustainable fisheries.

With these goals in mind, we suggest the following definition of ecosystem-based fishery management:

Ecosystem-based approach to fisheries management is defined as the regulation of human activity in a manner that maintains long term ecosystem sustainability, resilience, and services (e.g. consumptive and non-consumptive uses) by maintaining biodiversity, abundant populations of apex predators and prey, local population and age structure, and healthy intact habitats (including air and water quality).

As described in the Pacific States Marine Fisheries Commission ecosystem-based management report[1], it is the direction of ecosystem-based management practices to move from implicit considerations of the ecosystem to an explicit account of ecosystem dynamics in management practices. We believe that ecosystem-based fishery management in Californian waters must be explicit and meet the following objectives:

- Account for predator requirements and food-web dynamics, including target species, non-target species and protected species before making allocation decisions and setting harvest levels.
- Maintain ecosystem characteristics within natural bounds of variation to ensure ecosystem resilience and avoid irreversible changes.

[1] PSMFC 2005. Strengthening Scientific Input and Ecosystem-Based Fishery Management for the Pacific and North Pacific Fishery Management Councils. Suggestions from a panel discussion July 19-20, 2005 Seattle, Washington

- Establish and continue research and monitoring of ecosystem processes and functions to further understand the consequences of human actions.
- When or where information is insufficient, take precautionary management measures that minimize risk to ecosystem health.
- Identify, protect and restore habitats of the marine ecosystem, including physical and biological habitat features, air and water quality.
- Identify, protect and conserve important ecological areas.
- Account for variable marine environmental conditions when formulating management plans.
- Develop precautionary and adaptive approaches to ecosystem-based management that take into account ongoing research, monitoring and experimental approaches.
- Eliminate subsidies except for capacity reduction and technological improvements designed to meet ecosystem-based fisheries management goals.

Ecological Considerations in Harvest Levels

Total allowable catch amounts should explicitly account for the interactions of predators and prey, spatially and temporally, with built in precautions to avoid ecosystem overfishing and large shifts in the food web. Setting harvest levels that account for ecological considerations means that we must first ask what the ecosystem requires to sustain other populations including predators, and then calculate sustainable fishery removals and appropriate rates.

Bycatch Reduction

Bycatch remains an outstanding issue in California fisheries and needs to be addressed. From an ecosystem perspective, bycatch reduction is important because the killing of non-target species or undersized individuals of target species may negatively affect the role these species play in the ecosystem. Bycatch reduction measures should include comprehensive bycatch monitoring and species-specific hard caps for non-target stocks, including habitat forming species such as corals and sponges.

Habitat Protection

Several processes are now in place in Californian waters that have or will lead to habitat protection. The Pacific Fishery Management Council has taken significant steps towards protecting essential fish habitat by preventing the expansion of bottom trawling and closing some key areas to bottom trawling in federal waters. The California legislature has restricted the use of bottom trawls in coastal waters (from shore to 3nm) and through the Marine Life Protection Act is providing the opportunity for the public to be involved in protecting other areas from a variety of harmful activities. We believe that it is part of the OPC's charter to provide leadership to ensure these processes culminate in the protection of all ecologically important areas on the California coast. Such areas may include essential fish habitats like corals and sponges but should also consider other ecological criteria such as productive upwelling zones, marine mammal rookeries, seabird colonies and kelp forests.

2. The role of science in the process

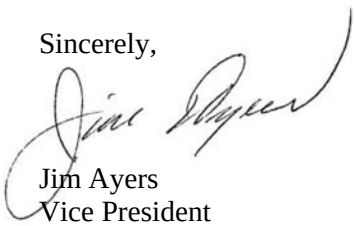
The OPC has correctly identified the importance of creating a Science Advisory Committee (SAC) and expanding research critical to scientifically-justified decisions. However, we believe it is also critically important that available science provides the foundation to ensure public discussion and participation proceeds in a more informed manner. We recommend that the entire process be science-driven and that a "state of the science" report on any given issue be the basis of stakeholder consultations.

The Draft Plan recognizes that the expertise of SAC must be broad and inclusive of many different fields, including physical sciences and social sciences. We believe expertise on all elements of the marine ecosystem should be represented, such as: groundfish, benthic invertebrates, forage fish, seabirds, marine mammals, and other apex predators. The committee must also include scientists, such as marine ecologists, who focus on how the species within the marine ecosystem interact with each other and the environment.

In addition, the potential role of NGOs and fishermen in data collection and analysis should not be underestimated. While scientists from these groups should not be on the SAC, many have expertise that would undoubtedly prove useful in empirical data collection and analysis (for example, debris collection and quantification, reef surveys, and spatial and temporal data analysis). We therefore also recommend that an additional role of the SAC could be to vet the scientific information coming from these sources.

We hope you find our comments useful as you embark on your task of improving the protection, management, and restoration of California's ocean and coastal ecosystems. Please contact me if you have any questions, and we look forward to continuing to work with you to protect California's marine resources.

Sincerely,



Jim Ayers
Vice President
Oceana

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OFFICE OF THE PROVOST AND SENIOR VICE PRESIDENT —
ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

Mike Chrisman, Secretary of Resources
Chair, California Ocean Protection Council

29 March, 2006

Dear Secretary Chrisman,

As the Vice Provost for Research in the University of California Office of the President, I commend the Ocean Protection Council for its efforts, outlined in the draft Strategic Plan, to enhance science-based management of ocean and coastal resources in the State of California. I particularly applaud the creation of a Science Advisory Committee, and urge you to contact my Director of Science and Technology, Cathie Magowan, if we can be of assistance in identifying premier ocean scientists within the University of California.

My office has the following recommendations to make, as the OPC moves towards a final Plan:

First, I strongly urge that scientific research supported by the state be funded via a competitive process which allows the strongest and most promising projects to be selected, and that scientific review of these projects be a mandatory integral component.

Second, in section III A. 4., I strongly urge you to consider supporting a Center to coordinate research, data management, and outreach activities for the management of coastal invasive species. The current lack of coordination hinders the effective and appropriate use of public funds in invasive species management, and limits the science-based prioritization that is absolutely vital to invasive species prevention, eradication, and control. The University of California has significant intellectual resources and research infrastructure available to support such a Center.

Third, in section III A. 14, please be aware that many ocean observing programs currently exist in addition to those mentioned, including large scale and long term projects which monitor both biological and physical processes. These should be included as priorities for integration, support, and expansion. Again, Cathie Magowan will be able to help you identify those programs within the University of California.

The University of California is the Constitutional "research arm" of the State of California, and my office stands by to assist you in any way possible.

Sincerely,

Lawrence B. Coleman
Vice Provost for Research

Cc: Acting Provost Hume
Senior Vice President Darling
Vice President Gomes
Assistant Vice President Arditti
Director Magowan

From: Susan Ellis [mailto:SELLIS@dfg.ca.gov]
Sent: Wednesday, March 29, 2006 1:59 PM
Cc: KMcdowell@waterboards.ca.gov
Subject: Regarding OPC Strategic Planning document

Abe,
Karen and I reviewed and discussed the invasive species items in the OPC Strategic Plan that is out for public review. Our recommended language is attached, both mark-up and clean copies. Please let me know who should receive this, or if you will just forward it.
We kept the items general since it is a strategic document, not a detailed list of actions and commitments. The AIS plan will provide that sort of direction.
While I agree with other reviewers that management strategies should be based on sound science, the reality is that sound science should inform, but is not the only factor in developing a policy or making a decision on a project. Having a center to help with setting research priorities would be useful, but it would not be practical to assume that management priorities can be made by university scientists without agency input. That said, let me know how to proceed.

Thanks
Susan

Susan R. Ellis
Invasive Species Coordinator
California Department of Fish and Game
(916) 653-8983

4. Reduce the harmful effects of invasive species on native species and habitats.

- Complete the California Aquatic Invasive Species (AIS) Management Plan by November 2006.
- Initiate implementation of selected actions identified in the AIS Management Plan for coastal and estuarine waters. Actions may include prevention; monitoring and early detection; response, eradication and control; restoration; education and outreach; coordination and collaboration; data collection and research.
- Participate with other key agencies in the development of policies to address actions outlined in the AIS Plan.
- Establish mechanisms for improving the collection of data on existing and emerging marine invasive species and implement science-based eradication and management strategies.

From: garfield@sfsu.edu
Sent: Wednesday, March 29, 2006 11:55 AM

Comments on the California Ocean Protection Council Draft five-year strategic Plan

Toby Garfield, San Francisco State University
garfield@sfsu.edu

It is encouraging that California continues to lead the country in paying attention to our coastal environment and I'm very encouraged by the directions that are being taken.

That said I very much hope that the goal of this plan is to increase efficiency and streamline the State's efforts to maintain this environment. My fear is that this could easily morph into another layer of bureaucracy that will have the opposite effect, mainly increase the difficulty of accomplishing the stated goals. If this effort is successful, this council or agency should be almost transparent as opposed to inserting itself into every agency and decision.

Specific comments:

I. Mission

Any mission statement that starts "To improve ....," is sure to raise red flags with fisherman and commercial enterprises and isn't as direct as a mission statement should be. What does it mean?

Also, since below the statement the definition is expanded to say "encompasses the entire environment from the top of the watershed." How then can the mission statement only state "restoration of California's ocean and coastal..."? The clarification really encompasses most of the state.

Statutory Authority clearly states an advisory role. It is not easy to see how this role is implemented in Section III where some of the suggestions are more control or implementation than advisory.

II. A. Coordination, collaboration...

With the incredible activity toward ocean observing and monitoring at all levels, international, federal, state and local, there is a strong need for the OPC and it's primary function should be to enhance communication and cooperation up and down all levels. It is extremely difficult to keep tabs on everything that is going on, yet essential.

Why doesn't this plan specifically identify the emerging Regional Associations, Central and Northern California Ocean Observing System (CeNCOOS) and Southern California Coastal Ocean Observing Systems (SCCOOS)? These groups complement and duplicate many of the functions stated in the OPC draft plan. These Regional Associations have federal recognition and thus provides an efficient mechanism for coordinating state and federal efforts.

The secondary function should be to improve implementation of physical assets to carry out the proposed actions. For better or worse, the California coast is one of the most regulated coasts in the world. There are overlapping jurisdictions everywhere. Using COCMP implementation as an example, the most difficult part of creating the array of the surface current mapping instruments is first understanding all the permits needed and then going through the process of obtaining all the permissions in the correct order.

B. Improving access to science

This is an important section and the goals are pertinent. However, the details are a bit thin. The advisory committee is going to require a lot of time by the scientists involved. How will these scientists be able to remain in active research while also serving on this committee? It is an important balance that must be addressed because if the members are not still practicing science then the panel will be much less effective.

C. Improving educations....

I strongly oppose having the OPC create an education web page. There are many excellent educational organizations that are doing this better than anyone else can (DLESE and COSEE for example). The OPC should encourage (with financial support) all the elements that are out there to work more closely to improve discovery access by users. Another web page isn't the solution.

D. Developing a funding strategy

I don't envy you on this. Prop 13 has so skewed funding and user access that I don't have any solution for the state. There simply does not exist a mechanism to fairly obtain funds from the citizens for supporting management of the ocean. Ultimately it will be some form of user tax.

At the federal level, there is a definite need to coordinate funding for stewardship of the ocean. I guess I rank this up with the primary function of the commission.

III. Priorities

The OPC has to work with many levels of the federal plan to ensure that California remains poised to maintain an integrated approach. I hope the State will have a very strong presence at the April 18-20 Denver meeting where the federal ocean research priorities plan (ORRP) is open for public review.

The public comment period on the development of the Ocean Research Priorities Plan (ORPP) is now OPEN. We encourage all interested parties to review the planning document and provide input. http://ocean.ceq.gov/about/sup_jsost_public_comment.html

In addition to the public comment period, the National Science and Technology Council Joint Subcommittee on Ocean Science and Technology is holding a public workshop on April 18-20,

2006 in Denver, CO, to solicit input and guidance from the ocean science communities on the development of the ORPP. http://ocean.ceq.gov/about/jsost_workshop/welcome.html

A. Ocean Resources

1. While I'm in favor of MPAs, I'm not sure I'm convinced by this plan. Has it been established (to the satisfaction of the community at large) that MPAs will provide the anticipated results? Before a "statewide" system is designated, should there not be a pilot set of sites where the monitoring protocols etc could be developed and tested before extending the array to the whole state? This would be similar to subsection 3.

5. Implement the Marine Life Management Act (MLMA)

Who is going to conduct this work, it should be specified, certainly not the OPC advisory function.

6. Same thing, it needs to be specified who will conduct this work.

7. Please don't use the word "CODAR array." CODAR is a specific product and a trade mark." There exist other companies who market competing equipment. Instead it should be "coastal ocean surface current mapping (SCM) array.

12. Again, please don't use the word "CODAR array." CODAR is a specific product and a trade mark." There exist other companies who market competing equipment. Instead it should be "coastal ocean surface current mapping (SCM) array.

14. Why isn't this part of 12? The implementation of the COCMP SCM array demands creation of a comprehensive approach to managing data. It isn't much effort to expand this to include other data sources. And I don't understand why this function isn't directed toward the Regional Associations (CeNCOOS and SCCOOS). This is one of their primary functions - improve accesses to ocean related data for the public and managers.

Summary:

This is an ambitious and important plan. It is critical that the implementation of the OPC recognizes that there is a great deal of activity occurring and this body has to focus on enhancing the existing efforts by identifying or creating constructive synergies.

Dear Mr. Chrisman:

I wish to suggest some changes and to the emerging Strategic Plan for the Ocean Protection Council. I attended the meeting last week in Sausalito where I discussed this suggested text for Item 4 on page 8 of the plan (Non-native invasive species) with Neal Fishman. As one of the leads of the recently formed California Center for the Management of Coastal Invasive Species, we had met with Mr. Fishman a week earlier to discuss the advantages of using this emerging Center to coordinate several of the suggested activities regarding invasive species. The Center would of course work closely with the agencies who have the authority to undertake the tasks outlined in the OPC Strategic Plan as well tasks that will be included in the statewide Aquatic Invasive Species plan being finalized by the Coastal Conservancy. The focus of the Center, as we discussed with Mr. Fishman, is to coordinate the many current and future activities directed towards invasive species statewide and to provide the resources needed to allow the agencies to work together effectively.

Attached are the suggested changes to the strategic plan that Mr. Fishman had approved of and we hope that the Strategic Plan can go forward with this approach. These changes have also been submitted by Rebecca Verity, who is helping to coordinate the Center through the University of California Office of the President, and there may be other Center members who may be similarly recommending these changes.

Sincerely,
Edwin Grosholz
Associate Specialist in Cooperative Extension
Department of Environmental Science and Policy
One Shields Avenue
University of California, Davis
Davis, CA 95616 USA
Email: tedgrosholz@ucdavis.edu
Phone: 530-752-9151
FAX: 530-752-3350
Website: http://www.des.ucdavis.edu/faculty/grosholz/

Current wording of bullet point 4, page 8:

4. Reduce the harmful effects of invasive species on native populations and habitats.

• Complete the statewide Aquatic Invasive Species (AIS) Management Plan by November 2006.
• Implement the key management actions identified in the AIS Management Plan for coastal and estuarine waters. These management actions include prevention; monitoring and early detection; response, eradication and control; restoration; education and outreach; coordination and collaboration; and policy and research.
• Improve the collection of data on existing and emerging marine invasive species and implement science-based eradication and management strategies.
• Organize, maintain, and empower a state rapid response task force to quickly address or eradicate invasive species threats such as that posed by *Caulerpa taxifolia.*
• Complete, or make significant progress towards, eradication of problem species such as *Spartina* in San Francisco Bay and *Arundo* in Southern California.

Comments on bullet point 4:

No invasive species should be mentioned by name, as this may lend those species special status. Creation of a science-based management prioritization list of coastal invasive species is a necessary task, which should be outlined in this draft, rather than

having a few commonly known invasives called out at random. Therefore the fifth point should be changed to reflect the necessity of such a list. Stating that the OPC should "complete or make significant progress towards eradication" is assigning tasks and oversight to the OPC that is superfluous: the OPC should support the agencies and groups that do this work, not suggest that they will do it themselves.

The third and fourth points in this section, as well as the creation of such a list, are all tasks which the proposed California Center for the Management of Coastal Invasive Species is proposing to undertake. In fact, the Center will also add coordination & collaboration, data management, education & outreach: all priorities of this plan as outlined in Section II: Tools. Therefore I suggest designating the support of this Center as a priority, and rewording bullet point 4 as follows:

4. Reduce the harmful effects of invasive species on native populations and habitats.

• Complete the statewide Aquatic Invasive Species (AIS) Management Plan by November 2006.

• Implement the key management actions identified in the AIS Management Plan for coastal and estuarine waters. These management actions include prevention; monitoring and early detection; response, eradication and control; restoration; education and outreach; coordination and collaboration; and policy and research.

• Support the creation of a multi-agency Coastal Invasive Species Center which will improve management and scientific coordination and collaboration, improve managers' access to scientific information, and coordinate public outreach and education via

- Creating a science-based prioritization system for invasive species prevention and management
- Establishing and maintaining a rapid response task force to quickly address or eradicate emerging invasive species threats
- Improving the collection of data on existing and emerging marine invasive species by coordinating, managing and providing access to current disparate data sets
- Creating digital databases of invasive species expertise, ongoing research, effective management strategies, and educational and outreach materials
- Supporting the implementation of science-based eradication and management strategies.
- Training the next generation of invasive species responders

From: Catherine Hickey [chickey@prbo.org]
Sent: Wednesday, March 29, 2006 5:04 PM
Subject: PRBO Conservation Science Wetlands Division comments

Dear Secretary Mike Chrisman,

Thank you for the opportunity to comment on the COPC Draft 5-Year Strategic Plan. As I understand, PRBO Conservation Science's Marine Ecology Division had submitted comments to you as the Plan was being written. I would like to include a few comments from our Wetlands Ecology Division.

In addition to ecosystem restoration and management of marine and estuarine habitats, we would very much like to see coastal strand ecosystems addressed in this Plan. Increased recreational access to beaches appears prominently in the draft strategy, yet there is no explicit mention of the importance of coastal strand ecosystems to sensitive plant and animal species or how goals of increased recreational beach/shoreline access will be achieved while protecting these resources.

We would also like to encourage explicit discussion of coastal strand ecosystems in the "information needs" and "improving education and outreach" sections. This is an excellent opportunity to integrate sorely needed outreach efforts for this important and sensitive habitat type. As we plan for increased public access to the shoreline and prepare for increases in California's human population, it will be critical to know how and which natural resources are being impacted and how to reduce that impact, while instilling an appreciation of the resource for future generations.

Thank you for considering our comments. We would be happy to provide you with specific recommendations for filling information and outreach needs should you decide to incorporate these concerns.

Sincerely,

Catherine Hickey

Catherine Hickey
Southern Pacific Shorebird Conservation Coordinator
PRBO Conservation Science
4990 Shoreline Highway One
Stinson Beach, CA 94970
Phone: 415.868.0371 ext 307
Fax: 415.868.8962

www.prbo.org

From: Beth Huning [bhuning@sfbayjv.org]
Sent: Wednesday, March 29, 2006 4:49 PM
Subject: Comments on Plan

Hello Mike,
I participated in one of the workshops and made comments both to Brian Baird verbally and noted them on the record sheet. I was also encouraged to submit them through this web site.

Primarily, I would like to encourage that the Ocean Protection Council incorporate and support implementation of regional plans that have already been widely adopted. The San Francisco Bay Joint Venture Implementation Strategy, Restoring the Estuary, fits into the realm of the Ocean Protection Council, and we suggest that these goals be acknowledged and implemented.

Also, there were several wetland habitat restoration projects identified for 5 year implementation with a goal of 25,000 acres. These included primarily projects managed by the Coastal Conservancy. There are a number of other projects that are managed by DFG as well as those managed by partners that will total more than 25,000 acres. We can provide that information should you so desire.

Thanks,
Beth

Beth Huning, Coordinator
San Francisco Bay Joint Venture
530C Alameda del Prado, #139
Novato, CA 94949
415) 883-3854 fax (415) 883-3850
www.sfbayjv.org

United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO:
H2122 (PWR-NR)

MAR 2 9 2006

The Honorable Mike Chrisman
Secretary of the Resources Agency
State of California
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Chrisman:

The National Park Service applauds your efforts as the Chairman of the California Ocean Protection Council, to improve ocean stewardship in California. We appreciate the opportunity to contribute and participate in development of California's Ocean and Coastal Information, Research, and Outreach Strategy. The strategy's goals, objectives and recommendations are similar to and consistent with National Park Service strategic goals and objectives for ocean parks.

Coastal and ocean national parks provide California with active, funded, operational, site-level partnerships with shared institutional goals for monitoring, education, outreach, research facilitation, and law enforcement. Six units of the National Park System help citizens understand, protect, and connect to 462 miles of California's coast. Each year, Redwood National and State Parks, Point Reyes National Seashore and Golden Gate National Recreation Area in the north, and Channel Islands National Park, Santa Monica Mountains National Recreation Area and Cabrillo National Monument in the south host 17.5 million visits. Park education and outreach programs contribute to citizen understanding and engagement in many coastal issues. Park monitoring programs inform shared resource stewardship programs in these parks and facilitate research.

We believe it would be advantageous to explicitly identify this partnership in the strategy, as you have done with other agencies. Making these practical, on-the-ground partnerships known would help raise awareness of these special places on California's coast, and thereby encourage information sharing, facilitate shared research and monitoring opportunities, and increase coordination of outreach efforts. We look forward to further expansion of ongoing activities with the state, as exemplified by the coordination between Channel Islands National Park and California Department of Fish and Game on marine reserve enforcement and education.

Please contact me, if I can be of any assistance in this program or if you believe a meeting would be useful to consider strategies jointly.

Sincerely,

Patricia J. Neubacher

Jonathan B. Jarvis
Regional Director, Pacific West Region

cc: Gary Davis/CHIS/NPS
Mike Soukup/WASO/NPS@NPS
Don Neubacher/PORE/NPS@NPS
Sarah Allen/PORE/NPS@NPS
Russell Galipeau/CHIS/NPS
Bill Pierce/REDW/NPS@NPS
Brian O'Neill/GOGA/NPS@NPS
Woody Smeck/SAMO/NPS@NPS
Terry DiMattio/CABR/NPS@NPS
Mietek Kolipinski/Oakland/NPS@NPS
Kathy Jope/Seattle/NPS@NPS
Rory Westberg/Seattle/NPS@NP

From: Leigh T. Johnson [ltjohnson@ucdavis.edu]
Sent: Wednesday, March 29, 2006 7:18 PM
Subject: Comments on Cal OPC Strategic Plan Draft

Dear Becky,

Thank you for the opportunity to comment on the draft strategic plan for the California Ocean Protection Council.
It would have been helpful to have a longer comment period after the draft was released. I have revised/supplemented comments by my colleague Jodi Cassell. Please note especially the points that I have contributed.

My comments appear below in blue type:

II. TOOLS TO IMPLEMENT COPA: STRUCTURE FOR OPC ACTIONS

A. Coordination, Collaboration, and Integration:

Making Government Work Better

Create a State Agency Steering Committee. It will be critical to have strong integration between the "agency" and "science" teams , including some joint membership, so the management and science arms work effectively together.

Determine the most effective way to ensure the ongoing involvement of interested stakeholders in this process.

I have worked on coastal issues, including fisheries, aquaculture, water quality and watershed management in Florida during 1977-1984 and in California during 1984-2006. This experience has demonstrated repeatedly that effective and sustainable policies require early and continuing participation of stakeholders in all phases of the cycle from planning to implementation, evaluation and revision of plans. When stakeholders are limited to a comment period near the end of the process, the planners have usually developed a personal stake in the draft language. At that point, it is difficult for other perspectives to be integrated. Yet, the stakeholders are usually the parties who must change behaviors, if the plan is to succeed. Further, they often have a necessary, real-world understanding of what practices and technologies will work or not. They generally contribute extremely valuable suggestions for effective and sustainable measures and practices. Coastal stakeholders' livelihoods and recreational opportunities depend on healthy coastal ecosystems and clean water, so they often become the strongest advocates and supporters of plans they have helped to develop. As an example, compare the difficulties encountered in implementing management plans for marine protected areas to the strong, voluntary Clean Marinas California program. The latter was developed by stakeholders and has been received

enthusiastically by their peers.

Many processes have been demonstrated to be effective for stakeholder involvement. They all include stakeholder education so that they can be effective participants, establishing a culture of respect for all parties, deliberation of options and their potential consequences, and working out of cost-effective and technically feasible plans that will protect coastal ecosystems and resources while providing appropriate and sustainable access to them.

B. IMPROVING ACCESS TO SCIENCE

Create a Science Advisory Committee.
A Science Advisory Committee must include natural sciences, engineering, and social sciences, for example economics, political, and sociology/anthropology. People make decisions about natural resources and technology can help us to resolve some impasses. Thus, all types of science must be utilized for sustainable coastal management.

C. IMPROVING EDUCATION AND OUTREACH.
Education and environmental literacy should be emphasized more explicitly and strongly throughout the plan. Specifically, the OPC needs to devote resources in two main areas:

1) The identification and coordination of the numerous small scale marine education programs that are occurring throughout the state. Rather than reinvent the wheel, the council needs to work with entities that are already functioning well, but lack resources to coordinate efforts. Fostering coordination needs to be a key role of the OPC, with respect to ocean/marine education and environmental literacy. The OPC should work closely with programs such as UC Sea Grant, USC Sea Grant, Southwest Marine/Aquatic Educator's Association, and The California Center for Ocean Sciences Education Excellence (COSEE), among others, to support such coordination.

2) The second major education function of the OPC should be to identify areas of marine education which have not been adequately addressed or are important emerging areas, such as aquatic invasive species, and target funding toward these areas. **However, it would be a mistake to abandon existing and effective marine education programs.**

Education (and potentially research) should be identified as separate areas under the section III. POTENTIAL PRIORITIES FOR ACTION, with their own particular action items …. Leaving education, in particular, as an "umbrella" item to be incorporated under each different subject area leaves this as kind of an "add on" which will undoubtedly rank lower in priority than specific expensive management or research items under each subject area (this is often why education and outreach are under-funded

in many programs). I think that highlighting education as a separate "priority for action" improves the potential for Cal OPC to have a strong (and necessary) impact on ocean education in California.

III. POTENTIAL PRIORITIES FOR ACTION

A. OCEAN RESOURCES: FISHERIES, HABITATS, AND SPECIES

PROTECT VALUABLE MARINE HABITATS AND SPECIES

Under **4. Reduce the harmful effects of invasive species on native populations and habitats.**

I support comments submitted earlier by Dr Ted Grosholz and Rebecca Verity, of the UC Office of the President, which I have copied below. I have added another comment which I believe is critical to success in managing coastal invasive species.

"Comments on bullet point 4:

No invasive species should be mentioned by name, as this may lend those species special status. Creation of a science-based management prioritization list of coastal invasive species is a necessary task, which should be outlined in this draft, rather than having a few commonly known invasives called out at random. Therefore the fifth point should be changed to reflect the necessity of such a list. Stating that the OPC should "complete or make significant progress towards eradication" is assigning tasks and oversight to the OPC that is superfluous: the OPC should support the agencies and groups that do this work, not suggest that they will do it themselves.

The third and fourth points in this section, as well as the creation of such a list, are all tasks which the proposed California Center for the Management of Coastal Invasive Species is proposing to undertake. In fact, the Center will also add coordination & collaboration, data management, education & outreach: all priorities of this plan as outlined in Section II: Tools. Therefore I suggest designating the support of this Center as a priority, and rewording bullet point 4 as follows:

However, I also strongly recommend an additional bullet (see in blue below)

4. Reduce the harmful effects of invasive species on native populations and habitats.

• Complete the statewide Aquatic Invasive Species (AIS) Management Plan by November 2006.

• Implement the key management actions identified in the AIS Management Plan for coastal and estuarine waters. These management actions include prevention;

monitoring and early detection; response, eradication and control; restoration; education and outreach; coordination and collaboration; and policy and research.

• Support the creation of a multi-agency Coastal Invasive Species Center which will improve management and scientific coordination and collaboration, improve managers' access to scientific information, and coordinate public outreach and education via

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o Establishing and maintaining a rapid response task force to quickly address or eradicate emerging invasive species threats

o Improving the collection of data on existing and emerging marine invasive species by coordinating, managing and providing access to current disparate data sets

o Creating digital databases of invasive species expertise, ongoing research, effective management strategies, and educational and outreach materials

o Supporting the implementation of science-based eradication and management strategies.

o Training the next generation of invasive species responders"

*** Include stakeholder involvement in all phases of planning, research, education, implementation and evaluation of programs to manage invasive species. Stakeholders will have to change behaviors and pay for these changes. They will likely have many creative and cost effective suggestions for a sustainable approach to coastal invasive species prevention, control, eradication and management.**

ACHIEVE SUSTAINABLE FISHERIES

5. Implement the Marine Life Management Act (MLMA).

 Develop at least one Fishery Management Plan per year that takes into account larger ecosystem considerations. **Again, I would note here that, in its truest sense, ecosystem management incorporates humans as part of the ecosystem. So, I would like to see an emphasis on new ways to involve stakeholders in planning and decision-making. As taken from CA Fish and Game's website,** "**Constituent Involvement:** The MLMA places a strong emphasis on decision-making that is open and that involves people who are interested in or affected by management measures". **Presently, CA F&G has not placed any new emphasis on constituent involvement. Perhaps this is something that the OPC could emphasize to provide the potential for new opportunities for collaborative fisheries management and to make sure that this aspect of the MLMA doesn't fall by the wayside given the agencies current lack of resources for this aspect of management.**

Sincerely yours, Leigh Taylor Johnson, Marine Advisor, San Diego County

~~~~~~

Ms. Leigh Taylor Johnson, Marine Advisor
Sea Grant Extension Program - University of California Cooperative Extension
County of San Diego MS O-18
5555 Overland Avenue Suite 4101, San Diego, CA 92123

Voice: (858) 694-2852 FAX: (858) 694-2849
E-Mail: ltjohnson@ucdavis.edu Internet: http://seagrant.ucdavis.edu

"The significant problems we face cannot be solved at the same level of thinking we were at when we created them." - Albert Einstein
~~~~~~

Sea Grant California

UNIVERSITY of CALIFORNIA COOPERATIVE EXTENSION

Carrie Pomeroy, Marine Advisor
Sea Grant Extension Program
1432 Freedom Blvd
Watsonville, CA 95076-2796

Santa Cruz County
Email: cmpomeroy@ucdavis.edu
Phone: (831) 763-8002
Fax: (831) 763-8006

ANR University of California

March 29, 2006

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Mr. Chrisman,

I am a Marine Advisor with the California Sea Grant Extension Program. I am writing to offer my comments on the California Ocean Protection Council's March 17, 2006 Draft Five-Year Strategic Plan. My input consists of general comments and suggestions, which apply to the document overall, followed by some specific comments related to the Potential Priorities for Action.

General comments:

1. In discussing the environment and ecosystem-based management, the role of human beings and social systems should be explicitly acknowledged and integrated into the Strategic Plan. People, as individuals and members of communities, interact with the biophysical system. Failure to understand these interactions, and the costs and benefits to society and the marine environment that they contribute to can, lead to unintended consequences, including destruction of the marine environment, costly social conflict, and destabilization of coastal communities. Toward this end, I would suggest that Plan :
    a. Explicitly include the diverse social sciences (e.g., anthropology, economics, geography, sociology) in Plan elements that address the needs for scientific information, advisory expertise and integration into policy.
    b. Given the limited (or lack of, in some cases) social science capacity in the state agencies that are responsible for ocean and coastal management, call for the development of that capacity. The agencies should work with the state's two Sea Grant programs, colleges and universities to foster the development of that capacity, and develop lasting, substantive relationships to insure that that expertise is also available to the agencies as they implement ocean management.
    c. Call for the development of institutional capacity to meaningfully integrate social science into management science and policy-making in tandem with the biophysical sciences.

2. Building ocean literacy, as noted in the recent Ocean Policy reports and in federal programs, is critical to the health of ocean ecosystems in biophysical and human terms. There is a need to emphasize this concept throughout the Plan, to define it to include literacy about the interdependence of the human and ocean communities on ocean health, and to encourage these efforts to present accurate, timely and unbiased information.

3. Because of the tensions and potential conflicts of interest associated with private funding of public management related to California's coasts and oceans as public trust resources, it is essential that efforts to develop a funding strategy be guided by genuine and meaningful commitments to transparency and avoidance of conflict of interest. Moreover, (biophysical and

social) scientific information generated by projects supported through this funding process should be subject to a proper peer review process to insure their quality and to fully account for the use of public and public-private monies.

4. The Plan calls for coordination, collaboration and integration. This should pertain not only across government agencies at all levels, but also to the scientific, conservation and (consumptive and non-consumptive) use communities. *All* of these groups should have meaningful opportunities to participate in policy-making and implementation *throughout* these processes.

In addition to the above-suggested general modifications, I would suggest the following specific modifications (additions in ***bold italics*** deletions in [brackets]):

1. III.A. Ocean Resources: Fisheries, Habitats and Species, p.7: California relies on ocean resources for [both] ecosystem services and commercial and recreational opportunities ***and the social, cultural and economic values they support***. Yet, many of these resources ***and the human communities that depend on and value them*** are currently [exploited] ***under stress***. Marine ecosystems are inherently complex, and a holistic approach is therefore needed to preserve each essential component ***as well as ecosystem functions***. Maintaining these essential functions can be achieved through several actions including creating, monitoring, and enforcing marine protected areas; preventing and eradicating marine invasive species; and encouraging sustainable fisheries. In addition, complex ocean resource problems require better scientific understanding of the current functioning of marine and estuarine ecosystems. Improved or increased data acquisition, analysis, and monitoring provide critical baselines for future changes in marine and estuarine ecosystems, as well as metrics to measure future success or failure.

2. Achieve sustainable fisheries.
    a. Item 5, bullet 3, p.9: Develop at least one FMP per year that takes into account larger ecosystem considerations, ***including the human dimensions of resource use and related values, and human interactions and interdependences within that ecosystem.***
    b. Item 6, bullet 1, p.9: Develop a Sustainable Fisheries ***Capital*** Pool.
    c. Item 6, bullet 2, p.9: Investigate different quota systems and limited entry programs for their use in state fisheries, with consideration for the system's ability to control effort, [and] reduce impacts to the marine environment, ***and minimize negative impacts on the social and economic well-being of fishery participants and coastal communities that depend on those resources.***
    d. Add: ***Promote and build capacity for collaborative research that engages, leverages and effectively integrates the knowledge and expertise of the scientific, resource user and other relevant communities.***

3. Section D: Economic uses of the ocean
    a. Introduction, p.13-14: …These activities will continue to [expand] ***support*** California's economy if care is taken to ensure sustainability and protection of the coast and ocean's scenic beauty and biodiversity ***with attention to the human communities that depend upon it.*** Many existing uses could be managed better to protect fragile habitats and species that exist within the same ecosystem***, and insure long-term sustainability and, as appropriate, sustainable use.*** Further, new opportunities should be fostered in a precautionary manner, predicting possible impacts and finding ways to monitor ***and avoid or mitigate*** potential harmful results. Judicious investments in new technologies and infrastructure will also help to ensure a strong and [growing] ***sustainable*** coastal economy while protecting the environmental resources on which much of it depends.

b. Item 3, p.14. Upgrade commercial fishing harbors to ensure viability of this industry: ***Recognize and reconcile the potential tensions between this development and other ocean policy measures (e.g., MPAs) through an integrated, coordinated approach to ecosystem management that explicitly considers the interactions between the marine environment and associated human environment.***

4. I would suggest that the Plan specify harmful algal blooms (HABs) as a Potential Priority Action item, perhaps under the topic of Coastal Water Quality and Pollution and/or Protecting Valuable Marine Habitats and Species. HABs are the target of recent federal legislation (i.e., HABHRCA, the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998) and of a recent national report, the Harmful Algal Research and Response National Environmental Science Strategy (http://www.cop.noaa.gov/stressors/extremeevents/hab/current/harrness.html). A human dimensions (i.e., social science) research strategy is being developed to complement the HARRNESS Report, to establish federal priorities and offer recommendations for research, education and outreach to address the human dimensions of this complex and growing problem. Given the increasing frequency and severity of HABs in California's coastal waters, and the actual and potential impacts of HABs on marine organisms, public health, seafood production, recreation and tourism and coastal communities, I believe this topic warrants attention in the Plan.

Thank you for the opportunity to comment on this evolving and important Strategic Plan.

Sincerely,

Caroline Pomeroy, PhD
Marine Advisor
California Sea Grant Extension Program

we Baird

Marin Audubon Society

P.O. Box 599 | Mill Valley, CA 94942-0599 | marinaudubon.org

March 29, 2006

Post-it® Fax Note 7671	Date 3/30	# of pages ▶ 3
To Mike Chrisman	From Gibbs Salyer	
Co./Dept. COPC	Co. MAS	
Phone #	Phone # 415-924-6057	
Fax #	Fax # 415-927-3523	

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Comments on Ocean Protection Plan

Dear Mr. Chrisman:

The Marin Audubon Society has a long history of working to protect ocean and San Francisco estuary resources. We have an active ongoing concern about protecting the aquatic resources you are addressing. We began by protecting the Richardson Bay Audubon Sanctuary 50 years ago, then Audubon Canyon Ranch, and have gone on to protect more than 1,000 acres of Bay habitats We are sorry to be late with these comments but we just learned of your process and comment deadline two days ago . We respectfully request that you consider our comments below.

We fully support the mission of the OPC: "to protect, manage and restore California's ocean and coastal resources for their intrinsic value and benefit to current and future generations." We offer the following comments on the action plan toward the goal of furthering the mission, the guiding principles and protecting our coastal and estuary resources.

MARINE HABITATS AND SPECIES

Protection for all native species should be the paramount goal for marine habitats and species. We support the strong emphasis on fisheries protection, but the protection of birds, marine mammals and other ocean creatures should also be emphasized. The ocean is vital habitat for many migratory bird species and these play a vital role in functioning of the ocean and the estuarine ecosystem.

Considering the low numbers of California Clapper Rails in the Bay, and their extirpation from the Coast, we suggest that this specie be considered for further study under item #3.

An important part of reducing the harmful effects of invasive species is preventing their introduction in the first place. Yet, prevention receives only a passing mention. We need to be actively engaged in attempting to prevent continued invasions, and should not passively wait while there is a risk.

RESTORE VITAL HABITATS

We support all recommendation for action #8 through #11, and wish to point out that we have or are in the process of restoring more than 1,500 acres of estuarine wetland habitats. While, all of the projects mentioned in #10 should be completed, it must be recognized that there are a number of other current, former or degraded wetlands that also need to be protected. For example, Marin Audubon's protection and restoration activities are part of a Campaign for Marin Baylands. As part of this Campaign, we have acquired and permanently protected more than 1,000 acres of diked baylands and restored or are in the process of restoring almost 2,000 acres. We have partnered many times with the Department of Fish and Game and other state agencies, and have donated many acres of habitat to the Department. And, we have identified almost 10,000 acres of current or former tidal marsh and associated upland that are still at risk of being lost. These properties are important habitats and they provide connectivity between habitats.

The action language should be broad enough to ensure that these, and all resource lands and projects that meet standards of the OPC and JV be eligible for support. Opportunities to acquire properties, particularly those that would be lost to development, should not be lost. . Further, we suggest that the entire coast of the ocean and SF Estuary should be considered high priority areas

IMPROVE OUR UNDERSTANDING C.' ESTUARINE AND MARINE WATERS

Partnerships can and should be broader than just beteen state and federal governments. We have had many successful partnerships on numerous projects with governmental agencies at all levels, partnerships that have facilitated acquisitions and restorations that would not have taken place otherwise. Your goal should be to encourage not only partnering between governments, but public private partnerships.

REDUCE COASTAL AND MARINE DEBRIS

Pollution reduction, including trash and debris, should focus not only on methods of cleanup but on methods/means of preventing the discharge of such pollutants in the first place.

BEACHES AND COASTAL ACCESS

While public recreation is important, these actions must based on the knowledge that many beaches and parts of the coastline are vital habitat for special status, migratory and other species of concern. habitat. The goal of increasing public access and developing water trail must be limited by the natural resources that need to be protected. For example, Coastal Snowy Plover depend on beaches for all phases of their life cycle, nesting rearing or young and foraging. Also many migratory shorebirds need to feed on beaches during migration.

We particularly object to identifying a specific number of new public access ways (25 is noted as a goal) when the potential impact of these developments and uses has yet to be studied. The Water Trail also has the alarming potential to adversely impact diving birds that depend on the Bay SF Bay waters and to adversely impact endangered and migratory species that depend on marsh habitats along the shoreline.

Public access and developing of interpretive facilities and trails should be encouraged only in lactations where they will not adversely impact aor. already stressed wildfire. This section should be revised accordingly.

CONCLUSION

Marin Audubon supports the many beneficial actions proposed by COPA and wish to participate in the review and ensuring the promote furthering. The overriding goal should be protection of fish and wildlife species, natural habitats and all natural resources. We ask that you consider our recommendations.

In addition, we wish to point out that the are already a number of planning efforts that have developed studied habitats and development priorities and plans. We recommend that these efforts be recognized and used, rather than wasting public funds and time repeating efforts and activities.

Please place us on the mailing list and keep us in mind for future interviews. To most efficiently reach us, please direct correspondence to me at 48 Ardmore Road, Larkspur, CA 94939

Sincerely,

Barbara Salzman
President

cc: Abe Doherty
Beth Honing

From: Donna M. Schroeder [schroed@lifesci.ucsb.edu]
Sent: Wednesday, March 29, 2006 7:10 PM
Subject: Comments on OPC Strategic Plan

Mike Chrisman, Chair
California Ocean Protection Council

Dear Mr. Chrisman,

Here are my comments, in italics, on the Strategic Plan for the California Ocean Protection Council.

Thank you for the opportunity to comment.

Regards,

Donna Schroeder

Marine Science Institute
University of California, Santa Barbara

and

Channel Islands Marine Sanctuary Foundation
Member, Board of Directors

++++++++++++++++++

II. Tools to implement COPA: Structure for OPC Actions

II A. Coordination, Collaboration, and Integrations: Making Government Work Better

Comment on:

? Create a State Agency Steering Committee

Establish a process to include stakeholder input at key points in developing priorities.

III. Potential Priorities for Research

III. A. 1. Implement the Marine Life Protection Act (MLPA) by extending the existing process to other regions.

I strongly support this priority.

III. A. 5. Implement the Marine Life Management Act (MLMA).

The MLMA and the MLPA need to be integrated into one cohesive management framework.

Comment on:

? Complete at least one stock assessment per year to support management decisions on these species of concern.

I suggest that the COPA Strategic Plan state that priorities include at least one stock assessment survey be done per year, with priority given to surveys that assess multiple species, rather than a single species. With the passing of MLPA, California is shifting towards a spatial approach in ocean management. It is therefore important to understand the spatial distribution of stocks through fishery-independent surveys. Fishery-dependent information (such as landings) do not provide accurate information for ecosystem-based management.

Also, I recommend that more than one stock assessment be done per year. The report "California's Living Marine Resources: A Status Report" lists well over 100 species of interest to the California Department of Fish and Game, most of which have no or poor information regarding stock status. Wise management of marine resources entails more thorough monitoring and assessment procedures.

From: Steve at The Otter Project [mailto:steve1096@sbcglobal.net]
Sent: Wednesday, March 29, 2006 10:41 AM
Subject: RE: Putting "measurable goals" into the Ocean Protection Council's 5-Yr. Strategic Plan

Hello Neil!

I received an email from Warner Chabot in regards to "measurable goals" for ocean protection. I have a couple ideas to contribute.

But first, I want to make it clear that I have not been following every development at OPC. For the past 18 months I have been deeply involved in the MLPA. Being part of a smaller organization, we simply don't have the scope to be involved in all things ocean! So, please, I hope you don't perceive this as jumping into the middle where I don't belong -- these are meant to be specific and helpful ideas.

I hope these are not too fine grained.

I hope to transition from working on MLPA to OPC over the next few months.

Page 7, 3, a, 1. Implement the [MLPA] by extending the existing process to other regions.

While it's true we don't know everything about our coastal ocean, its amazing how much we do know. The MLPA Science Advisory Team was able to divide our ocean into 20 habitats (not critical habitats, this was an inclusive list of all habitats). Further, they were able to provide maps (although sometimes incomplete) to these habitats. They were able to quantify the available area of these habitats. What falls out is a metric. Over the year long Central Coast process, there was little controversy over the list and areas. In terms of a measurement, we can quantify the amount available of each of the 20 habitats and we can then quantify how much is protected in Reserve.

As far as a goal, obviously, this is more controversial. I personally would suggest 20-percent of each habitat in Reserve, as is recommended as a near minimum in the vast majority of the scientific literature.

Page 8, 3. Protect and restore populations of threatened and endangered marine and estuarine species.

Obviously, I have a vested interest here. But, I believe strongly that taking action is often avoided by suggesting additional research. As an example, we (meaning the 'greater California sea otter community') have one of the most extensive mortality databases of any wildlife species on the earth. We know that we have a sea otter disease problem. By coordinating actions with research, we could both improve overall ocean health and we could help the otter.

As an example, Morro Bay is one of the last remaining communities to still pump near raw sewage (primary treatment only) into the ocean. They have been operating on waivers to the Clean Water Act for over 20 years. Morro Bay also is a sea otter mortality hotspot. By compelling Morro Bay to clean up its act, we can both contribute to ocean health and water quality, but we can also learn about sea otter mortality and the linkages to sewage outfall and

treatment technologies. I'm suggesting a shift from pure research, to fixing problems and researching the result.

Sea otters, because of the availability of a large amount of study and data, provide the opportunity to set measurable goals. Although it is too fine-grained for this discussion, I could easily offer specific 2, 5, and 10 year sea otter action and research goals.

I would caution against relying exclusively on DFG or the research community for development of goals. I think I share the concerns of many fishermen; sometimes the DFG research community has a greater interest in money for research than in species recovery. Again, I'm suggesting a shift from pure research, to fixing problems and researching the result.

Page 9, 7, bullet point 2. (Vessel Monitoring System or Coastal Radar (CODAR) array.)

I had the pleasure of working with Warner, Annie Notthoff, and many others on large vessel routing (tankers and container ships) along the Central Coast. Vessel monitoring and CODAR were hot topics. There are still large gaps in coastal radar monitoring; while the vessels -- including tankers - may be transmitting, there is no infrastructure to receive. This is a pollution, security, and fishing issue. There are likely funds from a variety of sources to build up our monitoring infrastructure (OSPR).

A measurable five-year goal would be to have CODAR monitoring for the entire California coast. An additional goal would be to have transmitters on all large and intermediate sized fishing vessels within the same time frame.

Page 9, 8. 8. Complete planning, design, and initial implementation of important enhancement and restoration projects, including kelp, eelgrass, and native oysters.

General comments: Kelp simply cannot be restored until the primary predator of sea urchins -- otters -- are restored to California's coast. The declining urchin fishery, by opposing sea otter recovery, is forcing the State to perpetuate a destructive and unnatural urchin dominated ecosystem. California must make some fundamental choices. Oysters cannot be restored without cleaning up our estuaries (see point immediately below).

Page 12. 3. Establish sediment quality objectives to protect benthic communities, wildlife, and human health for all bays and estuaries.

Many major estuaries are also harbors. Many harbors must be dredged. Dredging requires sediment testing. Although I am still on the steep part of the learning curve on this issue, the testing seems fairly complete - what's missing are statewide consistency, transparency, and scrutiny, and, standards for emerging or rarer chemicals (ie PBDE and butyltins).

Harbors sometimes have high levels of contamination. As an example, Moss Landing Harbor is at the entrance to a major wetland, Elkhorn Slough. Harbor sediments have levels of some chemicals (PCB, DDT, TBT) so high that they cannot -- legally -- be dredged and disposed of in the open ocean. Harbors generally have few financial resources so, there is an incentive to find 'innovative' strategies to avoid landfill disposal of highly contaminated sediments. The current proposed Moss Landing Harbor testing protocol suggests using the [contaminated] offshore dumping site as the 'reference

site' to compare the contamination of harbor sediments against. Because the testing protocol is a preliminary 'step' in the dredge permits process, it is not really open to public involvement.

Monitoring is essential augment to regulation. The use of TBT (tributyltin: a boat paint that kills barnacles and algae) paint is banned in most other countries and can only be used on large ships in the US. Yet, it is a serious problem in many harbors (ie Moss Landing, Morro Bay, Santa Barbara). According to EPA, the illegal use on fishing boats and yachts is greater than the legal use. Butyltins cause reproductive failure in oysters and other mollusks, and immune suppression in marine mammals (sound familiar... oysters and otters?).

A specific five-year goal could be to consolidate and make public, harbor (and de facto wetland) sediment test results. And, augment the federal standards, especially for rarer or emerging chemicals. This becomes critical to other portions of your plan -- specifically beach replenishment using dredged materials.

I'll stop! My overarching point is that it would be easiest to simply argue that we don't know enough and we just add more layers of research. But, we really do know enough to take some specific actions. And, we sometimes have information; we just don't make it publicly available.

Sincerely,
Steve Shimek
Executive Director
The Otter Project

Steve Shimek
Executive Director
The Otter Project
3098 Stewart Court
Marina, CA 93933
831/883-4159
exec@otterproject.org
www.otterproject.org

From: John Largier [jlargier@ucdavis.edu]
Sent: Thursday, March 30, 2006 7:32 AM
Subject: OPC Draft Strategic Plan

29 March 2006

Mike Chrisman, Chair
California Ocean Protection Council

Dear Secretary Chrisman,

I am writing to comment on the Draft Five-Year Strategic Plan (version 3/172006 for discussion at March Public Workshops). I believe that the draft strategic plan provides a valuable outline of the focus for the Ocean Protection Council. There are a few details (specific actions listed) that don't fit without going to the same level of detail throughout, but the general thrust and focus is balanced and appropriate.

I have one major suggestion – an action either to be included in the Strategic Plan or to be developed in response to the tools and priorities addressed in the Plan.

California Center for Ocean Analysis and Synthesis.

The importance of synthesizing existing science is recognized in the Draft Strategic Plan (Tool B) and this should be commended. To ensure that this happens, and that new investments are built on the dividends of past investments, there is a need for a Center that can (i) bring government and university scientists together with ocean managers to further define the priorities identified in the Strategic Plan and to identify issues that are constrained by incomplete knowledge or understanding, (ii) create working groups that will collate existing information and work to synthesize it so as to best address the Ocean Protection priority. The activities in this Center would lead to clear identification of where new studies are needed, allowing strategic use of funds. Further, this Center would allow the available science and working-group-generated science to be provided to state mission agencies.

This concept can be further described and I would happily help with this task. In addition to hosting working groups, the Center could have important roles in communicating issues and what we know about them, as well as in data management. However, these are second to the core role of synthesis. Each "Priority for Action" listed in the Strategic Plan is in need of a focused synthesis effort. Further, new science investments could be more strategic and cost-effective if founded in these syntheses.

Based on experience with similar successful efforts, a budget of order $1million per annum would allow significant progress to be on several priorities concurrently. The Center would have a venue and a very small staff, but most funds would be spent on enabling working groups to address priority issues.

Sincerely,

John Largier

Professor John L. Largier
Coastal Oceanography

Bodega Marine Laboratory & Dept Environmental Science and Policy
University of California, Davis

P.O.Box 247
Bodega Bay, CA 94923
United States of America

Phone 707-875-1930
Fax 707-875-2009
Email jlargier@ucdavis.edu

BML web: www.bml.ucdavis.edu
ESP web: www.des.ucdavis.edu

Making San Francisco Bay Better

March 30, 2006

Michael Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Mr. Chrisman;

Thank you for the opportunity to participate in the March 23rd public workshop for the California Ocean Protection Council's Draft Five-Year Strategic Plan. The San Francisco Bay Conservation and Development Commission (Commission) fully supports the mission of the California Ocean Protection Council (OPC) to improve protection, management, and restoration of California's ocean and coastal ecosystems. The Commission commends the OPC for recognizing that the San Francisco Bay is an important component of coastal California and appreciates the opportunity to participate in the OPC's strategic planning process.

I would like to take the opportunity to follow up on my oral comments at the public workshop with the following written comments on the Draft Five-Year Strategic Plan.

The Commission supports what is currently in the draft strategic plan, particularly those goals and objectives that directly affect the San Francisco Bay such as: supporting eradication efforts for *Spartina* in San Francisco Bay; completing planning and beginning implementation for important Bay wetland restoration projects such as the South Bay Salt Ponds and the Napa-Sonoma Marshes, and completing restoration at the former Hamilton Airfield; supporting the work of the San Francisco Bay Joint Venture; completing greater than 50 miles of the San Francisco Bay Trail and completing the San Francisco Bay Area Water Trail Plan; and completing the San Francisco Bay Subtidal Habitat Goals Project. Further, the development and implementation of a comprehensive approach to acquiring and managing monitoring data is

very important, as it is a continual challenge in the San Francisco Bay Area to identify adequate funds for monitoring and to direct resources to effectively analyze and use monitoring data.

The Commission adopted its own three-year strategic plan on October 20, 2005. While many of the goals, objectives and tasks in the Commission's strategic plan are reflected in the OPC's strategic plan, there are several important omissions that I would encourage the OPC to add.

The Commission approved a general objective to manage the extraction of mineral resources from the Bay. In addition to the Subtidal Habitat Goals Project already listed the OPC's strategic plan, an additional specific task under this objective in the Commission's strategic plan requires the provision of information on sediment dynamics. Scientific information on sediment dynamics is lacking and the OPC can play an important role in encouraging data collection and analysis relating to sediments. In addition, though not specifically called out in the Commission's strategic plan, the Commission recognizes the importance of the emerging issue of sediments containing legacy contaminants, particularly with regard to the production of methylmercury. An understanding of the process of methylmercury production is particularly important to the success of wetland restoration projects in the Bay.

The Commission's strategic plan also includes a general objective to increase understanding of how global climate change will affect the Bay. The issue of climate change and understanding and preparing for the resulting impacts are of critical importance to the entire California coast and should be included in the OPC's strategic plan.

Another issue of relevance to the entire California coast that the Commission identified in its strategic plan is that of disaster planning. Evaluating the potential impacts of various disaster scenarios and planning for such scenarios with a coordinated approach would greatly improve the ability to protect California's ocean and coastal ecosystems and is therefore an important issue to be addressed in the OPC's strategic plan.

Lastly, enforcement of various state and federal laws relating to the protection, management and restoration of California's ocean and coastal ecosystems is critical. However, the OPC's draft strategic plan only mentions enforcement of the Clean Water Act and the Porter Cologne

Act. I would encourage the OPC to add the Commission's governing law, the McAteer-Petris Act, to this list.

Again, thank you for the opportunity to provide comments on the draft strategic plan.

Sincerely,

WILL TRAVIS
Executive Director

Mc Baird

NATIONAL MARINE FISHERIES SERVICE
NOAA Restoration Center
Southwest Region
777 Sonoma Avenue Room 325
Santa Rosa, CA. 95404

31 March 2006

FAX TRANSMITTAL SHEET

TO: Mike Chrisman, Chair
California Ocean Protection Council

FROM: Patrick J. Rutten, Supervisor
NOAA Restoration Center, SW

FAX: (707) 578-3435
PHONE: (707) 575-6059
CELL: (707) 696-3120
E-mail : patrick.rutten@noaa.gov

SUBJECT: Comments of OPC Draft Strategic Plan

NUMBER OF SHEETS TRANSMITTED (INCLUDING THIS PAGE): 4

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

Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-6528

March 31, 2006

Secretary Mike Chrisman
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Chrisman:

On behalf of the NOAA Restoration Center, Southwest Office, I would like to offer the following comments on the California Ocean Protection Council (OPC) Draft Five-Year Strategic Plan (Plan). The comments provided are limited in scope and are intended to highlight a few key provisions of the Strategic Plan that the Restoration Center would see as key components of the larger coastal management strategy.

The OPC's Strategic Plan clearly articulates the suite of issues that are of mutual interest to NOAA. I would offer that the Restoration Center is interested in partnering with the State where opportunities for collaboration are identified that maximizes staff and budgetary resources. In many ways we are attempting to fill a niche for restoration of coastal resources but would like to see a stronger partnership developed with the State.

The NOAA Restoration Center provides grants for community based restoration, scientific and technical support, and is lead on restoration projects for the NOAA's Damage Assessment Remediation and Restoration Program. Some examples of the projects we fund and are involved with in San Francisco Bay include the Cargill South Bay Salt Ponds Project fish monitoring and utilization model, water control structures, wetland restoration, eel grass and native oyster restoration , and the San Francisco Bay Subtidal Goals Project. The Restoration Center's Community-based Restoration Program also funds estuarine and salmonid restoration projects throughout California. We fund fish passage projects in coordination with the Coastal Conservancy, California Department of Fish and Game, and the California Conservation Corps. We have also supported *Spartina* removal projects in Monterey Bay and in San Francisco Bay, and consistent with the OPC's interest in *Arundo* removal in Southern California, we would like to engage in *Arundo* removal within the Salinas River Basin. The Restoration Center is also engaged in Natural Resource Damage Assessment cases in the coastal zone with the most visible case being the implementation of the Montrose Settlements and Restoration Program in Southern California.

The following comments are provided in order as presented in the Draft:

Section II. B. Improving Science

Page 5, third bullet, last point: Encourage the compilation and synthesis of existing information at data integration centers.

The Restoration Center sees a real time need to develop a NRDA Coastal Resources Database as an advanced planning and management document in the event of an oil spill, ship collision, or ship grounding, or other NRDA event that results in damage to coastal marine life and habitats. There are many independent databases and GIS efforts, and a significant amount of published and unpublished literature describing the intertidal, subtidal, and fishery habitats of California, but there is no central location for this information. The NOAA Damage Assessment Remediation and Restoration Program would find having an advanced assessment and planning tool as a significant step toward identifying injury, remediation and restoration being accomplished in a timely and effective manner. The continued support of PISCO and CRANE could also provide significant information or be the basis for a NRDA database.

Section III. Potential Priorities For Action

A. Ocean Resources: Fisheries, Habitat, Species

Page 8, Number 3, Protect and restore populations of threatened and endangered marine and estuarine species.

The NOAA Restoration Center is very supportive of the Draft Plan identifying estuarine species ecosystem based management. As an extension of this element, we see the need for a review and assessment of all coastal river estuaries in terms of habitat condition and fishery resource utilization. The Restoration Center would offer staff and program support to see this happen. Like the need for an NRDA database, there is a need for a synthesis of published and unpublished literature on the fisheries utilization of California's estuaries. As the State and NOAA Fisheries Southwest Region initiate salmonid recovery planning, it is essential that we know where our collective resources should be invested. The value of estuaries as juvenile feeding and rearing is well known, but the quality of the information varies from river estuary to river estuary, and the information that does exist is not centrally located. The database could and likely should be the part of the comprehensive Education and Outreach tool that is described in Section B.

Restore Vital Habitats

Page 9, Number 8. Subtidal Goals

We are active and in full support of this planning effort. We would, however, like to see future funding provided for the recommendations and data gaps that emerge in this process.

Page 10, Number 10. Restore habitat connectivity and quality within coastal watersheds, bullet 6: Update and refine CalFish database and website

The CalFish database and website is a useful planning tool that has enabled the Restoration Center to prioritize restoration projects and that has direct application to establishing priorities. The Restoration Center believes that maintaining the CalFish database and website is one of the most important products the OPC could support because it provides a rationale for resource allocation. Having a centralized GIS based database that is publicly available provides resource agencies, local governments and the public a tool on which they can base land use and management decisions.

At this time the Restoration Center has started to implement the Administration's Open River's Initiative which is funding small barrier removal projects to restore fish passage in coastal watersheds. The CalFish database has been very useful in deciding how to allocate grants to maximize the resource benefit.

B. Coastal Water Quality and Pollution

Page 12, Reduce Coastal and Marine Debris

NOAA fully supports reducing marine debris but would like to offer that we would be interested in working with the OPC to establish a pilot fishing net recycling program by placing debris bins at strategic locations at commercial fishing ports. NOAA, through its own grant program has successfully established the Honolulu Harbor Derelict Fishing Net Disposal and Recycling Project (http//marinedebris.noaa.gov), in cooperation with the State of Hawaii. The program has been quite successful in that the fishermen are discarding the nets in the bins instead of at sea.

Subject for the OPC's Consideration

Develop and Support the Use of Recycled Water in Coastal Watersheds

Freshwater flows in coastal watersheds are under significant pressure for urban and agricultural use. This is most apparent in central and southern California, and can be seen in low summer base flows. Summer flows are critical for maintaining juvenile fish feeding and rearing habitat and play a critical role in maintaining estuarine water quality and biological health.

It may not be within the authorities of the OPC to address this issue, but attention does need to be given to the development and use of reclaimed water within coastal watersheds. At this time we are working with the City of Half Moon Bay, the San Mateo County Resource Conservation District and the local agriculture community to utilize advanced tertiary treated wastewater for agriculture irrigation. We are aware of and support the use of recycled water in the Carmel Valley and in the City of San Luis Obispo to supplement summer low flows. Recycled water is a valuable commodity that needs to be developed and managed in the context of augmenting flows in exchange for minimizing instream diversions.

By no means are the comments provided exhaustive, rather they point to unique aspects of the Draft Plan that we see as projects, or efforts that can be realized in the short term, but which will have current benefits if supported by the OPC.

We appreciate the opportunity to comment on the Draft Plan and compliment the managers and staff who clearly have invested a significant amount of time to develop such a well thought out and readable planning document.

If you have any questions please feel free to contact me at (707) 575-6059, or Patrick.rutten@noaa.gov.

Sincerely,

Patrick J. Rutten
Southwest Field Supervisor
NOAA Restoration Center

Cc: F/HC, P. Montanio
F/HC3, C. Doley

From: Chris Miller [cjmiller@dock.net]
Sent: Wednesday, April 12, 2006 7:12 AM
Subject: Attn: Mike Chrisman

Comments on the Draft Strategic Plan for the Ocean Protection Council.

>From Chris Miller Vice President California Lobster & Trap Fisherman's
>assn.

Hi Mike,

The strategic plan has a very simplistic approach to achieving sustainable fisheries. While the rest of the plan focuses on a holistic approach to Ecosystem Based Management the OPC strategic plan asserts that implementing the Marine Life Management Act will achieve sustainable fisheries through prioritizing more harvest control and a stock assessment a year.

Actually this may collapse the fisheries and destroy regional infrastructure for our fishing communities. It has an exponential potential for destruction in that it suggests following the problems rather than the solutions.

It misses the whole point that we need to design policies that will create systems that sustain a stock assessment capability and provide long term institutional support for fishery management. The state is not actually practicing adaptive management by amending the Draft Master Plan for fishery management plans in its own suggested timeline. So there are no policy changes to reflect utilization of the best available science.

As a consequence the current Fishery Management Plan Process is crisis based management in a very centralized top down authority structure that rejects feedback systems for data. It is a design for how not to do management because you cannot correct or learn from your mistakes. You cover up your mistakes as a dominant policy.

Core Problems.

1. The state still has no functional procedure for integration of Marine Life Protection Act into the Marine Life Management act. That would be a technical process to quantify existing MPA's as precautionary compensation in harvest control.

2. It also has not designed a research program that can actually achieve the data quality goals of the Fishery Management Plan for the Nearshore Fishery. That would be surveys that use the right design and instruments to gather essential fishery information and measure reserve performance as an integrated field practice.

3. There is no current design for funding and directing a budget to create an institutional capability to manage with using a stock assessment over time. We cannot even address the basics of managing our restricted access programs.

4. The Fishery Management plans have no structure or procedure to support protection of essential fishery habitat in the permitting process of the State Coastal Commission under the Coastal management act.

.Doing more regulations and precautionary harvest control without the ability to monitor will only collapse the fisheries over time the Policies that support MLMA and MLPA are failing there is no basic ability to test policy by the state.

The significant issue is in how you approach Ecosystem Based Management. Top down command and control based management needs a policy for reform that seeds the way to co-management through survey and monitoring design.

The draft completely omits major scientific disciplines that would and should help define Ecosystem Based Management for fisheries as a viable approach that initiates sustainable systems to support on going management and test the policies.

Those bodies of science are:

1. Co-management systems for regional management
2. Social Geography for Community based management
3. Fisheries Science for stock assessment and adaptive management.
4. Integrated pond filtration and bio-remediation systems for nearshore habitat protection from urban run off and non point source pollution.

The OPC needs to develop technical support for survey design in its science team in these areas to support Ecosystem Based Management.

It is a proven fact that fishermen will collaborate in management given the right incentives. The basis of this should be joint survey designs for fishery monitoring and funding this in the Co-management framework with self taxation that provides data management and synthesis capability to fishing communities .

1. The Draft Master Plan for Fisheries Management plans needs a formal procedure for area based stock assessments that factor marine zoning into a stock assessment. This needs support with community access to Geographic Image Systems.
2. The Draft Master plan for the MLPA needs consistency with the MLMA based on data quality to prioritize allocation of research funding. Research funding for MPA's needs to have data quality criteria for MPA's that are based in area based management around the reserves as a whole system.
3. The monitoring of basic restricted access programs needs to have a goal of regional regulatory flexibility with district management to sustain fishing communities. This requires a

precautionary approach for fishing communities in the face of uncertainty in cumulative regulatory impact. It also requires a policy for monitoring and planning capacity in MPA systems

4. Stock assessments are a system of ongoing practice that require a dedicated funding can be directed to a data stream that is designed to plan harvest this now needs translation into area based data. Fisheries need a pro-active planning process to design their self taxation systems for Co-management.

5. There is no defined connection between the Essential fishery habitat of a stock assessment and the use of this information to protect stocks habitat under the Coastal Management Act in the State Coastal Commissions permitting process. Developing the essential fishery habitat science requires the technical ability to direct research for habitat protection that can connect watershed and reef systems in a survey design.

6. There is no current stock assessment program with the expertise and resources in the DFG capable of this level of fisheries science. This program would require considerable investment in infrastructure and human resources. The state needs a policy for Co-management as a real alternative

7. The failure of integration in assessing cumulative impacts of regulations is actually destroying the infrastructure of fishing communities entire ports are now going under as working harbors. The Market infrastructure for fisheries needs to be assessed to sustain basic port facilities. Direct Marketing to the public needs support the reality of coastal inflation and NAFTA combined needs to be addressed.

I hope you will consider that this very brief review was done in between fishing trips while being completely over extended as a fishery representative. It is my sincere hope that the OPC will work with the fishing community to develop a holistic management practice for the fisheries and that is the focus of sustainability.

Create sustainable systems and infrastructure. When you take a historical perspective on the issues of fishery management in our state you see that at about the same time two things happened.

The Tuna Fleet processing was outsourced to Western Samoa gutting DFG revenues and we entered into a major climatic change that reversed a dominant cold water oceanographic influence on recruitment of harvested populations.

So with no money to maintain monitoring we harvested under assumptions of cold water recruitment. We also failed to address the impacts of coastal population density and habitat loss in our management design.

Now that almost twenty five years of fishing in a warm water climate cycle we have addressed the problem of variability in recruitment. We still have no plan that protects habitat.

In my area you can get sick from going surfing after it rains and dredging programs for beech replenishment threaten nearshore habitat.

We are going back to a cold water cycle with harvest control designed for precaution in a warm water cycle. We will have very healthy fisheries very soon because the kelp is coming back.

There is no current threat of over fishing in California.

But we do not have healthy management, it is based in coercion and dominance of unfunded agencies. We expect higher standards of fishery management without any accountability for the managers to address the fact that the economic viability of a fishery is a standard for its sustainability.

The only solution I see is to start designing co-management systems from the ground up in field surveys that are useful in management and practical to implement and have fisheries support in directed funding for independent stock assessment.

This is the only way I see to integrate fisheries into ecosystem based management.

Chris Miller Vice President California Lobster and Trap Fisherman's assn.

805-344-3091