



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
<http://www.wildlife.ca.gov>
Law Enforcement Division
P.O. Box 944209
Sacramento, California 94244-2090
(916) 653-4094

EDMUND G. BROWN, JR., Governor
CHARLTON H. BONHAM, Director



July 17, 2018

John Laird, Secretary for Natural Resources
Chair, California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Support for MPA Monitoring Program (Item 4)

Dear Chair Laird and Members of the Ocean Protection Council:

The California Department of Fish and Wildlife (CDFW) supports funding by the Ocean Protection Council for Item A continued monitoring and evaluation of California's Marine Protected Area (MPA) network. This project will ensure the State has the required information to evaluate the performance of the MPA network in meeting the goals of the Marine Life Protection Act. The information gathered through this project will also inform other critical state mandates like sustainable fisheries and climate change impacts.

CDFW Law Enforcement Division strongly supports Item 4b, Once-Through Cooling Interim Mitigation Program: Improving Enforcement and Compliance Associated with California's MPA Network. Education and enforcement are critical components to establishing and maintaining compliance with MPA rules and regulations. Improved education to users about MPA regulations can serve as once-through cooling impact mitigation because it increases compliance with MPA regulations, which in turn maximizes the expected ecological benefits from these areas. Recurring poaching of marine life in MPAs can decrease diversity, populations, and reproductive output which can affect an ecosystem's ability to recover from negative impacts. Investment of once-through cooling interim mitigation fees in the State's MPA Management Program will contribute to improved effectiveness of the MPA network and help to maximize the potential ecological benefits of the interim mitigation program.

CDFW supports the funding to be used in this way as the proposed projects are aligned with the goals of the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling. These projects will continue the momentum of California's significant investment in the State's network of 124 MPAs, which have been established to safeguard the long-term health of California's marine life.

Sincerely,

David Bess
Deputy Director

State Water Resources Control Board

July 23, 2018

John Laird, Secretary for Natural Resources
Chair, Ocean Protection Council
California Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814

Dear Chair Laird and Members of the Ocean Protection Council:

RE: ITEM 4B - SUPPORT FOR IMPROVING ENFORCEMENT AND COMPLIANCE
ASSOCIATED WITH CALIFORNIA'S MPA NETWORK USING ONCE-THROUGH COOLING
INTERIM MITIGATION FUNDS

The State Water Resources Control Board (State Water Board) supports the Ocean Protection Council (OPC) staff recommendations to direct once-through cooling interim mitigation funds towards proposed mitigation projects that augment the health of marine protected areas (MPA) in the geographic regions of power plants that use once-through cooling technology. The proposed funding of enforcement of marine protected area (MPA) rules and regulations by the California Department of Fish and Wildlife Law Enforcement Division (CDFW LED) is an important tool to maintaining MPAs.

The statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling¹ (Once-Through Cooling or OTC Policy) requires owners or operators of existing power plants to implement measures to mitigate interim impingement and entrainment impacts resulting from their cooling water intake structures. The interim mitigation period commenced on October 1, 2015, and continues up to and until owners or operators achieve final compliance with the OTC Policy. Section 2.C(3) of the Policy provides the three options for demonstrating compliance with the interim mitigation requirements. Most power plant owners and operators elected to comply by providing funding to the California Coastal Conservancy and the OPC to fund mitigation projects to restore marine life lost through impingement mortality and entrainment. This may include protection of marine life in existing marine habitat, such as through the funding of implementation and management of MPAs.

Enforcement is critical to maintaining compliance with MPA rules and regulations. Recurring poaching of marine life in MPAs can decrease diversity, populations, and reproductive output, which can affect an ecosystem's ability to recover from the impacts of once-through cooling. Improved education about MPA regulations can enhance compliance with MPA regulations, which in turn maximizes ecological benefits in and between MPAs. Applying the OTC interim mitigation funds to these types of projects contributes to improved effectiveness of the state's

¹ Once-Through Cooling Policy

https://www.waterboards.ca.gov/water_issues/programs/ocean/cwa316/docs/otcpolicy_2017.pdf

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

State Water Resources Control Board

MPA network and helps to maximize the potential benefits of the OPC's Once-Through Cooling Interim Mitigation Program.

OPC support has been critical to the success of the MPA Management Program which is held up as a global model for well-managed marine protected areas. Your approval of these two contracts with Parks and CDFW LED will continue the momentum of California's significant investment in the state's network of 124 MPAs, which have been established to safeguard the long-term health of California's marine life.

If you have any questions or need additional information, please contact Julie Johnson at (916) 341-5687 (Julie.Johnson@waterboards.ca.gov) or Katherine Faick at (916) 445-2317 (Katherine.Faick@waterboards.ca.gov).

Sincerely,



Paul Hann

Acting Assistant Deputy Director, Division of Water Quality



July 23, 2018

John Laird, Secretary for Natural Resources
Chair, Ocean Protection Council
California Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814

Sent via electronic mail to: COPCpublic@resources.ca.gov

RE: July 25 Agenda Item 4b, Consideration of Authorization to Disburse Funds for Marine Protected Area Outreach and Enforcement – SUPPORT

Dear Secretary Laird and Members of the Ocean Protection Council:

The undersigned organizations are in strong support of Ocean Protection Council (OPC) funding for 1. Marine Protected Areas Education, and 2. Marine Protected Areas Enforcement.

1. Educating Californians and visitors about the achievements of the California-wide network of marine protected areas is crucial to their success and critical to maintaining compliance with MPA rules and regulations. The disbursement of funding to the Department of Parks and Recreation (Parks) for interpretive and educational opportunities will improve public awareness and stewardship of these important protected areas. Specifically, funding will enable the Parks MPA Outreach and Education project to expand year-round interpretive and educational opportunities at seven park districts that are co-located with the state's MPA network including updates to onsite interpretive media and improvements to MPA messaging in Parks' online resources through the department's popular PORTs program.

2. Providing MPA enforcement support for the California Department of Fish and Wildlife is essential to achieving the ecological goals described in the Marine Life Protection Act (MLPA). The California Department of Fish and Wildlife's Law Enforcement Division, Marine Enforcement District (MED) allows specialized wildlife officers to focus their efforts solely on enforcing marine regulations. Funding will allow MED to measurably increase the presence of MED wardens to patrol, deter, and issue citations for violations occurring. Recurring poaching of marine life in MPAs decreases diversity, populations, and reproductive output, and can therefore affect an ecosystem's ability to recover from or mitigate negative impacts. Past CDFW LED efforts, both on land and at sea, have shown that while an enhanced enforcement detail focused on one protected area or geographic region reduces violations in that area, violations increase in other regions not receiving the same attention. This project addresses this need for consistent enforcement efforts statewide, as a

statewide application is most successful in achieving the goals of the MLPA.

By providing funding for enforcement and education, OPC would fill a longstanding need in achieving the goals of the statewide network of MPAs. We fully support OPC's investment in MPA enforcement and education to improve and protect California's marine resources.

Sincerely,

Dennis Long
Executive Director
California Marine Sanctuary Foundation

Jenn Savage
Surfrider Foundation
California Policy Manager

Mary Luna
Coastal and Marine Scientist
Heal The Bay

Morgan Patton
Executive Director
Environmental Action Committee of West Marin

Serge Dedina, PhD
Executive Director
WildCoast

George Leonard, PhD
Chief Scientist
Ocean Conservancy

Ray Hiemstra
Associate Director
Orange County Coastkeeper



July 20th, 2018

Dear Ocean Protection Council,

The MPA Collaborative Network strongly supports the staff recommended action for Item 4b, Once-Through Cooling Interim Mitigation Program: Improving Enforcement and Compliance Associated with California's MPA Network.

The mission of the MPA Collaborative Network is to empower coastal communities to advance MPA management and encourage ocean stewardship through localized efforts in MPA education and outreach, research and monitoring, and enforcement and compliance. Each of California's fourteen MPA collaboratives have produced multiple outreach tools, (including brochures, lectures, videos, teaching tools, and MPA events), and have hosted an MPA enforcement training for local allied agency officers and district attorneys.

Education and enforcement are critical components to establishing and maintaining compliance with MPA rules and regulations. Improved education about MPA regulations can serve as once-through cooling impact mitigation because it increases compliance with MPA regulations, which in turn maximizes the expected ecological benefits from these areas. Recurring poaching of marine life in MPAs can decrease diversity, populations, and reproductive output which can affect an ecosystem's ability to recover from negative impacts. Investment of once-through cooling interim mitigation fees in the State's MPA Management Program will contribute to improved effectiveness of the MPA network and help to maximize the potential ecological benefits of the interim mitigation program.

Please accept this letter of support for Item 4b and feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Calla Allison".

Calla Allison
Director, MPA Collaborative Network
calla.allison@resources.ca.gov
(858) 735-5945
www.mpacollaborative.org



July 23, 2018

John Laird, Secretary for Natural Resources
Chair, Ocean Protection Council
California Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814
Sent via electronic mail to: COPCpublic@resources.ca.gov

RE: July 25 Agenda Item 4b: Consideration of Authorization to Disburse Funds for Marine Protected Area Outreach and Enforcement – SUPPORT

Dear Secretary Laird and Members of the Ocean Protection Council:

The Natural Resources Defense Council wishes to express its support for Ocean Protection Council's (OPC) disbursement of funds to enhance compliance and enforcement within California's Marine Protected Area network. NRDC has played a central role in the development and implementation of the Marine Life Protection Act (MLPA) since its inception, and we are committed to the ongoing success of the MPA network, which now serves as a model for MPA networks around the world.

The funding proposed by OPC will play an important role in strengthening the effectiveness of the network. Statewide education about the California MPA network supports increased public compliance with MPA regulations. Compliance is an important component of effective enforcement of MPA regulations—which, in turn, is critical to the healthy functioning of the MPA network.

NRDC expresses in particular our strong support for funds to strengthen MPA enforcement across the state. Effective enforcement is essential to achieving the ecological goals described in the MLPA. Increasing the capacity of the California Department of Fish and Wildlife's Law Enforcement Division (CDFW LED) and, specifically, its Marine Enforcement District will enable the Department to increase the presence of marine wardens to patrol, deter, and issue citations for violations in MPAs. Recurring poaching of marine life in MPAs decreases diversity, populations, and reproductive output, and can therefore affect an ecosystem's ability to recover from or mitigate negative impacts. Moreover, because California's MPAs function as a network, poaching in one MPA can have an impact on the effectiveness of the MPA network as a whole. CDFW's proposal to expand trainings related to MPA enforcement, increase presence on the water, and leverage new enforcement-related technologies, such as the Department's newly adopted records management system (RMS), offers a robust, statewide enforcement approach that should increase the effectiveness of the MPA network along the entire California coast.

Finally, we note that this funding cycle represents the first disbursement of Once-Through Cooling Interim Mitigation Program funds. At the Council's November 1, 2017 meeting, NRDC urged OPC to explore carefully the extent to which in-water restoration could be implemented to mitigate the impacts of OTC on California's marine habitats. NRDC commends OPC for its thoughtful process in beginning to address this question, which is reflected in the June 2017 OPC-SAT Working Group report, *Ocean Restoration Methods: Scientific Guidance for Once-Through Cooling Mitigation Policy*. We encourage OPC to continue to ensure that—in addition to providing funding for the priorities identified by the MPA Statewide Leadership Team that have a direct nexus with OTC impacts—the OTC Interim Mitigation Program also offers adequate opportunities for in-water restoration that can lead to increases in marine life associated with MPAs, as supported by the best available science. It is our understanding that future rounds of OTC Program funding, such as the upcoming competitive grant process, will facilitate these kinds of opportunities.

We thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Murdock". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Elizabeth Murdock
Director, Pacific Ocean Initiative