

CALIFORNIA OCEAN PROTECTION COUNCIL

Staff Recommendation
November 20-21, 2008

**Future Marine Protected Area Baseline Data Collection:
Ensuring Data Collection for all Regions**

Project Manager: Christine Blackburn

RECOMMENDED ACTION: Authorize distribution of up to \$12,000,000 for marine protected area (MPA) baseline data collection efforts in the three remaining coastal regions of the Marine Life Protection Act process and authorize disbursement of funds to the Regents of the University of California, California Sea Grant Program as necessary to solicit and fund individual projects to carry out the baseline data collection.

LOCATION: State waters along the north central coast, south coast, and north coast regions

STRATEGIC PLAN OBJECTIVE: Research and Monitoring and Ocean and Coastal Ecosystems

EXHIBITS

Exhibit 1: [Letters of Support](#)

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 (OPC) hereby approves the disbursement of an amount not to exceed \$12,000,000 over the next several years to support marine protected area (MPA) baseline data collection in the north central coast, south coast, and north coast regions of the Marine Life Protection Act process. The Council will enter into a new grant agreement for each region with the Regents of the University of California, California Sea Grant Program to solicit, review, and oversee grant programs for the MPA baseline data collection.

This authorization is subject to the condition that prior to disbursement of funds for each region, the Secretary to the Council has reviewed and approved:

1. the completed baseline data collection plan for that region.

2. a brief assessment, completed by the MPA Monitoring Enterprise, of other ongoing and upcoming monitoring projects to determine remaining data collection needs for that region.”

Staff further recommends that the Council adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the 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 is consistent with the Ocean Protection Council's project funding guidelines.”

PROJECT SUMMARY:

To date, the OPC has expended nearly \$4 million to support baseline data collection for the MPAs designated in the central coast region of the Marine Life Protection Act (MLPA) process. The OPC is now facing a decision about how to support the MLPA effort statewide, while considering the fiscal limitations of the organization.

Staff is recommending that the OPC authorize up to \$12 million for MPA baseline data collection efforts for the remaining three coastal regions. This would provide approximately \$4 million per region; however, small adjustments may be made to this amount for each region based on each region’s individual baseline data collection plan, which are currently being developed by the MPA Monitoring Enterprise and the Department of Fish and Game (DFG).

Dedicating funds at this time will demonstrate the OPC’s continued support for the statewide MLPA process and will ensure that funding is available for future regions. Setting a total amount of funds available from the OPC will also allow OPC staff, DFG, and others to leverage these funds with outside sources to increase the overall amount of funding available.

Based on experience in the central coast region, a significant amount of useful data can be collected using this amount of funds. However, this recommendation is based on funding availability and other policy considerations for the OPC, and is not specially derived from a scientific design. The monitoring plan for all the regions will prioritize the monitoring needs and approaches within the region. Staff is confident that OPC funds will result in a useful dataset, and any additional funds contributed from other sources will improve the resolution or expand the applicability of the OPC-funded data.

PROJECT DESCRIPTION:

Project Background:

Following extensive public processes by the MLPA Initiative and the Fish and Game Commission (FGC), the FGC approved the central coast network of MPAs on April 13, 2007 and the regulations went into effect on September 21, 2007. Also in 2007, following a competitive process funded by the OPC (\$2,275,000) and supported by DFG, the California Sea Grant Program awarded grants to six research organizations to implement a coordinated program of baseline data collection in the central coast study region. Five research groups collectively

monitored key biological habitats and species, including the rocky intertidal, kelp forests, deep rocky reefs, and nearshore rocky-reef fish assemblages. In addition, one research group collected socioeconomic data to examine the social and financial implications of designating the MPA network. In 2008, the OPC approved extending the biological component of the monitoring for this region for an additional year; an additional \$1,703,750 was dedicated to this effort.

In 2007, the OPC also approved a grant of \$2,000,000 to the California Ocean Science Trust to create the MPA Monitoring Enterprise. The purpose of the MPA Monitoring Enterprise is to ensure that MPA monitoring information is strategically and effectively collected, managed, analyzed, and disseminated. One of the major tasks of the MPA Monitoring Enterprise is to develop region-specific monitoring plans, as well as an overarching statewide monitoring plan, in conjunction with DFG.

Currently, proposals for MPAs in the north central coast region have been designed through the MLPA Initiative process and have been recommended to the FGC for final decision and rulemaking, which is expected to occur in 2009. Accordingly, baseline data collection for this region should begin in the summer of 2009. The south coast and north coast regions will follow. The MLPA Initiative processes in these regions are expected to be completed in late 2009 and 2010 respectively; data collection for these areas should begin shortly after MPA implementation

Project Details and Scope of Work:

This project will reserve the funds needed to conduct baseline data collection in the three remaining coastal regions of the MLPA process. Details regarding what species and indicators will be monitored are being developed through a collaborative process led by the MPA Monitoring Enterprise in cooperation with DFG. As the MPAs in each region are implemented, the OPC will work with the MPA Monitoring Enterprise, DFG, and the California Sea Grant Program to decide priority protocols, solicit and review applications from scientists to carry out this work, and collect and disseminate the data to resource managers and others. The north central coast monitoring planning process is already under way, and future regions will follow a similar process that will continue to be refined as we move forward.

The North Central Coast Monitoring Planning Process

The MPA Monitoring Enterprise and DFG have begun a process to plan MPA monitoring for the north central coast study region. This process involves stakeholders, scientists, and managers (many of whom participated in the MLPA Initiative process in the region) to ensure monitoring plans build on previous discussions about the region, are based on the best available science, and will meet management needs and other requirements of the MLPA. The MPA Monitoring Enterprise will convene several scientific working groups that will receive input from a stakeholder process and draft the comprehensive monitoring framework. A baseline data collection plan will be completed by February 2009. A final regional monitoring plan (that will include both small changes to the baseline plan as well as the plan for all future monitoring) will be completed in summer 2009 after a scientific peer review process and submission to the FGC for consideration and additional public review.

Sea Grant will release a request for proposals (RFP) to conduct baseline data collection in the north central coast region in January/February 2009, based on the baseline data collection plan (discussed above). The timing of the RFP and proposal review process will allow researchers to

begin data collection in the summer of 2009, as close as reasonably possible to the expected implementation date of the MPAs. The OPC will work with California Sea Grant, MPA Monitoring Enterprise, and DFG to draft the RFP and solicit applications. As with the central coast region, this may include holding a bidders conference to convene all interested parties and promote integrated proposals. All proposals will be reviewed by an independent peer review committee that will make recommendations regarding the scientific merit of the proposals. Staff from the OPC, MPA Monitoring Enterprise, DFG, and Sea Grant will review these recommendations and will make final award decisions based on a range of factors, with the goal of funding the most comprehensive data collection package possible.

Unlike the central coast region where the OPC approved the two years of funding consecutively, the RFP for the north central coast will encompass the full funding available for that region and will support meritorious projects for several years. The appropriate mix of indicators and how many years each indicator should be monitored will be decided through the baseline data collection plan and RFP review processes. Numerous factors will be considered including the amount of existing data and the ecological variability of certain indicator types. For example, large changes from year to year in some shallow water species may dictate that SCUBA surveys be conducted for several years. Conversely, if significant data has been collected in past years within a specific habitat, no more data may be needed.

Future Regions

This approach to planning MPA monitoring and baseline data collection will serve as a template to be used in other regions, adapted as needed to accommodate the unique ecology and socioeconomics of each region. Thus, the MPA monitoring plan design will follow the MPA design process in each region. Monitoring planning for the south coast region is anticipated to begin in late 2009 and data collection will begin in the summer of 2010. For the north coast region, monitoring planning will begin in late 2010 or early 2011, and data collection will likely take place starting in 2011.

Benefits of Committing Future Funds

The only funds that are currently needed are those for the north central coast region; however, there are numerous benefits to dedicating the full \$12 million now. Primary among these is that all future regions will be guaranteed funding for baseline data collection, providing more certainty to the MLPA process as it moves forward.

The other major benefit of this approach is that it provides a defined commitment by the OPC as to the total amount that will be spent for MPA data collection efforts. Deciding this amount now allows the council to expend remaining funds for other projects without concern of not supporting future regions.

While a precise estimate of the total amount needed for comprehensive monitoring is unknown, it is not likely that the OPC could solely support the effort. Based on experience in the central coast, \$4 million will provide a significant and useful amount of data. While more data will always be desirable, and in some cases necessary to make some management decisions on a short timeline, dedicating this amount for all regions makes sense when considering the overall budget for the OPC. The full amount that OPC would spend on baseline data collection would be approximately \$16 million, the majority of which would come from Proposition 84 funds. If one also considers the \$2 million allocated to the MPA Monitoring Enterprise, approximately 20

percent of the total Proposition 84 appropriated to the OPC (\$90 million) would be expended on this effort. If funds for habitat mapping, which is being conducted in support of the MLPA as well as other projects, are added, then approximately 37 percent of the OPC's Proposition 84 funds will go to support the implementation of the MLPA. The OPC has also funded many small projects related to this effort that are not included in these calculations.

Other benefits of specifying the total amount for each region before each regional process begins include:

- the MPA Monitoring Enterprise, OPC, DFG, and others can use the promise of these funds to leverage funds from other sources, increasing the overall scope of monitoring.
- the RFP for each region can solicit multi-year projects, allowing comprehensive monitoring over several years on the most important indicators, saving staff effort and provide cost savings for the researchers since they can plan for more than one survey season.
- the MPA Monitoring Enterprise will be further established as the single coordination body for all future planning and data collection related to the MPA network—all monitoring efforts will be conducted according to the regional plans ensuring state funds are expended on the most critical data needs and coordinated with other efforts.

PROJECT GRANTEE: The California Sea Grant College Program will coordinate the request for proposals, the review process, and post-award administration of contracts for data collection and research projects funded through this proposed grant. Sea Grant has an established, highly respected process for evaluating, prioritizing, and administering research grants related to coastal and ocean resources and has a proven track record of supporting state agencies' research efforts. The California Sea Grant College Program is experienced at managing large contracts and grants, has excellent knowledge of and familiarity with the state's scientific community, and has successfully managed other solicitation and award efforts on behalf of the OPC.

SITE DESCRIPTION: This project will take place in the remaining three coastal regions of the MLPA Initiative:

- North central coast – Alder Creek, near Point Arena to Pigeon Point
- South coast – Point Conception to the Mexican border
- North coast – Alder Creek, near Point Arena to the Oregon border

PROJECT FINANCING:

Ocean Protection Council	<u>\$12,000,000</u>
Total Project Cost	\$12,000,000

The anticipated source of funds will be the fiscal year 08/09 appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond

Act of 2006 (Proposition 84). Proposition 84 authorizes the use of these funds to protect beaches, bays, coastal waters, and watersheds for purposes consistent with Section 35650 of the Public Resources Code, establishing the California Ocean Protection Trust Fund (Pub. Res. Code § 75060(g)). Under Section 35650(b), Ocean Protection Trust Fund monies may be expended for projects authorized by the OPC that are identified as appropriate Trust Fund purposes. The project is consistent with the Trust Fund purposes as discussed in the following section.

This project is also appropriate for prioritization under the selection criteria set forth in Section 75060(g). Section 75060(g) provides that the Council will give priority to projects which develop scientific data needed to adaptively manage the state's marine resources and reserves.

The majority of funds for each region will be granted to researchers to conduct the baseline data collection. However, a set amount of funds will be used by Sea Grant to conduct the RFP review and to monitor progress of the selected awards. Applicants to conduct baseline data collection will be required to provide at least 25 percent of the total project in matching funds.

CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:

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

The OPC goals of PRC § 35615 include establishing policies to coordinate the collection of scientific data related to the ocean. In addition, the California Ocean Protection Act identifies trust fund allowable projects in PRC § 35650 (b)(2), as including projects that:

(G) Provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources

A significant amount of biological and socioeconomic data will be collected using these funds. In addition, this project will further support the work the MPA Monitoring Enterprise, ensuring that all future data collection and monitoring efforts are coordinated with the statewide plan. The data and information generated by these efforts will inform state management decisions related to the MPA system.

CONSISTENCY WITH OPC'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Goal B (Research and Monitoring) Objective 2g: Support the establishment of a comprehensive monitoring program focused on MPAs established under the MLPA and structured to be beneficial to other programs.

Goal E (Ocean and Coastal Ecosystems) Objective 1b: Make resources available to design and implement a comprehensive MPA monitoring program that can be implemented statewide and that will measure changes in these ecosystems and inform future management decisions.

Dedicating these funds will ensure that baseline data collection occurs in all coastal regions, setting the stage for future ongoing monitoring of the MPA system. These activities will also build on the OPC's contribution to create the MPA Monitoring Enterprise and further support their role as the coordinating and planning organization for MPA monitoring data statewide.

CONSISTENCY WITH OPC'S PROJECT FUNDING GUIDELINES:

The proposed project is consistent with the OPC's Project Funding Guidelines adopted June 14, 2007, in the following respects:

Required Criteria

1. **Directly relate to the ocean and coast:** Monitoring will examine ocean and coastal species and habitats as well as the coastal communities that enjoy these resources and depend on them for economic activities.
2. **Support of the Public:** See exhibit 1.
3. **Greater-than-local interest:** Even though each component of the project will be a regional effort, overall this commitment will complete baseline data collection for all coastal regions within the state.

Additional Criteria

4. **Resolution of more than one issue:** The data collected through this effort can be used in support of many other management decisions and scientific pursuits. Specifically, these data may support further implementation of the Marine Life Management Act and creation of fishery management plans.
5. **Leverage:** Each RFP will require at least a 25 percent match in funds from applicants. In addition, the commitment of the OPC can be used to leverage funds for other sources, such as other agencies or non-governmental organizations, to contribute to the overall data collection in each region.
6. **Timeliness or Urgency:** The funds for the north central coast are need now so that applicants can be reviewed and selected in time for the summer 2009 survey season. Dedicating the full amount of funds now will add certainty into the overall MLPA process as they move forward into new regions.
8. **Coordination:** The design of the baseline data collection and monitoring plans is a highly collaborative process including scientists, stakeholders, and managers. In addition, the MPA Monitoring Enterprise, DFG, and OPC will all be involved in all steps of soliciting, reviewing, and awarding grants to carry out the data collection in each region.

CONSISTENCY WITH OPC'S 2007/2008 FUNDING PRIORITIES

This project is consistent with the strategic opportunities grants section of the 2007/2008 funding priorities. In particular, this project will provide essential data that will "improve management approaches and techniques for coastal and ocean resources" and it will further partnerships with the MPA Monitoring Enterprise, research institutions, and DFG that will continue to "improve coordination or data sharing among local, state, or regional entities."

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 council.