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Monday, January 16, 2012

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

RE: Revised Draft California Ocean Protection Council Strategic Action Plan (2012-2017)

Dear Mr. Laird:

Heal the Ocean submits the following comments on the Revised Draft California Ocean Protection Council (OPC) Strategic Action Plan. We appreciate the extension of the deadline by a day, to honor Martin Luther King Day.

General Comment:

The reorganization of the Strategic Action Plan from “Focal Areas” to “Issues” has made the document vaguer, and the elimination of the “Industrial Uses Focal Area” is particularly troublesome, because one of the larger sources of ocean pollution has to do with the industrial uses of the ocean, such as wastewater discharge and desalination. Also troublesome is the elimination of the “Land Sea Interaction” category/focal area, because it is exactly the action on land that impacts the sea. The loss of this category of inquiry and scientific guidance weakens the Strategic Plan considerably.

We are told that the Revised Draft Strategic Plan clarifies how OPC will “engage as a science-informed policy and coordination body,” but we do not find in this Revised Draft how this coordination will take place if the subject matter is not defined in more detail.

Despite the Introductory disclaimer of the Revised Draft that the first five years of the strategic plan was “deliberately broad,” it really is now time (8 years later) to identify the main contributors to ocean pollution, so that “...California’s agencies (can) now manage coastal and ocean resources with ever greater effectiveness and efficiency.”

Accordingly, Heal the Ocean continues to ask for more specific language in certain areas of Proposed Actions intended to address human impact on the ocean. In particular, we ask for specific use of the following words in Issues 9 (Downstream Impacts) and 11 (Sediment Management): *storm water management, wastewater treatment discharge, and sediment as a 303d pollutant.*

Specific Comment(s):

Issue 9: Downstream Impacts

Please add the word/subjects of storm water runoff and wastewater discharge to Issue 9: Downstream Impacts.

Storm water management plans (SWMPs) have been developed for every city and county in California. And every city and county in California is struggling with economic constrictions (as is the State), and science-based information sharing is needed by all cities and counties to learn how SWMP requirements can be met economically. This could prevent efforts by municipalities and/or counties to rewrite permits for easing up requirements. The stated purpose of the OPC, to share information with stakeholders, should specifically address requirements of storm water permits.

Similarly, wastewater discharge must be identified specifically as a human impact needing scientific inquiry, wastewater treatment plant (WWTP) NPDES permit standards have not been updated for years.

Therefore, in the Proposed Actions under **Objective 9.1: Ensure that California’s water management minimizes downstream harm to ocean resources**, please revise the 2nd bulleted item to read:

“Conduct workshops or fund studies to advance management, improve understanding, and identify opportunities to improve polices to reduce land-based impacts to the ocean related to nutrient pollution, HABs, urban runoff (*including storm water runoff*), *wastewater treatment plant discharge*, or other issues.”

Issue 11: Sediment Management

In the Revised Draft, sediment is only referred to as a valuable resource (for beach nourishment) that is prevented from reaching the beaches because of damming, lower river runs, while sedimentation is also in fact a 303d-listed pollutant!

Any ocean protection plan that ignores the delicate balance of sediment as a pollutant and sediment as a resource cannot provide a successful course of action in reducing human impact to the ocean. As sea levels rise, and more sediment is moved around in the intertidal zone to create or protect beaches, (i.e. Dredging) the impact of sedimentation on intertidal or near shore life must be addressed. Also needing address is the health issues raised by the sudden release of bacteria encapsulated in bottom sediment that is pumped down-coast. The subject (and word) of Dredging must be specifically included in Issue 11. .

The sedimentation subject overlaps Objective 4.2 (“Encourage the development and adoption of sea-level-rise adaptation strategies”) so there should be a cross-reference between these objectives (4.2 and 9.1). Objective 4.2 Proposed Action #1 spells out “habitat protection measures” – and this issue must be addressed also under sediment management.

Under Issue 11: Sediment Management, please add:

Objective 11.4: **Collect scientific literature on Dredging Effects on Nearshore Marine Life, as well as sudden release of bacteria from sediments released in the surf zone (coordinate with Objective 4.2 (“Encourage the development and adoption of sea-level-rise adaptation strategies”).**

Conclusions

Vagueness

As stated in the Revised Draft Introduction, the strategic plan guiding the OPC’s first five years has been “deliberately broad...” and that “California’s agencies must now manage coastal and ocean resources with ever greater effectiveness and efficiency,” HTO maintains that the Revised Draft is still overly broad as to be helpful to any specific plan of action. The Revised Draft basically reiterates the mandate of the creation of OPC in 2004. In 8 years we now have a vague list of subjects to talk about, and we are told OPC will focus on (among other things) “Science-based decision making.” Where is the established “Science Advisory Team” that was in the original 2004 mandate?

The Question of Redundancy

At a time California is facing an enormous budget crisis (as recognized by OPC’s explanatory notes for the Revised Draft, do we not need to consider redundancy of bureaucracies and project? For example, Climate Change, which is “B” on the OPC list for Proposed Actions, there is already a Climate Action Team (CAT) within the California Division of Energy and Climate Change, and already a huge number of CAT members working to coordinate statewide efforts to implement global warming emission reduction programs and the state's Climate Adaptation Strategy. The CAT members are state agency secretaries and the heads of agency, boards and departments, led by the Secretary of Cal/EPA.

And now we have the OPC with its own set of actions on this issue? We need to understand how the addition of personnel under the aegis of another public agency will productively add to solving the climate change, and other, problems facing the ocean.

Thank you for the opportunity to comment,

Very truly yours,

A handwritten signature in black ink that reads "Hillary Hauser". The signature is written in a cursive, slightly slanted style.

Hillary Hauser, executive director