October 22, 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: October 25 Agenda Item 4c: Consideration and Possible Adoption of Grant Guidelines for OPC's Once-Through Cooling Interim Mitigation Program
– SUPPORT

Dear Secretary Laird and Ocean Protection Council members,

The undersigned organizations support the adoption of the Ocean Protection Council's (OPC) Once-Through Cooling Interim Mitigation Program Draft Award Guidelines. Our organizations played a central role in the development and implementation of the Marine Life Protection Act and are committed to the ongoing success of the MPA network, which now serves as a model for marine protection around the world. We are pleased to see California's Once-Through Cooling Policy (OTC Policy) being implemented toward the goal of reversing the damaging impacts of once-through cooling on marine life in California.

The Once-Through Cooling Interim Mitigation Program Draft Award Guidelines proposed by OPC outline a sound approach to allocating mitigation payments to projects that can increase marine life associated with the states' marine protected areas in the geographic region of the facility, as mandated by the OTC Policy. We appreciate OPC's intent to leverage the Interim Mitigation Program both to bolster the overall performance of California's MPA network and to support the priorities of the MPA Statewide Leadership Team Work Plan. Supporting compliance and enforcement is indeed essential to ensuring the success of the MPA network, as impacts to an individual MPA potentially undermine the broader network; funding projects that effectively enhance enforcement and compliance is therefore an important use of OTC Interim Mitigation Program funds.

Throughout this process, our organizations have also 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 through restoration projects such as habitat restoration, enhancement of key species directly affected by OTC, and invasive species eradication. We appreciate that the Program will make funds available for such restoration projects and commend OPC for its thoughtful approach to the challenges of ensuring meaningful open-coast restoration.

Sincerely,

Elizabeth Murdock Director, Pacific Ocean Initiative
NRDC

Jennifer Savage
Surfrider Foundation
California Policy Manager

Rikki Eriksen, Ph.D.
California Marine Sanctuary Foundation
Director, California MPAs Program

Marce Gutiérrez-Graudiņš
Azul
Founder/Director

Susan Jordan
California Coastal Protection Network
Executive Director

Zachary Plopper
WILDCOAST
Conservation Director

Morgan Patton
Environmental Action Committee of West Marin
Executive Director

Calla Allison
MPA Collaborative Network
Director

Los Cerritos Wetlands Authority

Governing Board

Suzie Price, Chair
City of Long Beach

Samuel Schuchat, Vice-Chair
Coastal Conservancy

Schelly Sustarsic, Board Member
City of Seal Beach

Roberto Uranga, Board Member
Rivers and Mountains Conservancy

Mark Stanley
Executive Officer

October 17, 2018

John Laird,
Council Chair
California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Los Cerritos Wetlands Land Trust comments on Once Through Cooling Mitigation: Draft Award Guidelines

Dear Mr. Laird,

On behalf of the Los Cerritos Wetlands Authority (LCWA), a joint powers authority between the State Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, and the cities of Long Beach and Seal Beach, I write in regards to the comments submitted by the Los Cerritos Wetlands Land Trust concerning the distribution of funds collected from AES – Alamitos and LADWP – Haynes power plants for interim mitigation of impacts from operation of Once Through Cooling (OTC). I strongly support designating funds from the Alamitos and Haynes power plants for restoration of the Los Cerritos Wetlands.

The mission of the LCWA is to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance, operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood and habitat protection, improvements in water supply and quality, groundwater recharge, and water conservation. The LCWA has been working toward this mission since its inception in 2006.

I greatly support Marine Protected Areas (MPAs) and appreciate the need to fund on-going MPA enforcement, public education, and adaptive management programs outlined in the grant guidelines; however, I also believe that coastal wetland habitats restoration should be included as a priority mitigation investment category. Coastal wetlands in southern California, including Los Cerritos Wetlands, have suffered enormous losses in acreage and degradation of ecological productivity. Specifically, degradation at the Los Cerritos Wetlands, in part, is due to the intake and mortality of aquatic life from operation of OTC at the Alamitos and Haynes power plants, which sit adjacent and draw from the Los Cerritos Wetlands. Mitigation fees paid by these power plant operators present a critical opportunity to fund restoration, acquisition and planning projects that help restore wetlands at the source of impacts from OTC.

Further, it is clear that designating the mitigation fees from these two power plants for restoration of the Los Cerritos Wetlands is consistent with the letter and intent of the OTC Policy, as well as Ocean Protection Council's mission, including:

- Recognizing the interconnectedness of the land and the sea, supporting sustainable uses of the coast, and ensuring the health of ecosystems;

- Identifying the most effective and efficient use of public funds by identifying funding gaps and creating new and innovative processes for achieving success.

I strongly urge the Ocean Protection Council to consider the recommendations brought forth by the Los Cerritos Wetlands Land Trust, and to allow OTC mitigation fees from AES-Alamitos and LADWP-Haynes power plants to fund restoration of the Los Cerritos Wetlands.

Sincerely,

Mark Stanley
Executive Officer

cc: Deborah Halberstadt, Executive Director, California Ocean Protection Council
Tova Handelman, Program Manager, OPC Marine Protected Areas
Elizabeth Lambe, Executive Director, Los Cerritos Wetlands Land Trust

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October 10, 2018

John Laird, Chair
California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Once Through Cooling Mitigation: Draft Award Guidelines

Dear Mr. Laird,

I strongly urge the Ocean Protection Council to make clear that the past and future once through cooling (OTC) mitigation fees from the AES-Alamitos and LADWP-Haynes power plants be set aside for restoration of the Los Cerritos Wetlands.

Like all coastal wetlands in southern California, the Los Cerritos Wetlands have suffered enormous losses in acreage and degradation of ecological productivity. This degradation includes mortality of aquatic life caused by the water intakes used for OTC operations at the Haynes and Alamitos power plants. The source water for these two power plants is the Alamitos Bay and adjacent Los Cerritos Wetlands. The mitigation fees paid by these power plant operators present a critical opportunity to repair damage these plants' OTC systems inflict on the wetlands.

I understand that OTC Policy states a preference for the fees from AES and LADWP to be directed to support Marine Protection Areas (MPAs). I support MPAs and appreciate the need to fund on-going enforcement, public education, and adaptive management programs. However, I am also convinced that the most effective way to mitigate OTC impacts is through restoration of areas most directly affected by those OTC operations, like the wetlands. As a member of the Los Cerritos Wetlands Authority, I know simple actions by the authority, such as acquiring adjacent property to expand habit, can help replace aquatic life lost in the OTC intakes.

Further, it is clear that designating the mitigation fees from these two power plants for restoration of the Los Cerritos Wetlands is consistent with the letter and intent of the OTC Policy, as well as Ocean Protection Council's mission.

For these reasons, I urge the guidelines to allow once through cooling mitigation fees to be used for the restoration of the Los Cerritos Wetlands. Thank you for your consideration.

Sincerely,

Patrick O’Donnell
70th Assembly District

cc: Deborah Halberstadt, Executive Director, California Ocean Protection Council
Tova Handelman, Program Manager, OPC Marine Protected Areas
Elizabeth Lambe, Executive Director, Los Cerritos Land Trust

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Tova Handelman
Marine Protected Areas Program Manager
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SUBJECT: Public Comment / Ocean Protection Council Once-Through Cooling Interim Mitigation Program Draft Award Guidelines.

Dear Ms Handleman,

On behalf of my Board of Directors at EPI and the SLO MPA Collaborative, please convey our thanks to the Council for the opportunity to review the Draft Award Guidelines.

We find the approach outlined in the Draft to be clear and well thought out.

Thank you for the time you and Staff have invested producing the Draft Award Guidelines and all you do for the conservation of marine resources.

Gordon R Hensley

Gordon Hensley
San Luis Obispo Coastkeeper & Co-Chair, San Luis Obispo MPA Collaborative

WATERKEEPER ALLIANCE MEMBER

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CALIFORNIA COASTKEEPER ALLIANCE

September 14, 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: Tova.Handelman@resources.ca.gov

RE: Comment Letter – Once-Through Cooling Interim Mitigation Program Award Guidelines

Dear Secretary Laird and Members of the Ocean Protection Council:

California Coastkeeper Alliance (CCKA) is a network of California Waterkeeper organizations working to protect and enhance clean and abundant waters throughout the state for the benefit of Californians and California ecosystems. CCKA has been actively involved in the OTC Policy over the last decade, and has participated in the development, adoption, and implementation of the Policy to ensure timely phase-out of once-through cooling (OTC) in California. We have also worked closely with the Ocean Protection Council (OPC) to ensure that OTC mitigation payments are used effectively to mitigate against the impacts of OTC technology, and we appreciate the opportunity to provide comments on the draft OTC Interim Mitigation Program Award Guidelines.

OTC devastates marine life surrounding the power plants that use this technology: marine animals, seaweeds, and billions of baby eggs are sucked in with seawater used to cool power generating facilities, resulting in direct mortality of marine life, fisheries decline, and habitat degradation. The OTC Policy requires that facilities stop using OTC technology by 2029. In the interim, facilities not in compliance are required to make mitigation payments based on their annual intake volume of water until they come into compliance. The OTC Interim Mitigation Program poses an opportunity to support projects that are designed to increase marine life near OTC facilities and provide lasting habitat and marine life benefits.

We offer comments below to ensure that the OTC Interim Mitigation Program Award Guidelines (Award Guidelines) encourage and enable support for projects that will most effectively increase marine life associated with the state's marine protected areas (MPAs) in the geographic region of the facility.

I. The OPC should consider funding for water quality projects but require permeant and direct benefits to Marine Protected Areas.

The OPC should consider not prohibiting projects focused solely on marine pollution or water quality. It is our understanding that this prohibition was intended to preclude funding projects like beach cleanups. We completely agree with that intent. We support the prohibition of projects that provide only a temporary improvement in water quality. However, we do believe there are certain long-term water quality improvement projects that can increase marine life associated with MPAs.

Long-term water quality improvement projects can provide critical improvements to MPAs, and thus, would effectively increase marine life associated with MPAs. For example, water quality improvement projects would increase marine life associated with the Laguna Beach SMCA. Aliso Creek has multiple 303(d) listings, including nitrogen, phosphorus, toxicity, and bacteria impairments. Visual surveys suggest the creek discharges into the MPA. Water quality improvement projects that reduce inputs upstream would provide critical improvements to the Laguna Beach SMCA.

Water quality improvement projects could also help the Upper Newport Bay SMCA. Copper contamination from boat marinas is having a direct impact in the Upper Newport Bay SMCA. Studies have documented copper exceeds water quality criteria in the SMCA and a TMDL is in development. Funding is needed to expedite copper reduction programs specifically aimed at the marinas in the Upper Newport Bay SMCA.

Water quality improvement projects can also help MPAs on the Central Coast. As an example, we know that numerous coastal golf courses empty into Asilomar Marine Reserve and we know that Stillwater Cove, with Pebble Beach having numerous point-source discharges into the cove, is prone to beach closures and warnings. The point source discharges offer the opportunity for water quality improvement projects that would have direct benefits to those MPAs.

Funding of water quality improvement projects can also help with design, construction and maintenance of engineered wetlands and bioreactors to reduce nitrate and pesticide pollution. Habitat restoration is very effective for treating water, but it requires a great deal of space. Installation of more efficient and engineered approaches can help avoid the high cost of acquisition of in-production agricultural property.

While we think water quality improvement projects should be considered for funding, we strongly believe there should be a direct nexus to improving MPA water quality. If water quality projects are allowed, the OPC should not apply the 100 km nexus standard, but rather require a direct nexus. Second, we strongly believe that any water quality project should provide long term benefits – a water quality project should not provide only temporary benefits such as a beach cleanup. With those two important caveats, we recommend the OPC consider water quality improvement projects for funding, as they can increase marine life associated with MPAs.

II. The OPC should increase the point value for projects that benefit underserved communities.

CCKA strongly supports OPC's inclusion of points for projects that benefit disadvantaged communities ("underserved communities"). It is critical that diverse organizations and entities—including those representing underserved communities—have access to and are supported in obtaining OTC Mitigation Program funding.

In California, low-income communities and people of color have the worst access to beaches and the coast, but are disproportionately affected by the impacts of climate change, sea level rise, and other natural or human-caused perturbations to coastal and marine environments[1]. This means that underserved communities can benefit the most from projects which enhance the understanding, enforcement, monitoring, and restoration of MPAs, which can function as "hope spots" that allow our ecosystems and species to adapt and be resilient to climate change impacts.

Many of the youth and parents in underserved and inner-city areas have no physical or mental connection to our watersheds or our coastal waters. There is little focus on, or awareness of the tragic state of our water health due to pollution and overconsumption of our resources, in those areas. The Waterkeepers work with many students who live within blocks of urban rivers and a few miles from the ocean, and yet have never connected with either. Introducing our underserved and under tended community members raises MPA awareness, but outreach and hands on educational efforts in these areas can plant seeds of possible change, and empowerment with knowledge in the minds of our youth and their families. The Waterkeepers have yet to work with a group from our underserved communities where overfishing, decline in ocean biomass, MPAs and the interconnection of our watersheds and coastal waters was understood, or even considered. Outreach and education efforts can address those misconceptions of disconnection and lead to change.

[1] The City Project, Coastal Justice and the California Coastal Act: An Equity Mapping and Analysis Free the Beach! https://www.cityprojectca.org/blog/archives/44071.

Due to lack of access to coastal areas and limited access to marine science education, underserved communities are less likely to be informed about California's MPA network. Projects that benefit underserved communities will inherently improve public understanding of MPAs within those communities, which in turn improves compliance and increases protection of marine life. For this reason, we encourage the OPC to include a higher number of points for proposals that consider and integrate underserved communities in their projects.

***

CCKA is a strong supporter of California's MPA network. We look forward to working with the OPC to implement the Funding Program to strategically implement projects that will have a direct, regionally-focused benefit to those MPAs that are being impacted by the ongoing OTC operations.

Sincerely,

Sean Bothwell
Acting Executive Director
California Coastkeeper Alliance

Heal the Bay

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September 14, 2018

John Laird, Secretary for Natural Resources
Chair, California Ocean Protection Council
California Natural Resources Agency
1416 Ninth Street, Suite 1311
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Submitted via email to: tova.handelman@resources.ca.gov

RE: Once-Through Cooling Interim Mitigation Program, DRAFT Award Guidelines

Dear Chair Laird and Ocean Protection Council Members:

Thank you for the opportunity to comment on the Once-Through Cooling Interim Mitigation Program, DRAFT Award Guidelines (the Guidelines). Heal the Bay is a non-profit environmental organization dedicated to making the Santa Monica Bay and southern California coastal waters and watersheds safe and healthy for people and local ecosystems. Heal the Bay supports the Guidelines, and appreciates the commitment by the State Water Resources Control Board, the Ocean Protection Council (OPC) and the Ocean Science Trust (OST) to ensuring that the mitigation payments from the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (the Policy), are allocated to directly mitigate the impacts of Once-Through Cooling (OTC) on California's coastal and marine resources.

While OTC impacts are likely to negatively affect ecosystems from San Diego to the Big Sur coast, we hope that the OPC will prioritize, for example though selection criteria, projects that benefit ecosystems closer to the power plant's intake pipe; particularly in Ventura, Los Angeles and Orange County areas, which have a high density of power plants.[1] We commend OPC's efforts to ensure that eligible projects take place, at least in part, 100 km (about 62 miles) north and south of the facility. Section 1.2, category #4 of the Guidelines, explains that the OST convened a Working Group of the OPC-SAT (the Working Group) to "identify an ecological framework that would allow the evaluation of projects that would have a high likelihood of meeting the requirements of the Policy to increase marine life associated with California's MPA network." The Working Group wrote a report on their findings titled Ocean Restoration Methods: Scientific Guidance for Once Though Cooling Mitigation Policy (the Report). The Report found that the negative impacts of OTC cover hundreds of kilometers from the source pipe, and therefore, the area affected expands from San Diego to Big Sur, near Lucia, including the Channel Islands and all State waters from the coast to three miles out to sea.[2] These findings seem reasonable, but we believe that an approach more geographically focused, for example <100 km from the source pipe, facilitates project implementation and evaluation.

We support the ecological framework identified by the Working Group, that will serve to evaluate projects with high potential to meet the Policy's requirements, and would like to respectfully recommend that if not already included, the OPC considers including species of commercial importance, whose main ranges include the area where the power plant's intake pipe is located, and whose populations have remained low relative to historical levels based on the California Department of Fish and Wildlife's latest stock assessments. The Report reads that the Group used an Empirical Transport Model (ETM), and "the source water bodies for each power plant to define the geographic area of impact." It also reads that an ETM estimates "the portion of a larval population at risk to entrainment by determining both the amount of larvae from that population that will be entrained as well as the size of the larval populations found in the

[1] Ocean Protection Council Science Advisory Team Working Group. 2018. Ocean Restoration Methods: Scientific Guidance for Once Though Cooling Mitigation Policy, p. 8.
[2] Ocean Protection Council. 2018. Once-Through Cooling Interim Mitigation Program DRAFT Award Guidelines, p. 4.

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source water body based on data collected from the source water body." It is not clear from the Report what the "target species" used in the ETM are, and how it accounts for species that were historically abundant and whose populations dramatically declined and have remained low for many years, such as black, pink and green abalone, or California Halibut. For species such as these the 1) amount of larvae that would be entrained, and 2) size of the larval populations found in the source water body may be expected to be lower relative to other more abundant species, and therefore less likely to be reflected in the data collected from the source water body. Therefore, we hope that species of high commercial importance, whose populations have remained relatively low over time, are included in the ecological framework to evaluate projects that have high potential of meeting the Policy's requirements.

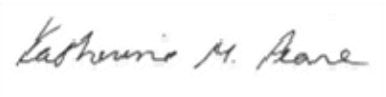
While we understand that outreach and research projects are a valuable component of MPA success, we believe that they do not directly increase marine life associated with MPAs. The OTC Policy states that "[i]t is the preference of the State Water Board that funding be provided for mitigation projects directed toward increases in marine life associated with MPAs." We are concerned that Program categories #2 and #3 will provide minimal restoration such that the ongoing OTC marine life impacts will go on unmitigated.

We recommend that projects that directly increase marine life in MPAs are prioritized for funding. Habitat restoration may include kelp, eelgrass, coastal wetlands and dunes as well as the removal of ocean debris such as derelict fishing and aquaculture gear. We support the inclusion of priority ecosystems such as rocky intertidal, kelp and shallow rock (0-30m), mid-depth rock (30-100m), deep ecosystems and canyons (>100m), soft bottom subtidal (0-100m), nearshore pelagic, and estuarine ecosystems and wetlands. We would also like to respectfully suggest that the OPC considers funding projects that revert developed areas projected to flood under sea level rise scenarios, to open natural areas such as estuarine ecosystems and wetlands.

We greatly appreciate the work that the OPC staff has done to draft the Guidelines, and look forward to working with them to ensure that mitigation efforts in the Los Angeles County area are effective in restoring the coastal and marine ecosystems affected by OTC activities.

Sincerely,

Mary Luna, M.S.
Coastal and Marine Scientist
Heal the Bay



Katherine Pease, Ph.D.
Director of Science and Policy
Heal the Bay

Los Cerritos Wetlands Land Trust
for Long Beach and Seal Beach

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TO: Ocean Protection Council
FROM: Los Cerritos Wetlands Land Trust
DATE: September 14, 2018
Via Electronic Mail: Tova.Handelman@resources.ca.gov

RE: ONCE THROUGH COOLING MITIGATION: DRAFT AWARD GUIDELINES

Dear Members of the Ocean Protection Council:

The Los Cerritos Wetlands Land Trust Board of Directors (LCWLT) are writing in regards to the Draft Guidelines for grants to disperse monies collected from coastal power plants to mitigate damage to marine life from once through cooling (OTC). Below you will find comments on:

- Broad policy concerns about the four pools of projects and the nexus with replacing marine life lost to OTC;
- Comments on the scope, timeframe and deliverables for grant eligibility criteria, and;
- A description of the Haynes and AES-Alamitos power plant intakes and the unique circumstances that mandate special consideration in the rules for grant funding.

We strongly believe the guidelines must be written to ensure funds collected from the Haynes and AES-Alamitos power plants be directed towards projects focused on the restoration of Los Cerritos Wetlands and directly replace marine life lost from cooling water intakes which are located within the wetlands. Alamitos Bay, the San Gabriel River and Los Cerritos Wetlands have been impacted by the operation of these two power plants for decades, and we hope that this competitive grant program will better recognize this situation. We urge that these two power plants be designated for special consideration and granted a special arrangement wherein the mitigation funds paid by AES and Los Angeles DWP be deposited in an account for current and future efforts to restore the biological and ecological productivity of Los Cerritos Wetlands, including land acquisition, restoration planning, research, design, and project implementation.

While increases in marine life in Marine Protected Areas (MPAs) are highlighted in the OTC Policy and in the draft award guidelines, that preferred focus will not directly or indirectly lead to mitigation of past and future impacts caused specifically by the Haynes and AES-Alamitos power plants. In comparison, currently several restoration projects are being planned within Los Cerritos Wetlands, and in all instances planners are being forced to consider the current impacts

of the power plants, as well as how ecosystems will be altered when once through cooling is fully eliminated in 2029. This grant program should ensure restoration of OTC impacts closest in proximity, and directly impacted by, continued once through cooling activities.

As we noted in our August, 2017 letter to the State Water Resources Control Board, and forwarded to Ocean Protection Council (OPC) staff (attached), the Land Trust fully supports California's network of MPAs created under the Marine Life Protection Act. However, the Haynes and Alamitos cooling water intakes are located within the estuarine waters of Alamitos Bay and Los Cerritos Wetlands and discharge to the San Gabriel River. The harm caused by these two power plants is confined to these waters, therefore the mitigation of that harm must also be focused within this waterbody. Habitat creation and restoration in Los Cerritos Wetlands will also benefit marine life associated with MPAs in the region. In fact, there is agreement in the scientific community that restoration of coastal wetlands is a critical component in restoring the health of the marine environment, including MPAs.

1. BROAD POLICY CONCERNS

The creation of the OPC was in large part responding to findings in two Blue Ribbon Task Force reports published in 2003 and 2004. As articulated in those reports, degradation of marine life and ecological health of the ocean environment is the result of myriad impacts: from pollution, loss of wetlands and other land use problems, to direct impacts of overfishing and degradation of marine habitats. The reports found that these complex problems require coordination of management agencies to reflect the interconnectedness of our coasts and oceans. Of course, the mission of the Ocean Protection Council mirrors these findings and recommendations.

The success of the MPAs, and increases of marine life within the MPAs, is in large part a function of addressing the myriad impacts affecting the ocean from environmental degradation in the coastal zone.

The draft Guidelines state: "The [OTC] Policy requires that mitigation payments assessed against power plants for use of OTC technology support 'mitigation projects directed towards increases in marine life associated with the state's marine protected areas in the geographic region of the facility'." Importantly, the directive to "increase marine life" is not an arbitrary goal, it is grounded in the calculation of the mitigation fee itself. That is, the fee assessed against the power plants is calculated to reflect the cost to replace the marine life lost, and the expenditure of those fees should be justified by that "replacement value."

Funding made available from the OTC Policy was intended to mitigate the impacts from decades of marine life mortality from entrainment and impingement in the intakes. After significant debate, it was decided that the impact would be calculated using the Empirical Transport Model/Area of Production Foregone (ETM/APF) model. One benefit of the ETM/APF calculation is that the assessment of marine life loss, calculated as "area of production foregone", is not fully dependent on all species identification and life histories or baselines of historical populations. It is a proxy that estimates the loss of marine life in proportion to the existing population densities. A set of species from the entrainment samples simply identify the habitat the species inhabit in maturity, and the harm is characterized as the amount of habitat it took for the species to create the entrained organisms – the "area of production foregone" or "APF."

Further, the State Water Resources Control Board (State Board) decided that the fee charged to power plants for on-going harm prior to compliance with the rule would be a function of determining the cost of creating habitat equal to the calculated APF, and that new or improved habitat would replace the marine life lost to entrainment and impingement. In brief, "mitigation fees" was found to be the cost of "replacement value."

Power plant operators were given the choice of planning and implementing habitat restoration projects calculated to replace the lost marine life, or to simply pay the fee which would be distributed to ensure the replacement value was achieved. One might think of the habitat acreage determined in the ETM/APF calculation as both the determination of harm as well as the standard for ensuring mitigation of that harm.

For power plants choosing to pay the mitigation fee, the calculation of APF, and the acreage of new or restored habitat, was monetized by surveying past and on-going wetlands restoration projects statewide and determining an average cost to create an acre of productive habitat. In brief, the dollar-per-million-gallon of intake water was an estimate of how much marine life was destroyed per million gallons, how much acreage was necessary to replace the marine life, and how much it would cost to create or restore that acreage. Generally speaking, the question is not "Will a mitigation project increase marine life?", the question is "How much marine life will be created in comparison to how much mortality occurred in the intake?"

Several current mitigation projects exemplify how the state has calculated ETM/APF and implemented the mitigation requirement for seawater intake entrainment and impingement, including performance standards and monitoring.[1]

These projects were calculated to replace the lost marine life, and the projects included "performance standards" to ensure the replacement value was met before any mitigation credit was awarded. Again, the performance standards were based on the concept that creation and restoration of aquatic habitat would "increase marine life" to replace what was destroyed in the operation of the power plant cooling intake.

To our knowledge, expenditures of the OTC mitigation funds by OPC to date have not included any attempt to justify the nexus between the calculation of the mitigation fee and the replacement value of the funded project. For example, enforcement of fishing limits or prohibitions in MPAs, MPA monitoring, and public outreach and education about the MPAs, may well serve to "increase" the biological productivity of the MPA. But the grants don't appear to include a justification that this "increase in marine life" is based on the APF calculation of replacement value.

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[1] See eg., UCSB SONGS Mitigation Monitoring: http://marinemitigation.msi.ucsb.edu/project_background/index.html [*Two different types of physical and biological performance standards are being used to judge the success of the wetland and reef mitigation projects: (1) fixed standards that are measured against criteria set in the SONGS Permit, and (2) relative standards that require certain features of the mitigation projects to be similar to natural reference sites that are removed from the adverse impacts of SONGS.]*emphasis added
See also, https://www.waterboards.ca.gov/sandiego/water_issues/programs/regulatory/docs/appendices/Appendix_ZZ.pdf *[The MLMP contains mitigation monitoring requirements, and criteria for performance standards. The MLMP also provides for oversight of such monitoring by a scientific advisory panel, Commission and Regional Water Board.]* emphasis added
.

More troubling, the OPC work plan includes: "Research to understand how existing MPAs may be mitigating for OTC impacts." This category of funding opportunity implies that the current state of scientific understanding of MPA performance cannot support monies spent directly on MPAs to replace marine life lost to power plants in the geographic region. It is unacceptable to credit expenditures on MPA enforcement and education based on their mitigation value, and simultaneously fund research to identify how MPAs may be mitigating OTC impacts. The expenditure of mitigation fees should be directed to types of projects that have shown mitigation benefits in the past, particularly where impacts from operation of the cooling systems are within coastal wetlands .

The Land Trust repeats that we fully support the MPAs and fully understand that enforcement, monitoring and public education are essential to ensure maximum benefits from the MPAs. However, we also believe that expenditures of OTC mitigation funds must be justified with the letter and intent of the OTC Policy.

As explained below, the Draft Guidelines should be amended to ensure that grant funding is directed to projects that will replace the marine life lost to OTC operations, and that the Guidelines allow for adequate flexibility in the time and expense associated with habitat creation and restoration necessary to replace marine life.

2. GRANT ELIGIBILITY, TIMEFRAME AND DELIVERABLES

The eligibility criteria, as well as the timeframes for starting and completing projects and the deliverables from those projects, should be more flexible than what is allowed in the current Draft Guidelines. Applicants should be encouraged to propose projects with the long-term goal of maximizing biological productivity, diversity and ecological restoration without unnecessary constraints. Allowing flexibility in the project applications will allow OPC to consider how best to mitigate the harm caused by OTC in the past.

A. Multi-Year Project Funding

Experience shows that mitigation of impacts from OTC can take years to plan and successfully implement. The Guidelines should recognize this reality and be amended to ensure the limited resources are used in a way that maximizes the mitigation value.

For example, Guideline 1.3 mandates: "Projects must be ready to start work upon approval and be able to be completed in 1 to 3 years." We disagree with these constraints.

As noted above, applications for funding should be competitive to ensure the funded projects result in maximizing the increase in marine life. Further, the replacement of marine life lost to intake and mortality from a properly designed and maintained restoration project can take years to complete. But importantly, those well researched, designed and implemented restoration projects also provide mitigation benefits for decades to come.

Applicants must be allowed flexibility in the funding proposal in recognition of the time it takes to plan and implement projects with the "greatest bang of the buck."[2]

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[2] SWRCB MOU at #6 http://www.opc.ca.gov/webmaster/_media_library/2016/10/Compressed_Acceptance-Use-of-Interim-Mitigation-Funds-for-the-Once-Through-Coolin.pdf : *"Alternative Projects: If the OPC's Executive Director or Conservancy's Executive Officer determine at any time that any mitigation project(s) is/are infeasible or cannot be completed with the amount*

B. Caps on Funding

First, Guideline 1.9 sets a cap of $5.4 million dollars for project funding. This appears to be the result of limiting funding availability to single years. We disagree with this approach. Applicants should be allowed to propose multi-year projects based on expected future funding from nearby power plants, and adaptation plans should be allowed if funding does not materialize.

Second, Guideline 1.6 requires: "Ability to address cash flow processing of reimbursement payments, as OPC will not directly advance any funds." It is not clear in the Guidelines why this constraint is necessary, and the risk is that it may unnecessarily limit projects that might otherwise maximize returns.

C. Competitive Awards versus Interagency Contracts and Unsolicited Projects

Guideline 2.1 establishes two separate and distinct types of eligibility. But the need for the distinction is not clear, nor is it clear how the ultimate goal of maximizing replacement value from the mitigation funds will be achieved.

The Guidelines state: "[Interagency Contracts and Unsolicited Projects] must meet all eligibility criteria listed in Section 2.6, and will be subject to Council review and approval."

How do these distinct categories or projects compete to ensure maximizing the replacement of marine life lost to the cooling water intake?

D. Required Proposal Elements

As stated above, the Guidelines need corrections to ensure the maximum increase in marine life, as defined in the OTC Policy.

Section 2.4 must be amended:
The "Objectives" required in the "Letter of Intent" state: "Describe the specific, measurable outcomes of the project." This language should indicate that the "outcomes" must reflect the harm in terms of ETM/APF, and the proposed replacement value from the project.

The "Timelines" includes a sentence: "Projects must be completed within 3 years." That sentence should be deleted and replaced with instructions for Applicants to identify the necessary time for completion, and justify the timeline based on maximizing the return.

E. CONCLUSION

The comments above should also guide amendments to the draft language in the entire Draft Guidelines, including Section 2.6. Generally speaking, grant applications should be allowed the flexibility to define their own funding needs, creative solutions for accumulating the needed funds over time, and the time it will take to complete the projects. Increased flexibility in grant

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of Funds accepted by the OPC or the Conservancy, the OPC or the Conservancy may use the Funds for an alternative project, subject to the review and approval of the Executive Director of the State Water Board. Where small amounts of Funds can be cumulated and usefully applied to appropriate projects within the State's marine protected areas in the geographic region of the facility, or other areas as agreed upon by the parties, the OPC or Conservancy will implement such a project." Emphasis added

applications will create competition for better use of limited funds and ensure that maximum performance standards are met.

3. HAYNES & AES-ALAMITOS ARE UNIQUE CIRCUMSTANCES

Most of the OTC fleet employs cooling water structures that withdraw seawater from intakes located in the nearshore marine environment. This is reflected in the impingement and entrainment (I&E) surveys that include a mix of marine organisms, as well as some estuarine organisms that migrate from nearby coastal wetlands.

In contrast, both the Haynes and Alamitos power plants are distinct from that general rule. Both of these plants withdraw water from the Alamitos estuary and Los Cerritos wetlands. In these circumstances, the mix of organisms found in the I&E would be just the opposite of OTC intakes in the marine environment. That is, the overwhelming majority of I&E would impact estuarine organisms, thus marine organisms would be rare.

Further, the multiple benefits of healthy coastal wetlands to the health of the ocean is well documented. For example, biological productivity and ecological health of coastal wetlands provide an essential source of nutrition to the marine ecology, and coastal wetlands are known to provide natural pollution abatement, reducing the adverse impacts on the marine environment. Creating and restoring coastal wetland habitats improves both increased marine life populations inside MPAs within the geographic region of a power plant, as well as the benefits of marine life transported within the MPA network in the region.

Further, in the case of the Haynes and Alamitos power plants, ensuring true replacement of organisms lost to the operation of the OTC systems mandates local wetlands creation and restoration. It is highly unlikely that increasing populations of marine life in nearby MPAs would benefit the area of production foregone created by these two power plants. In this case, the ETM/APF calculation is not a proxy for marine life impacts – it is an assessment of the actual estuarine organisms lost in the adjacent wetlands.

Further, on-going planning for creation and restoration of habitat in the Los Cerritos Wetlands makes it clear that land acquisition and restoration efforts will take years to complete. Arbitrary time lines for completion will unnecessarily disqualify projects that are the best candidates to replace the aquatic life lost to the Haynes and Alamitos intakes – and simultaneously undermine the indirect benefits to nearby MPAs and the nearby MPA network.

In conclusion, clearly the OTC mitigation fees from the AES-Alamitos and LADWP Haynes power plants must be directed to creating and restoring habitat and aquatic life in the Los Cerritos Wetlands to ensure the letter and intent of the OTC Policy is enforced. While planning for this restoration is already on-going, history shows that implementation of these critical restoration efforts can take years to complete. <u>The Guidelines should be amended, or include a special condition, to ensure all the mitigation fees collected from interim operation of the Alamitos and Haynes power plants are collected and directed to creation and restoration of the Los Cerritos Wetlands.</u>

4. SUMMARY

In brief:

- First, the Guidelines should make clear that distribution of past and future OTC mitigation fees collected from the Haynes and Alamitos power plants should be specifically directed to projects creating and restoring Los Cerritos Wetlands -- the "source water" for these two OTC intakes.
- Second, the greatest benefits from the allocation of these mitigation funds may require accumulating mitigation fees from multiple years for land acquisition, restoration design and planning, and restoration project implementation. See: MOU at #6. The Guidelines should make clear the applicants can request accumulated funds from multiple years that can be directed to the same project. In the case of the mitigation fees from Haynes and Alamitos, the fees should be earmarked and set aside for mitigation projects in Los Cerritos Wetlands.
- Finally, the Guidelines should not mandate arbitrary timelines for completion of the project(s). The Guidelines must be clear that the application for the funds clearly identify and justify the time needed to ensure maximum replacement value from investments of the mitigation fees.

Thank you very much for your consideration of these comments and recommendations. We look forward to your responses.

Sincerely,
Elizabeth Lambe
Executive Director, Los Cerritos Wetlands Land Trust

Sam Schuchat, Coastal Conservancy at Sam.Schuchat@scc.ca.gov
Mary Small, Coastal Conservancy at Mary.Small@scc.ca.gov
Mark Stanley, Rivers and Mountains Conservancy at mstanley@rmc.ca.gov
Felicia Markus, State Water Resources Control Board at Felicia.Marcus@waterboards.ca.gov

Los Cerritos Wetlands Land Trust
for Long Beach and Seal Beach

PO Box 30165
Long Beach, CA 90853

www.lcwlandtrust.org

August 21, 2017

Katherine Faick, Environmental Scientist
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Via Electronic Mail: Katherine.Faick@waterboards.ca.gov

RE: OTC Draft Determination for Haynes Generating Station & Alamitos Generating Station

Dear Chair Markus,

On behalf of the Los Cerritos Wetlands Land Trust, we are writing in regards to the State Water Resources Control Board's consideration of interim mitigation for mortality resulting from the once-through cooling (OTC) operations at the Haynes and AES-Alamitos generating stations in the Los Cerritos Wetlands. We very much appreciate your thoughtful consideration of the comments and recommendation below.

The Los Cerritos Wetlands Land Trust is a local non-profit organization dedicated to the restoration and protection of the wetlands immediately adjacent to the Alamitos and Haynes power plants.

For the reasons below, we strongly urge you to recommend the Ocean Protection Council and/or Coastal Conservancy use the mitigation funding for restoration of habitat and aquatic life populations in the Los Cerritos Wetlands – the source water body most directly impacted by the interim OTC operations. We suggest the mitigation funds be appropriated to the Los Cerritos Wetlands Authority with the expressed stipulation that the expenditure of the funds must prove to result in the intended purpose of replacing aquatic life lost to the operation of the two OTC systems. As implied in the draft decision for Alamitos and Haynes, the mitigation fees should be spent on improvements to habitat values in the Los Cerritos Wetlands, or acquisition of adjacent property that will result in expanded habitat, resulting in the replacement of the aquatic life lost in the cooling water intake. Further, the calculated 20% additional fees should be set aside to monitor the progress of the restoration projects to ensure they meet predetermined performance standards to replace the species lost to entrainment and impingement from the two power stations' interim OTC operations.

We understand the OTC Policy states a preference for mitigation funds to be directed towards Marine Protected Areas. Further, it is our understanding the State Water Board, Coastal Conservancy and Ocean Protection Council have agreed to a set allocation of the statewide mitigation fees between the Coastal Conservancy and Ocean Protection Council. Nonetheless, that "preference", and fee allocation agreement, does not, and should not, prohibit use of the mitigation funds for wetlands restoration projects that would result in "in-kind" habitat improvements and the restoration of species' populations directly impacted by historic and on-going entrainment and impingement. Clearly the Haynes and AES-Alamitos cooling water intakes are distinct from most other operating power plants in California in that the cooling water intakes are located in a bay and wetlands -- estuarine habitat.

The ETM/APF formula is intended to estimate the "area of production foregone" – what was once merely an attempt to illustrate the severity of impacts to marine life. More recently that formula has been adapted to estimate the amount of habitat restoration needed for replacement of the species suffering mortality in the cooling water intake. However, scientists admit that any mitigation calculation, including ETM/APF, are inherently difficult to ensure accuracy given the data-poor science on marine life populations and life histories, and the poorly understood complexity of marine ecosystems. And the numerous benefits of healthy coastal wetlands to a healthy marine ecosystem creates even greater complexity to calculating ecosystem "replacement" values.

However, it is clear that restoring in-kind habitat, in the same water body that is the source of the cooling water intake, provides greater assurances that the impact will be directly mitigated. Further, beyond ensuring direct replacement value of the impacted estuarine species' populations from wetlands restoration, nearshore Marine Protected Areas will indirectly benefit from restoring the ecosystem benefits of what is a small remnant of historical coastal wetlands in Southern California. Among a long list of ecosystem services, coastal wetlands provide: a natural filtration system for pollutants that degrade marine environments; forage species that are transported offshore and provide critical nutrition for marine species, and a "habitat link" for anadromous species that once inhabited regional watersheds in abundance but now are barely protected from extinction.

The Los Cerritos Wetlands Land Trust is well aware of the tenuous status of marine life populations, and we support the State's efforts to protect and restore marine ecosystems through adoption and maintenance of Marine Protected Areas. And we are more intimately familiar with the historical loss of estuarine habitat in the region and the immediate need to protect and restore what is left if we hope to restore the natural beauty and bounty of our coast and ocean past generations of Californians once enjoyed. As it is often said, you cannot put together a complex jig-saw puzzle unless you keep all the pieces.

Once again, we strongly urge the State Water Resources Control Board to include language in your decision to approve the interim mitigation proposed for Haynes and AES-Alamitos that directs the funding to restoration of habitat in the Los Cerritos Wetlands that will fulfill the intended purpose of the OTC Policy to replace aquatic life killed in the OTC systems.

If you or your staff has questions or concerns about the comments and recommendation above, please don't hesitate to contact us.

Sincerely,

Elizabeth Lambe
Executive Director
Los Cerritos Wetlands Land Trust
Elizabeth@lcwlandtrust.org
P# 714/357-8576

CC:
Sam Schuchat, California Coastal Conservancy at
sam.schuchat@scc.ca.gov
Mary Small, California Coastal Conservancy
Mary.small@scc.ca.gov
Deborah Halberstadt, Ocean Protection Council at Deborah.Halberstadt@Resources.ca.gov
Jenn Eckerle, Ocean Protection Council
Jenn.eckerle@Resources.ca.gov

September 14th 2018

California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: 2018 Draft Once Through Cooling Award Guidelines

The MPA Collaborative Network is honored to be an ongoing partner with the State of California in the stewardship of California's Marine Protected Areas, helping empower and engage local communities in the management of California's Network of MPAs. We commend the California State Water Resources Control Board (SWRCB) and the California Ocean Protection Council (OPC) for creating policies and programs like the Once-Through Cooling (OTC) Policy and the OTC Mitigation Program that work to help restore our coastal ocean environment. We also commend the OPC for creating the thoughtful Draft OTC Mitigation Award Guidelines (Draft Award Guidelines), which form the high-level process and criteria that OPC will use to solicit applications, evaluate and select proposals and distribute awards using OTC interim mitigation funds.

The Draft Award Guidelines include clear details for identifying program/project eligibility as it relates to the goals of SWRCB's OTC Mitigation Policy, including a number of valuable reference documents. It also provides a sensibly designed rubric for scoring projects - taking into consideration the complexity of managing a network of this scale and demonstrating a commitment to the evolving partnerships that aid in MPA network management. We especially appreciate the OPC's decision to include scoring criteria based on the focal area of the project (i.e. education, enforcement, research and restoration).

As a recipient of past OPC grants and other statewide MPA related grants, we have identified a few opportunities for the guidelines to bolster areas of partnership and collaboration. California's collaborative model of MPA Management values stakeholder engagement. As our previous experience has shown, collaboration on projects allows for strengthened engagement from local communities and broader impacts. By encouraging partnership and collaboration across diverse interest groups to achieve shared goals, the OTC Mitigation Program will achieve more durable success.

Specifically, we recommend the Draft Award Guidelines add the following:*

**The Draft OTC Award Guidelines with references to our comments will be supplied for reference*

1. An introductory paragraph in Section 1 that describes the value of collaboration including its importance for capacity-building within the MPA Management Program and usefulness to the long-term success of California's MPAs. This paragraph could include references to valuable collaborations including but not limited to the MPA Collaborative Network;
2. Language in Section 1.6 *Applicant Capacity* that specifically calls out the applicant's ability to demonstrate good collaboration with state and local partners, including but not limited to the MPA Collaborative Network and individual collaboratives;
3. Within the "Community Support" portion of the rubric, suggest adding language that identifies existing partnerships including but not limited to the MPA Collaborative Network or individual MPA collaboratives;
    a. Example Language: "*Project has local community support, as demonstrated by the submittal of letters of support from local partnerships and /or organizations including but not limited to local MPA collaboratives, city councils, prominent community NGOs*"
4. Within the "Interactive Partnerships" portion of the rubric, suggest including language that identifies existing partnerships including but not limited to the MPA Collaborative Network or individual MPA collaboratives;
    a. Example Language: "*Clearly identifies collaboration opportunities with government agencies (including California Tribes and Tribal Governments); conservation, science, or fishing organizations; local MPA collaboratives; and other partners."*
    b. Example Language: "*Project shows thoughtful plan to include state agency/tribal review as well as local community partnerships review for the duration of the project, including the initial planning phase, as needed."*
5. Increasing the overall value of the "Community Support" and "Interactive Partnerships" metrics to from 12% total to 20% total
6. For the Education specific rubric, suggest adding a criterion for projects that do a comprehensive search of existing projects (through the CRNA ODP, californiampas.org, and/or other pertinent sites) and demonstrate how it builds off, differs from, and/or provides a novel approach to MPA education.

Overall, these Draft Award Guidelines do an excellent job outlining a sound approach for evaluating OTC Mitigation Program proposals. We look forward to engaging with the state to help bring about improved MPA compliance in furtherance of the goals of the OTC Mitigation Program and continuing our partnership in the stewardship of California's MPAs.

Thank you,

Rosa Laucci
Del Norte MPA Collaborative Co-Chair

Beth Chaton
Humboldt MPA Collaborative Co-Chair

Joe Tyburczy
Humboldt MPA Collaborative Co-Chair

Michele Luna
Sonoma MPA Collaborative Co-Chair

Suzanne Olyarnik
Sonoma MPA Collaborative Co-Chair

Patricia Clark-Gray
Monterey MPA Collaborative Co-Chair

Emily Gottlieb
Monterey MPA Collaborative Co-Chair

Cara O'Brien
San Luis Obispo MPA Collaborative Co-Chair

Kristen Hislop
Santa Barbara Channel MPA Collaborative Co-Chair

Zach Plopper
San Diego MPA Collaborative Co-Chair

Calla Allison, Director
MPA Collaborative Network

eac

Environmental Action Committee ~ Protecting West Marin since 1971

September 14, 2018

Tova Handelman
Marine Protected Areas Program Manager
The Ocean Protection Council
1416 9th Street, Suite 1311
Sacramento, CA 95814

Sent via electronic mail to: tova.handelman@resources.ca.gov

RE: Once-Through Cooling Interim Mitigation Program Draft Award Guidelines

Dear Ms. Handelman:

The Natural Resources Defense Council (NRDC) and Environmental Action Committee of West Marin (EAC) are writing to express our support for Ocean Protection Council's (OPC) Once-Through Cooling Interim Mitigation Program Draft Award Guidelines, which were made public on August 13, 2018. NRDC and EAC have played a central role in the development and implementation of the Marine Life Protection Act since its inception, and we are committed to the ongoing success of the marine protected area (MPA) network, which now serves as a model for MPA networks around the world. In addition, NRDC played a strong role in shaping California's Once-Through Cooling Policy (OTC Policy), and we are pleased to see this policy being implemented, so that it can begin to reverse the damaging impacts of once-through cooling on marine life in California.

The Once-Through Cooling Interim Mitigation Program Draft Award Guidelines (Draft Guidelines) proposed by OPC outline a sound approach to allocating mitigation payments to projects that can increase marine life associated with the states' marine protected areas in the geographic region of the facility, as mandated by the OTC Policy. We appreciate OPC's intent to leverage the Interim Mitigation Program both to bolster the overall performance of California's MPA network and to support the priorities of the MPA Statewide Leadership Team Work Plan. Supporting compliance and enforcement is indeed essential to ensuring the success of the MPA network, as poaching at one MPA can have impacts upon the broader network. Thus, funding projects that can effectively enhance enforcement and compliance is an important use of OTC Interim Mitigation Program funds.

Throughout this process, NRDC has also 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 through restoration projects such as habitat restoration, enhancement of key species directly affected by OTC, and invasive species eradication. We appreciate that the Program will make funds available for such restoration projects and commend OPC for its thoughtful approach to the challenges of ensuring meaningful open-coast restoration, as reflected in the June 2017 OPC-SAT Working Group report, *Ocean Restoration Methods: Scientific Guidance for Once-Through Cooling Mitigation Policy*.

We suggest two opportunities to improve the clarity of the Draft Guidelines, as follows:

1. We note that there is some potential confusion regarding the definition of "the geographic region of the facility." On page 2 (Category 4), the Draft Guidelines state that the *Ocean Restoration Methods* report defines the areas impacted as the entire southern California Coast. But on page 3, Section 1.4, "ineligible projects" are defined as those taking place solely 100km north or south of the facility. OPC may wish to clarify how these two definitions relate to each other, simply to avoid confusion.
2. On page 2 (Category 4), we recommend that the Draft Guidelines further clarify that applicants seek to align their projects with the ecological framework recommended by the *Ocean Restoration Methods* report by stating, for example, "OPC encourages project applicants to consider this ecological framework in designing projects submitted for funding under the OTC Interim Mitigation Program."

We thank OPC for its work on this important issue and for the opportunity to provide comments on the Draft Guidelines.

Sincerely,

Elizabeth Murdock
Director, Pacific Ocean Initiative
Natural Resources Defense Council

Morgan Patton
Executive Director
Environmental Action Committee of West Marin

September 13, 2018

California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: 2018 Draft Once Through Cooling Award Guidelines

The San Diego County MPA Collaborative is grateful to be an ongoing partner with the State of California in the stewardship of California's Marine Protected Areas, representing some of the localized interests of our communities in San Diego County. We commend the California State Water Resources Control Board (SWRCB) and the California Ocean Protection Council (OPC) for creating policies and programs like the Once-Through Cooling (OTC) Policy and the OTC Mitigation Program that work to help restore our coastal ocean environment. We also commend the OPC for creating the thoughtful Draft OTC Mitigation Award Guidelines (Draft Award Guidelines), which form the high-level process and criteria that OPC will use to solicit applications, evaluate and select proposals and distribute awards using OTC interim mitigation funds.

The Draft Award Guidelines include clear details for identifying program/project eligibility as it relates to the goals of SWRCB's OTC Mitigation Policy, including valuable reference documents. It also provides a sensibly designed rubric for scoring projects - taking into consideration the complexity of managing a network of this scale and demonstrating a commitment to the evolving partnerships that aid in MPA network management. We especially appreciate the OPC's decision to include scoring criteria based on the focal area of the project (i.e. education, enforcement, research and restoration).

As a recipient of past OPC grants and other statewide MPA related grants, we have identified a few opportunities for the guidelines to enhance partnerships and collaboration. California's collaborative model of MPA Management values stakeholder engagement. As our previous experience has shown, collaboration on projects allows for strengthened engagement from local communities and broader impacts. By encouraging partnership and collaboration across diverse interest groups to achieve shared goals, the OTC Mitigation Program will achieve more durable success.

Specifically, we recommend the Draft Award Guidelines add the following:

1. An introductory paragraph in Section 1 that describes the value of collaboration including its importance for capacity-building within the MPA Management Program and usefulness to the long-term success of California's MPAs. This paragraph could include references to valuable collaborations including but not limited to the MPA Collaborative Network;

2. Language in Section 1.2 *Once-Through Cooling Interim Mitigation Program Background and Funding Priorities* that specifically outlines the priority of human use monitoring projects, such as MPA Watch, to aid enforcement efforts by monitoring and reporting potential violations and characterizing compliance trends;
3. Language in Section 1.2 and within the rubric that acknowledges the use of citizen science efforts, such as MPA Watch, to complement scientific research studies, provide education and outreach opportunities, engage existing partnerships, and garner community support;
4. Language in Section 1.6 *Applicant Capacity* that specifically calls out the applicant's ability to demonstrate good collaboration with state and local partners, including but not limited to the MPA Collaborative Network and individual collaboratives;
5. Within the "Community Support" portion of the rubric, suggest adding language that identifies existing partnerships including but not limited to the MPA Collaborative Network or individual MPA collaboratives;
    a. Example Language: "*Project has local community support, as demonstrated by the submittal of letters of support from local partnerships and /or organizations including but not limited to local MPA collaboratives, local tribes, user groups, city councils, resource managers, and prominent community NGOs*"
6. Within the "Interactive Partnerships" portion of the rubric, suggest including language that identifies existing partnerships including but not limited to the MPA Collaborative Network or individual MPA collaboratives;
    a. Example Language: "*Clearly identifies collaboration opportunities with government agencies (including California Tribes and Tribal Governments); conservation, science, or fishing organizations; local MPA collaboratives; and other partners."*
    b. Example Language: "*Project shows thoughtful plan to include state agency/tribal review as well as local community partnerships review for the duration of the project, including the initial planning phase, as needed."*
7. Increasing the overall value of the "Community Support" and "Interactive Partnerships" metrics to from 12% total to 20% total
8. For the Education specific rubric, suggest adding a criterion for projects that do a comprehensive search of existing projects (through the CRNA ODP, californiampas.org, and/or other pertinent sites) and demonstrate how it builds off, differs from, and/or provides a novel approach to MPA education.

Overall, these Draft Award Guidelines do an excellent job outlining a sound approach for evaluating OTC Mitigation Program proposals. We look forward to engaging with the state to help bring about improved MPA compliance in furtherance of the goals of the OTC Mitigation Program and continuing our partnership in the stewardship of California's MPAs.

Thank you,

Zach Plopper
San Diego MPA Collaborative Co-Chair

September 13th 2018

California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: 2018 Draft Once Through Cooling Award Guidelines

The Sonoma MPA Collaborative is grateful to be an ongoing partner with the State of California in the stewardship of California's Marine Protected Areas, representing some of the localized interests of our communities in Sonoma County. We commend the California State Water Resources Control Board (SWRCB) and the California Ocean Protection Council (OPC) for creating policies and programs like the Once-Through Cooling (OTC) Policy and the OTC Mitigation Program that work to help restore our coastal ocean environment. We also commend the OPC for creating the thoughtful Draft OTC Mitigation Award Guidelines (Draft Award Guidelines), which form the high-level process and criteria that OPC will use to solicit applications, evaluate and select proposals and distribute awards using OTC interim mitigation funds.

The Draft Award Guidelines include clear details for identifying program/project eligibility as it relates to the goals of SWRCB's OTC Mitigation Policy, including a number of valuable reference documents. It also provides a sensibly designed rubric for scoring projects - taking into consideration the complexity of managing a network of this scale and demonstrating a commitment to the evolving partnerships that aid in MPA network management. We especially appreciate the OPC's decision to include scoring criteria based on the focal area of the project (i.e. education, enforcement, research and restoration).

As a recipient of past OPC grants and other statewide MPA related grants, we have identified a few opportunities for the guidelines to bolster areas of partnership and collaboration. California's collaborative model of MPA Management values stakeholder engagement. As our previous experience has shown, collaboration on projects allows for strengthened engagement from local communities and broader impacts. By encouraging partnership and collaboration across diverse interest groups to achieve shared goals, the OTC Mitigation Program will achieve more durable success.

Specifically, we recommend the Draft Award Guidelines add the following:

1. An introductory paragraph in Section 1 that describes the value of collaboration including its importance for capacity-building within the MPA Management Program and usefulness to the

long-term success of California's MPAs. This paragraph could include references to valuable collaborations including but not limited to the MPA Collaborative Network;

2. Language in Section 1.6 *Applicant Capacity* that specifically calls out the applicant's ability to demonstrate good collaboration with state and local partners, including but not limited to the MPA Collaborative Network and individual collaboratives;
3. Within the "Community Support" portion of the rubric, suggest adding language that identifies existing partnerships including but not limited to the MPA Collaborative Network or individual MPA collaboratives;
    a. Example Language: "*Project has local community support, as demonstrated by the submittal of letters of support from local partnerships and /or organizations including but not limited to local MPA collaboratives, city councils, prominent community NGOs*"
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Overall, these Draft Award Guidelines do an excellent job outlining a sound approach for evaluating OTC Mitigation Program proposals. We look forward to engaging with the state to help bring about improved MPA compliance in furtherance of the goals of the OTC Mitigation Program and continuing our partnership in the stewardship of California's MPAs.

Thank you,

Michele Luna

Suzanne Olyarnik

Michele Luna
Sonoma MPA Collaborative Co-Chairs

Suzanne Olyarnik

From: Williamson, Chris
To: Handelman, Tova@CNRA
Subject: COMMENT ON OTC MITIGATION AWARD GUIDELINES - from City of Oxnard
Date: Monday, September 10, 2018 9:49:41 AM

Per our conversation last week, City of Oxnard proposes the following changes:

Page 2 #3 - **Research ....for OTC impacts**

add sentence. "THIS CATEGORY INCLUDES WATER QUALITY AND SEDIMENT SAMPLING AND ANALYSIS TO DETERMINE CONTAMINATION CHARACTERISTICS, REMEDIATION NEEDS, AND POTENTIAL REUSE(S) OF OTC-RELATED INTAKE CANALS AND WATERWAYS, MARINAS, AND HARBORS HYDROLOGICALLY CONNECTED TO THE OTC INTAKE FACILITY.

Page 2, #4 - **Restoration...in the geographic region of the facility.**

last sentence. "...define the areas impacted...including the water around the Channel Islands AND INLAND WATERWAYS, MARINAS, HARBORS, AND COOLING INTAKE CANALS THAT HAVE, OR HAD, A DIRECT OR INDIRECT CONNECTION BETWEEN AN OTC INTAKE FACILITY AND THE PACIFIC OCEAN.

thanks

--
Chris Williamson, PhD AICP
(805) 385-8156 or (213) 509-1213 Cell
chris.williamson@oxnard.org

From: O"Brien, Cara@Parks
To: Handelman, Tova@CNRA
Subject: Once-Through Cooling Interim Mitigation Program Award Guidelines Comments
Date: Thursday, August 23, 2018 4:38:27 PM

Hi Tova,

I read the award guidelines and feel that they are easy enough for an applicant to read to get the overall scope of the program. I thought that the guidelines did a great job of stressing the importance of collaborating with tribes. The only thing I noticed was an extra word - "be" on page 4, section 1.9, second paragraph last line.

I was a little unclear on the regions that can apply. Are you going to have a map in the announcement? That is really the only thing that I could not picture as I read the guidelines. I did read the line that said impacted areas extend from San Diego north to Big Sur out three nautical miles, but still wasn't sure if Monterey would be able to apply for anything that was not a statewide project.

The guidelines are very comprehensive. I feel like I have enough information to write a letter of intent and project proposal now!

I hope that you will get some helpful feedback from members of the SLO MPA Collaborative. I sent a reminder for them to submit comments to you.

Thank you,

Cara O'Brien, State Park Interpreter II
District Services / San Luis Obispo Coast District
750 Hearst Castle Road
San Simeon, CA 93452-9741
cell (805) 286-1320