

CALIFORNIA OCEAN PROTECTION COUNCIL

Staff Recommendation
November 29, 2010

MARINE POLICY AND TECHNICAL SERVICES

File No.: 10-042-01
Project Manager: Moira McEnespy

RECOMMENDED ACTION: Authorization to disburse up to \$114,902 to the California Fish and Game Commission to retain marine policy and technical services for one year.

LOCATION: Statewide

STRATEGIC PLAN OBJECTIVE: Governance, Ocean and Coastal Ecosystems

EXHIBITS – None

RESOLUTION AND FINDINGS:

Staff recommends that the Ocean Protection Council adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

“The Ocean Protection Council hereby approves the disbursement of an amount not to exceed \$114,902 to the California Fish and Game Commission to retain marine policy and technical services for one year.

This authorization is subject to the condition that prior to disbursement of funds, the grantee shall submit for the review and approval of the Secretary to the Ocean Protection Council a scope of work and budget and the names of any contractors and/or subcontractors to be employed on the project.”

Staff further recommends that the Ocean Protection Council adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the Ocean Protection Council hereby finds that:

1. The proposed project is consistent with the purposes of Division 26.5 of the Public Resources Code, the Ocean Protection Act.
2. The proposed project is consistent with the Ocean Protection Council's grant program funding guidelines.”

PROJECT SUMMARY AND DESCRIPTION:

Staff recommends that the Ocean Protection Council (OPC) disburse up to \$114,902 to the California Fish and Game Commission to retain marine policy and technical services for one year.

Project Background and Scope:

The Fish and Game Commission (FGC) will retain a contractor for a period of one year to provide the following marine policy and technical expertise:

- Advise the FGC on a broad range of relevant marine policy issues.
- Stay informed of management activities and priorities of the Department of Fish and Game (DFG), the Pacific Regional Fishery Management Council, the National Marine Sanctuary Program, the OPC, and other relevant management authorities.
- Conduct research and prepare analyses of the performance of existing marine management measures previously approved by the Commission, including but not limited to the State's Master Plan for Fisheries, the Restricted Access Policy, and various Fishery Management Plans.
- Lead and/or participate in efforts to develop new approaches to marine resource management for consideration by the FGC, including but not limited to Fishery Management Plans under the Marine Life Management Act, new or revised State legislation, and new or revised State policies.
- Keep the FGC informed of advances in marine science and management such as ecosystem-based management and dedicated access privileges for fisheries. Organize occasional briefings for Commissioners, Commission staff, and DFG staff on topics and issues of particular interest such as aquaculture, fisheries certification, desalination, and alternative energy development.
- Provide staff support to the FGC's Marine Resource Committee, including helping organize its meetings, drafting agendas, preparing background documents and analyses as directed, and briefing Commissioners.
- Interact with Commissioners, FGC staff, a broad range of State and Federal government officials, and the public under the guidance of the Executive Director of the FGC.
- Prepare periodic reports and summaries of activities as directed by the Executive Director of the FGC or his designee.
- Coordinate and/or participate in the joint project of the FGC, DFG, and the OPC to review the Marine Life Management Act.
- Help coordinate and/or participate in the OPC five-year strategic planning process including development of relevant focal areas.

- Research and pursue funding sources to support the FGC's increasing marine regulatory and policy workload.

In carrying out these tasks, the contractor enables improved coordination between the FGC and the OPC. Specifically, the contractor's services will enable:

Improved Communication and Science Coordination: The contractor will help ensure representation of OPC activities at FGC Marine Resources Committee meetings. The contractor will also work as appropriate with the OPC's Science Advisory Team, through the California Ocean Science Trust.

FGC participation in the OPC Strategic Plan Update: The OPC is beginning a process to update its strategic plan, which staff anticipates will be ready for OPC adoption at its last meeting of 2011. The strategic plan will focus on actions related to high-priority issue areas, one of which will be sustainable fisheries management. The contractor will facilitate FGC engagement in the planning process.

PROJECT GRANTEE: The FGC is a state entity that has been involved in the management and use of California's fish and wildlife resources since 1870. Although the FGC acts on matters of consumptive use, it also addresses matters of environmental quality, species protection, and rehabilitation of depleted populations and habitat. The FGC is an appropriate grantee because the OPC is authorized to make grants to public agencies (Public Resources Code section 35650(b)(2)).

PROJECT HISTORY: The FGC currently has the aid of marine policy and technical services through December 2010. For the reasons outlined above, it is in the state's interest to continue benefitting from the expertise of marine policy and technical services.

PROJECT FINANCING

Ocean Protection Council	<u>\$114,902</u>
Total Project Cost	\$114,902

Staff anticipates funding this authorization from an FY10/11 appropriation of the Environmental License Plate Fund (ELPF). Pursuant to Section 21190.5 of the Public Resources Code, the ELPF may be used for all purposes consistent with the Ocean Protection Act (Division 26.5 of the Public Resources Code). See below for discussion of consistency with the Ocean Protection Act.

CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:

This authorization is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, in the following respects:

Consistent with Section 35615(a)(1), this authorization will provide for marine policy and technical expertise, which will further coordination of activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources.

Consistent with Section 35650(b)(2), this authorization will consist of a grant to a public agency for expert assistance to support improved management of fisheries by undertaking some or all of the actions outlined in subsections (B-C): Innovative community-based or cooperative

management, strategies that create incentives for ecosystem improvement, development of projects that encourage use of more selective fishing gear, and collaborative research and demonstration projects between fishery participants and scientists.

CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:

Goal A (Governance) Objective 2 (Interagency Collaboration): “*Maximize the effectiveness of state agency efforts to protect and conserve ocean resources.*” The proposed authorization will provide for marine policy and technical expertise, which will further coordination and collaboration between state agencies, particularly with respect to furthering sustainable fisheries management.

Goal E (Ocean and Coastal Ecosystems) Objective 4 (Market-based Fisheries): “*Support market-based approaches to fishery management.*” The proposed authorization will provide for marine policy and technical expertise, which will be applied to development of a framework to sustainably manage fisheries and actions that the OPC can take toward that purpose.

CONSISTENCY WITH THE OPC'S GRANT PROGRAM FUNDING GUIDELINES:

The proposed project is consistent with the OPC’s Grant Program Funding Guidelines adopted November 20 2008, in the following respects:

Required Criteria

1. **Directly relate to the ocean, coast, associated estuaries, or coastal-draining watersheds:**
The proposed authorization will provide for marine policy and technical expertise, largely to support progress toward sustainable management of fisheries, an ocean-dependent resource.
2. **Support of the public:** The proposed authorization will provide for marine policy and technical expertise, largely to support progress toward sustainable management of fisheries. OPC-funded fisheries projects and actions have been widely supported by the public; fisheries project links, each discussing support from the public, can be found on the OPC website at <http://www.opc.ca.gov/category/projectsbytopic/>.
3. **Greater-than-local interest:** The proposed authorization will provide for marine policy and technical expertise, largely to support progress toward sustainable management of fisheries regionally and statewide.

Additional Criteria

8. **Timeliness or Urgency:** The FGC’s current access to marine policy and technical expertise will end in December 2010. Timely action is needed to renew services because the OPC’s strategic plan update process will be conducted in 2011.

COMPLIANCE WITH CEQA:

The proposed project is categorically exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to 14 Cal. Code of Regulations Section 15306 because the project involves only data collection, research and resource evaluation activities that will not result in a serious or major disturbance to an environmental resource. Staff will file a Notice of Exemption upon approval by the OPC.