



August 5, 2011

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

RE: OPC Meeting, August 11, 2011, Item 8 – Discussion of draft strategic action plan.

Dear Chair Laird and Honorable Council Members:

I am writing in response to the California Ocean Protection Council's ("Council") draft Strategic Action Plan ("Plan"). The draft Plan is on the Council's August 11, 2011 agenda and staff is seeking guidance from the public and the Council on the contents of the Plan.

As currently drafted, the desalination section of the draft Plan appears to be in to conflict with the ongoing State Water Resources Control Board's ("Water Board") Ocean Plan update. In that process the Water Board staff is developing, through a science-based public process, seawater desalination policies for possible consideration for adoption by the Water Board before the end of 2012. Poseidon supports the recommendation that the OPC staff participate in the Water Board's process, but we do not believe that it is appropriate that the OPC, through its strategic plan, adopt a position on the outcome of this regulatory decision making process. Specifically, we are concerned that the inclusion of proposed metrics and measures of effectiveness in the draft Plan lack regulatory or scientific justification and amount to the OPC adopting policy positions on the outcome in advance of the Water Board's science-based public process.

We respectfully request that the Council direct its staff to amend the draft Plan to focus on participation in the Water Board's ongoing process, as opposed to getting out in front of that process by advocating for a specific outcome. In furtherance of this recommendation, we request that the draft Plan's Objective 9.2 be amended to read "Participate in the State Water Resources Control Board's process for the Ocean Plan update" and that the proposed Action 9.2.1 and its metrics be deleted from the draft Plan (See proposed changes to Objective 9.2 attached).

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Peter MacLaggan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Peter MacLaggan

Senior Vice President

cc: **Dr. Amber Mace, California Ocean Protection Council**
Sam Schuchat, California Ocean Protection Council