

**California Ocean Protection Council
MEETING SUMMARY**

Friday, December 16, 2011
Sierra Hearing Room – CalEPA Building
1001 I Street
Sacramento, CA 95812

Members in Attendance

John Laird, Secretary for Natural Resources, Council Chair
Matt Rodriguez, Secretary for Environmental Protection
Kevin Schmidt for Gavin Newsom, Lieutenant Governor, Chair of the State Lands Commission
Bill Craven for Fran Pavley, State Senator
Cody Naylor for Toni Atkins, State Assemblymember

Absent

Susan Golding, Public Member
Geraldine Knatz, Public Member

Secretary Laird called the meeting to order at 11:00am

1. Welcome and Council Member Announcements

Secretary Laird, Chair to the Ocean Protection Council (OPC), welcomed all attendees to the last Council meeting of the year. The Secretary summarized highlights from the Governor's Conference on Extreme Climate Risks held on December 15, 2011 which focused the risks associated with climate change in California and the environmental, social and economic impacts.

2. Report from the Executive Director

Amber Mace, Executive Director of the OPC provided an update on the strategic plan. She announced that a new [draft of the plan](#) was available on the OPC website for review and public comment until January 16, 2012. This revised draft reflected the tremendous amount of feedback that the OPC received on its prior draft. Dr. Mace highlighted some of the major changes in the new draft plan, including that it is shorter, has been reorganized, and provides high level guidance to the Council. She noted that some of the specifics in the previous draft had been deleted as this document should be a guidance document and not presuppose policy outcomes. She announced that the final plan will be brought to the OPC for consideration at its February 2012 meeting.

Secretary Laird emphasized that this document represents guidance for the OPC and will provide a broad framework to focus future efforts.

3. Report from the Secretary

Sam Schuchat, Council Secretary, offered for consideration and possible approval an OPC meeting schedule for 2012. Secretary Laird agreed to the dates by consensus.

Mr. Schuchat also provided an update on recently enacted legislation that affects the OPC. These bills include: AB 376 (Fong) banning possession and sale of shark fins in California; AB 853 (Fong) requiring the OPC to submit an annual report listing any shark species certified as sustainable seafood; AB 337 (Monning) clarifying that the voluntary sustainable seafood program is not regulation for the purposes of the Administrative Procedures Act; SB 369 (Evans) requiring the OPC to support Dungeness Crab Task Force; AB 971 (Monning) extending the tax payer check off program to support the California Sea Otter Fund; and finally SB 565 (Monning) authorizing the Coastal Conservancy to make a grant to a for profit entity for the purpose of removal or alteration of the San Clemente Dam.

4. Report from the Science Advisor

Skyli McAfee, Executive Director of the California Ocean Science Trust updated the council on three items. Following-up from the 2007 marine debris resolution, OST partnered with USC Sea Grant to produce a report: [*Plastic Debris in the California Marine Environment: A Summary of Current Research and Data Gaps*](#). The report is available to support policy action at the local, state, and regional level, for example it is being used to inform the marine debris related work of the West Coast Governors' Alliance.

A massive mortality event that caused the die-off of a number invertebrate species, perhaps from toxic phytoplankton, occurred on the north-central coast and resulted in the closure of the recreational abalone fishery. OST will partner with California Sea Grant to identify next steps for research, explore funding opportunities, and develop a plan for taking action in preparation for possible future events.

California Current Ocean Acidification Network met at a two-day workshop which brings together stakeholders including fishermen, aquaculturists, scientists, ocean observing community and others to collectively address ocean acidification along the west coast. Discussion included an inventory of assets to help monitor acidification in an effort to determine its effects on marine organisms and fisheries.

5. SPOTLIGHT ON SCIENCE: Extreme Events

Building off of the Governor's Conference on Extreme Climate Risks on December 15, 2011, the [Spotlight on Science](#) provided a targeted discussion of the latest science addressing increasing coastal vulnerability due to a changing climate. Skyli McAfee introduced Dr. Gary Griggs, Director of the Institute of Marine Sciences at UCSC, who gave a presentation titled: The Vulnerability of the California Coast to Climate Change and Extreme Events. Also, Dr. Patrick Barnard, Coastal Geologist at the US Geological Survey, gave a presentation titled: Storminess and Extreme Coastal Water Levels: Historical Observations and Future Projections for the California Coast. Last, Rebecca Smyth, West Coast Director at the National Oceanic and

Atmospheric Administration's Coastal Services Center, gave a presentation on Examples of Decision Support Tools and Community Adaptation Efforts.

Public Comment:

- Nell Langford – Safe Beach Now – Stated that communities and state agencies should be provided with the science needed to understand and anticipate climate change risks and impacts.

Bill Craven noted that he is impressed with how far the science has come, that we are lagging in making preparations for critical infrastructure, and wondered in this economic climate how we go about investing in ways to safeguard public investments and our communities. Ms. McAfee mentioned an effort that Gary Griggs and others are developing titled: *Adapting to Sea Level Rise (SLR): A Guide for California's Communities*. Secretary Rodriguez wondered in what way will these suggested recommendations will be implemented. Dr. Mace mentioned responses at the local and the state levels. She stated that a recent Sea Grant-sponsored study found that the top barriers to implementing SLR and climate change adaptation strategies are lack of adequate funding, staff and support for implementation. From a statewide perspective, OPC can help support the entities that can help implement the strategies. Dr. Mace also stated that the existing Coastal and Ocean Climate Action Team is working to bring together agencies. Mr. Schuchat added that Local Coastal Plans (LCP) could be updated to incorporate planning for coastal risks. Secretary Rodriguez asked if grants for LCP development are coordinated. Dr. Mace's response was that OPC staff can partner with the Coastal Commission and others to coordinate funding efforts. Secretary Laird thanked all presenters for their presentations.

8. ACTION: Consideration and possible authorization to develop an agreement with the California Technology Agency to support the integration of California's coastal and marine geospatial data into a statewide internet-based "geo portal" to improve access to these data by agencies, stakeholders, and the general public.

This item was taken out of order to accommodate a speaker's schedule.

Laura Engeman, OPC Project Manager, provided an update on OPC's work to implement AB 2125 and improve use and sharing of geospatial data. She summarized results from the recently-completed California Coastal and Marine Geospatial Information Management System Scoping Study which assessed spatial information needs for state agencies. A key recommendation from this study was to create a geo-portal to improve access and use of this data. She also reported that the California Technology Agency's Geographic Information Office is already working on developing a geo-portal for state agencies.

Ms. Engeman recommended that the OPC work on developing an agreement with the California Technology Agency to support the integration of California's coastal and marine geospatial data into a statewide internet-based "geo portal". Scott Gregory, the California Geographic Information Officer, spoke in support of this recommendation.

Public Comment:

- Kaitilin Gaffney – Ocean Conservancy – Stated support for the development of the geo-portal.
- Angela Kelly – NRDC– Stated support for the development of the geo-portal and applauded OPC staff for their pro-active reach-out.
- Matthew Armsby – Stanford Law School – Stated that he has been developing two studies that will aid in the development of the geo-portal.

Secretary Laird requested that if this item is brought back to the OPC for funding, the Council should be presented with a range of options to evaluate the appropriate level of funding for future implementation. Secretary Rodriguez moved the action, Secretary Laird seconded, and it passed unanimously.

6. ACTION: Consideration and possible adoption of a California Voluntary Sustainable Seafood Program Protocol

Sam Schuchat recommended that the Council adopt the California Voluntary Sustainable Seafood Program Protocol. Mr. Schuchat noted that this was the third time the Council was seeing the protocol, as there have been many opportunities for Council and public input afforded during development of the protocol, the most recent being presentation of a revised draft for discussion at the OPC's May 2011 meeting. Mr. Schuchat explained that this action adopting the protocol is part of the OPC's implementation of AB 1217 (Monning, 2009). If adopted, the next steps would involve voluntary pre-assessments and development of a logo and tracking system. Mr. Schuchat provided a brief overview of the proposed California certification process, which is based on the Marine Stewardship Council (MSC) protocol and incorporates stricter standards on selected performance indicators, additional scientific review, and additional traceability and consumer information. Mr. Schuchat noted that the MSC standard satisfies criteria specified in the legislation; in particular, it is based on three specified principles and meets the "Guidelines for the Eco-labeling of Fish and Fishery Products from Marine Capture Fisheries" promulgated by the Food and Agriculture Organization of the United Nations. In addition, although not specifically called for in AB 1217, Mr. Schuchat noted that staff will continue to work with partner agencies (such as CA Office of Environmental Health Hazard Assessment) to ensure that information about marine fisheries toxicity is made accessible to the public because toxicity is an important part of consumer choice related to seafood.

Mr. Schuchat distributed an email containing an online petition related to this item. The petition was submitted on December 15th; it opposed the adoption of the protocol and was signed by 17 people, including 11 members of the Advisory Panel. Mr. Schuchat stated that the petition did not offer an alternative recommendation and included some misunderstanding of the proposed action. He also noted that some of the individuals who signed the petition had spoken in favor of the proposed action at the final Advisory Committee meeting. Council members also acknowledged that there had been an established process to provide input on the protocol.

Public Comment:

- Zeke Grader – Pacific Coast Federation of Fishermen’s Associations – Stated that the PCFFA supported the Monning legislation, provided input on selection of advisory committee members, but had not stayed involved. The petition was brought to Mr. Grader’s attention, and he asked the Council to delay action to explore the concerns raised and see if it was possible to create more buy-in among the fishing community.
- David McGuire – Sea Stewards – Noted that he works with the Turtle Island Restoration Network, and stated support for placing a color-coded warning system on the label, for California doing better than MSC and setting a trend in ecosystem management, and for making the pre-assessments transparent. Mr. McGuire endorsed the protocol with these recommendations.
- Sarah Sikich – Heal the Bay – Noted that Heal the Bay had been a member of the Advisory Council; stated support for the protocol but would like consideration of toxicity made into a requirement, for the barcode scan to include carbon footprint, and for pre-assessments to be transparent.

There was discussion about the pros and cons of delaying the proposed action, and question about whether opposition may be based on lack of understanding of the protocol. It was acknowledged that there are some who just do not support MSC, that it is not likely the advisory panel would reach consensus, and that two years have passed since the Monning legislation was signed. Council members directed staff to, in the beginning of the new year, work with whomever appropriate to try to address the concerns identified in the petition.

Secretary Rodriguez moved the action, Secretary Laird seconded, and it passed unanimously.

7. ACTION: Consideration and possible adoption of recommended policy to the California Energy Commission on marine renewable energy test and pilot projects

Laura Engeman, OPC Project Manager, updated the Council on progress related to ocean renewable energy since the discussion of this issue at the August 2011 OPC meeting. Ms. Engeman stated that staff had convened a workshop of regulatory agencies and had developed a [guidance document](#) that is now available on the OPC website. In addition, she requested that the OPC adopt a policy recommendation to the California Energy Commission (CEC) related to marine renewable energy for the CEC to consider as part of their Integrated Energy Policy Report (IEPR) update.

Public Comment:

- Angela Kelley – NRDC – Commended staff’s work and effort to ensure that development is consistent with environmental protection and good management; supported the resolution and its incorporation into the IEPR, and requested that the OPC make clear its role of making available, in a clear format, important baseline data that could be used to determine best places to site projects.

- Eugenia Laychak – California Energy Commission – Stated that the resolution is very consistent with the “Renewable Energy Trends and Issues” report that the CEC just finished this month, and noted that the CEC is preparing to consider policy recommendations to tackle the challenges to increasing California’s use of renewable energy (which are technical development and cost, regulatory and environmental protection issues, and project financing). The CEC therefore supports efforts such as the resolution and white paper to assist with addressing regulatory issues and promoting research and testing so that decision-makers can get California on its way to meeting its renewable energy and GHG-reduction goals. The CEC recognizes that the resolution and white paper are a good start, but that more work will need to be done by California in the future.

Secretary Rodriquez moved the action, Secretary Laird seconded, and it passed unanimously.

9. ACTION: Consideration and possible concurrence with the proposed grant awards for the 2011 University of California Sea Grant and University of Southern California Sea Grant programs.

Clare O’Reilly, OPC Project Manager, recommended that the OPC concur with the proposed research awards for the 2011 UC and USC Sea Grant Programs. At its November 29, 2010 public meeting, the OPC authorized a grant of \$1,080,000 to the state’s two Sea Grant programs to select and fund scientific research projects to support the OPC’s research priorities and inform management and policy decisions. The OPC’s concurrence for the selected research projects is required before the research grants can be awarded. Ms. O’Reilly acknowledged the directors of the two state Sea Grant programs who were in attendance.

Public Comment:

- Kaitilin Gaffney – Ocean Conservancy – Stated support for the projects and the scientific opportunities that the marine protected areas play.

Secretary Rodriquez moved the action, Secretary Laird seconded, and it passed unanimously.

10. Public comment on non-agenda items

- Sarah Newkirk – The Nature Conservancy – Brought attention to the use of LCPs for making climate adaptation plans, and highlighted the City of Santa Cruz’s partnership with FEMA to develop coastal hazard protection.
- Sara Aminzadeh – CA Coastkeeper Alliance – Stated that the Coastkeepers would like to see more detail in the strategic plan, and will follow-up with written comments; also highlighted the California King Tides Initiative.

- Sarah Sikich – Heal the Bay – Lauded the Council’s work on combating marine debris, noted the progress of cities and counties to implement plastic bag bans, and recommended that the OPC support studies on the costs and benefits of plastic bags bans.