



California Ocean Protection Council

Meeting Summary

Friday, June 28, 2013
Coastal Hearing Room
CalEPA
1001 I Street
Sacramento, CA

Members in attendance:

Janelle Beland for John Laird, Secretary of California Natural Resources Agency
Gordon Burns for Matt Rodriguez, Undersecretary of California Environmental Protection Agency
Gavin Newsom, California Lieutenant Governor, Chair of the State Lands Commission
Michael Brown, Public Member
Bill Craven for Fran Pavley, State Senator
Toni Atkins, State Assemblymember

Absent

Geraldine Knatz, Public Member

Janelle Beland called the meeting to order at 10:10am

1. Welcome and Council Member Announcements

Undersecretary Janelle Beland for Secretary John Laird, Council Chair

Janelle Beland, Undersecretary of the California Natural Resources Agency called the meeting to order and asked the Councilmembers to introduce themselves. Undersecretary Beland then acknowledged the transition of staff resources from the California Coastal Conservancy to the California Natural Resources Agency, set to occur on July 1st. This change was instituted in Governor Brown's budget proposal (passed by the legislature and subsequently signed into effect June 27th, 2013) to consolidate oversight of ocean protection functions within the Office of the Secretary for Natural Resources, and to improve efficiency and coordination of ocean protection efforts. Undersecretary Beland then recognized and asked for applause to acknowledge the Coastal Conservancy's Executive Officer Sam Schuchat and Deputy Executive Officer Mary Small for their leadership and oversight of the Ocean Protection Council (OPC) since its inception in 2004.

2. Report from the Executive Director

Cat Kuhlman, Executive Director, Ocean Protection Council

Executive Director of the Ocean Protection Council, Cat Kuhlman, welcomed Amy Vierra as the new Deputy Director for the OPC, and highlighted the promotion of Craig Shuman from Marine Advisor for the Fish and Game Commission, to Marine Region Manager for the Department of

Fish and Wildlife. Ms. Kuhlman expressed that both Ms. Vierra and Mr. Shuman have much to offer in their new positions, and that the OPC is excited to work with them. Ms. Kuhlman also noted that she will confirm the budget for the following fiscal year at the next OPC meeting, scheduled for August 29th, 2013.

3. Report from the Science Advisor

Skyli McAfee, Executive Director, California Ocean Science Trust

Skyli McAfee, Executive Director for the Ocean Science Trust (OST) reported that the Ocean Protection Council Science Advisory Team (OPC-SAT) meeting has been scheduled for September 4th 2013 and will have an emphasis on fisheries. The agenda is being developed in conjunction with the Department of Fish and Wildlife, Fish and Game Commission, and other parties. Ms. McAfee noted that this meeting will complement and support the Department's fisheries management efforts.

The OPC is still soliciting for three open positions on the OPC-SAT. The first position is for a specialist in marine physiology, particularly specializing on marine biological impacts from ocean acidification. The second position is for a social scientist or interdisciplinary expert who studies the connections between science and policy. Third, is for a tribal expert with knowledge of tribal perspectives and tribal interests. Due to the very small number of applications/nominations received for the tribal expert, the OST will conduct additional outreach to provide an adequate applicant pool for that advisory position.

Ms. McAfee provided an update on the mass strandings and mortalities of juvenile sea lions in California this past winter. While the strandings have since waned, the unprecedented abundances of juvenile sea lion deaths prompted the convening of an independent group of scientist, through the Marine Mammal Act (federal legislation), to investigate the causes of these strandings. This work is ongoing and Ms. McAfee looks forward to updating the Council on any results produced. Ms. McAfee acknowledged and appreciated the work of California ocean observation networks SCCOOS (Southern California Coastal Ocean Observing System) and CeNCOOS (Central and Northern California Ocean Observing System) for their work in monitoring ocean conditions, and data collection that help provide context for events such as these mass strandings.

Ms. McAfee expressed her feelings of gratification that the Obama administration's new climate change strategy aligns closely with the policies that California has already had in place, specifically integrating climate change into coastal planning, infrastructure planning, and public data sharing.

Action items

4. Approval of [minutes from the June 12, 2013 teleconferenced meeting of the OPC.](#)

Cat Kuhlman, Executive Director, OPC

Ms. Kuhlman explained that because the previous OPC meeting was a teleconference and not a webcast, the Council is required to approve the minutes. Councilmember Newsom motioned to approve the minutes. The motion was seconded by Councilmember Brown. All Council members voted in favor of the motion, none opposed, and no abstentions. The motion carried.

5. Ocean Science Trust: [Consideration and possible authorization to disburse up to \\$5,700,000 to the California Ocean Science Trust to facilitate the integration of science into state ocean resource management and support scientific monitoring of the state's marine protected areas.](#)

Clare O'Reilly, Project Manager, OPC

Ms. Kuhlman framed this action item by acknowledging that the amount of money requested for disbursement to the OST was very large, but that it is consistent with the Council's planned spending of those funds. Ms. Kuhlman also emphasized the OST's unique position of working at the boundary of science, policy and management and recommended the Council authorize this funding request.

Clare O'Reilly, Project Manager at the OPC, gave a presentation requesting the disbursement of up to \$5.7 million dollars to support OST initiatives over the next 4 years. Ms. O'Reilly provided a brief overview and background of the OST, and highlighted the various programs and initiatives that this funding would support. Two-thirds of this funding would go towards supporting the Marine Protected Area Monitoring Enterprise, and the other one-third would go towards OST's facilitation of integrating science into state ocean resource management through its other science and science advising initiatives. Ms. O'Reilly noted that the requested funding level is consistent with annual budgets from previous OPC authorizations, and that the OST leverages financial and human resources from its broad set of partners, many of whom wrote and submitted letters in support of the recommendation of this action.

Council Comments:

- Councilmember Brown noted that investigating emerging ocean issues is a priority of the OST, and asked whether this funding amount had considered emerging issues, since, due to their emerging nature, they may be difficult to allocate resources for. Executive Director of OST, Skyli McAfee, responded that OST leverages their partnerships and their other existing funders to acquire any necessary additional funds, and that they are often successful.
- Councilmember Newsom asked for clarification on how much of the allocated funding would go solely to ongoing monitoring, and whether there are other tangible deliverables expected. Ms. O'Reilly clarified that these funds will not be used for data collection, rather

they will go towards funding OST's MPA Monitoring Enterprise Program, which facilitates data collection by other entities and generates products based on those entities efforts that are useful for state managers. Councilmember Newsom asked how the \$5.7 million amount was determined. Ms. O'Reilly stated that it was developed in partnership and consideration of the OPC's various other priorities. This amount was also determined with the financial strategy developed from the OPC's 5 Year Strategic Plan (2012-2017) that Ms. Kuhlman presented at the September 13, 2012 OPC meeting. There is baseline funding allocated for continuing the work of the Ocean Science Trust in this financial strategy.

- Councilmember Atkins asked what the communication strategy of the MPA Monitoring Enterprise is and how they are connecting and communicating with coastal communities and the public regarding on-the-ground challenges with the established MPAs. Ms. O'Reilly spotlighted the work of the MPA County Collaboratives Program, which is bringing together county officials, state agencies and other stakeholders to address, by county, some of these local issues and challenges with the MPAs in place.

Public Comments:

- Sarah Sikich, Science and Policy Director for Coastal Resources at Heal the Bay, supported the request for funding to the OST. Ms. Sikich emphasized the practical application of OST's work in terms of informing adaptive management. She highlighted Heal the Bay's MPA Watch Program, a citizen science effort that monitors and tracks human use and compliance within MPAs. She hopes that OST will communicate and integrate this data into the evaluation of MPAs, and put resources towards citizen science programs.
- Sean Bothwell, Staff Attorney for the California Coastkeeper Alliance, supported the disbursement of funds to the OST. He noted that OST is critical in supporting the work of the OPC, California Coastkeeper Alliance, and many other entities.
- Leila Monroe, Ocean Attorney for NRDC, supported the disbursement of funds to the OST. She thanked the Councilmembers for asking about deliverables and on-the-ground application of the OST's work. She expressed excitement to see further evaluation and planning for new industrial activities that are being considered and proposed along the coast, noting that the OST can add value to the evaluation of these projects by building off of the ecosystem-based management approaches utilized in MPA evaluation.
- Paul Hobi from the Ocean Conservancy offered support for the recommendation for disbursement of funds to OST. He re-iterated that the OST has set a standard for science integration into policy and pointed to the MPA Monitoring Enterprise Program as an example, stating that it is the most comprehensive study of ocean ever taken. Mr. Hobi also encouraged OST to focus their attention to citizen science efforts, as they are leveraging the states funding.

The Council moved the item and unanimously approved. The item was approved.

- Exhibit 1: [California Ocean Science Trust : Progress Report](#), October 2009 through September 2012
- Exhibit 2: Ocean Protection Council Staff Recommendation: “California Ocean Science Trust: Building Scientific Capacity”
- Exhibit 3: [Ocean Protection Council Staff Recommendation: “Statewide Marine Protected Area Monitoring Program”](#)
- Exhibit 4: [Ocean Protection Council Staff Recommendation: “Future Marine Protected Area Baseline Data Collection: Ensuring Data Collection for All Regions”](#)
- Exhibit 5: [Ocean Protection Council Staff Recommendation: “Statewide Science Integration and Marine Protected Area Monitoring Programs”](#)
- Exhibit 6: [Letters of Support](#)

6. Ocean Acidification: [Consideration and possible authorization to disburse up to \\$375,000 to the Southern California Coastal Water Research Project and UCLA to perform integrated modeling of the U.S. West Coast and Southern California Bight.](#)

Cat Kuhlman, Executive Director, OPC

Ms. Kuhlman introduced this project proposal from UCLA’s Institute of the Environment and Sustainability and the Southern California Coastal Water Research Project (SCCWRP) as a modeling initiative that will further our knowledge of ocean acidification and hypoxia to inform management and decision-making. Ms. Kuhlman gave a brief presentation providing an overview of the issue, explaining that nutrient inputs and poor water quality may be contributing to increased toxic harmful algal blooms (HABs), which can affect the ocean’s acidity. The project will build off of already existing models developed in the Southern California Bight, to project whether anthropogenic forces are having significant effects on ocean productivity, hypoxia and acidification. These projections will help determine whether the increment of change from those human inputs and source merits regulatory action. Ms. Kuhlman asked the Council to approve the disbursement of \$375,000 towards this proposal as seed money to allow the project to leverage partner resources for continued funding.

Council Comments:

- Councilmember Brown asked if there had been dates established for any project deliverables. Ms. Kuhlman answered that no firm dates had been decided, but that she intends for the project’s start date to be at the end of the 2013 calendar year. Councilmember Brown commented that modeling can be a high risk endeavor, with issues regarding the model’s validity, and asked how this project was going to address these points. Dr. Mark Gold, Associate Director of UCLA’s Institute of the Environment and Sustainability, answered that model validation will not be an issue because there are locations with rich data. He added that they are working with SCCWRP to ensure that the data they are continuously collecting will help with model validation.
- Councilmember Burns noted that models can become obsolete and asked how long the models generated from this project will be “useful”. Dr. Gold answered that this kind of

modeling effort is unprecedented on this coast, and guesses this model will be functional and valid for 5-10 years. Mr. Gold also notes that the modeling techniques they are using are both state of the art and easily adaptable. Dr. Stephen Weisberg, Executive Director of SCCWRP, emphasized that the model can be re-evaluated and corrected during and after its development. He also emphasized that movement and action to identify nutrient sources and their potential effects on ocean hypoxia and acidification is necessary, and that this partnership and project presents a good approach.

- Councilmember Craven asked how the progress and results from this project will be disseminated to the public. Dr. Gold answered that constructing this model will be an iterative process, and that on-going communication with stakeholders, specifically regulators, managers and those who will use these results, is key. Both Dr. Gold and Dr. Weisberg emphasized that the partnership with SCCWRP will facilitate the communication and dissemination of these results to key stakeholders, noting that SCCWRP's board contains 14 water quality management agencies.

Public Comments:

- Sean Bothwell, Staff Attorney for the California Coastkeeper Alliance, supported this item. Mr. Bothwell emphasized the benefits of gathering this kind of data and creating a regulatory mechanism to address ocean acidification. The California Coastkeeper Alliance is looking to the OPC for leadership on this front, and noted that it complements the OST's Ocean Acidification Panel's efforts.
- Emily Jeffers, Staff Attorney with the Center for Biological Diversity, asked the Council to support this endeavor, noting that it will provide important management suggestions and policy for ocean acidification. She encouraged the Council to ensure that data resulting from these modeling efforts is communicated to various Water Boards performing water quality assessments, as this modeling could inform future water quality assessments, set baseline conditions, and improve California water quality standards for ocean acidification.
- Paul Hobi for the Ocean Conservancy expressed his appreciation of the OPC's efforts on this issue. He emphasized that a better understanding of the local drivers of ocean acidification is needed to develop future policy options, and to protect industries, such as the shellfish industry, that are negatively affected by ocean acidification.

The Council moved the item and unanimously approved. The item is approved.

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| <ul style="list-style-type: none">• Exhibit 1: State of Washington Blue Ribbon Panel Report• Exhibit 2: Letters of Support |
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7. Delegation of Authority: [Consideration of delegation of authority to the Executive Director.](#)

Cat Kuhlman, Executive Director, OPC

Ms. Kuhlman stated that this delegation is essentially the same delegation the Council has had in place with the California Coastal Conservancy, to administer budget and policy for the Council. Heather Baugh, Assistant General Counsel to the Natural Resources Agency, addressed some of the differences associated with the new delegation of authority which are included in Items 12 and 13. Item 12 is intended to allow Ms. Kuhlman to engage in rote managerial functions as it relates to legal management of the Ocean Protection Council, and allows the execution of joint defense agreements, entering into indemnity agreements, and tort immunity in very specific situations. Item 13 is a provision that would allow Ms. Kuhlman and OPC staff to support, discuss, defend, or testify about federal legislation relative to OPC activities.

Council Comments:

- Councilmember Newsom asked whether this delegation of authority is consistent with similar state government agencies. Ms. Baugh stated that it was consistent with a Council that meets so infrequently. Ms. Baugh also reminded the Council that Ms. Kuhlman can notify them of any of her intended plans, and that this delegation of authority was meant to be a solution to address some of the challenges in cross-communicating with the Council in her responding to various pieces of legislation.
- Mr. Craven noted that it may be more accurate to state that the delegation of authority is contingent on the passage of a trailer bill that has not yet been passed. Ms. Baugh answered that the Council had two options for delegating authority to Ms. Kuhlman: it can use its independent discretion to grant the delegation of authority, or it can make the delegation contingent on the passage of the trailer bill. Mr. Craven also asked for clarification as to what the words “or other” refer to in regards to proposed legislation in Item 13. Ms. Baugh answered that in addition to federal legislation, Ms. Kuhlman would like to be able to speak and testify to state legislation, and assured the Council that this will be read consistently with the existing administration’s process and Ms. Kuhlman’s authority.

Councilmember Brown motioned to grant the delegation of authority contingent on the passage of the trailer bill. The Council moved this item and unanimously approved. The item is approved.

Councilmember Atkins suggested to remove “or other” from Item 13, to allow for the address of federal legislation only. The Council moved this item and unanimously approved. The item is approved.

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| <ul style="list-style-type: none">• Exhibit 1: Ocean Protection Council Delegations to its Executive Director (as proposed)• Exhibit 2: Ocean Protection Council Delegations to its Executive Director (as approved) |
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Informational items

8. Introduction to the California Shellfish Initiative: [Overview of California shellfish aquaculture and discussion of the next steps for formulating the California Shellfish Initiative.](#)

OPC staff and Randy Lovell, State Aquaculture Coordinator, California Department of Fish and Wildlife

Randy Lovell, State Aquaculture Coordinator for the California Department of Fish and Wildlife, provided a brief presentation on aquaculture in California, including his role and function in the development of the state's aquaculture program. Mr. Lovell then introduced the California Shellfish Initiative, a collaborative effort to restore and expand California's shellfish resources. Mr. Lovell noted that shellfish aquaculture currently represents a \$25 million industry, and that current demand for shellfish is greater than supply, providing opportunity for the shellfish industry in California to grow and meet this demand. He also highlighted the potential benefits to both the California economy (jobs and revenue) and the marine ecosystem (water filtration, nutrient cycling, and shoreline stabilization) that shellfish aquaculture provides. Mr. Lovell noted the major challenges in expansion: regulatory inefficiency, lack of interagency collaboration, and cost prohibitive and inefficient permitting processes.

John Finger, founder of Hog Island Oyster Company in Tomales Bay, represented California Shellfish Growers and emphasized the significant economic opportunities and environmental benefits shellfish aquaculture provides. He sought the OPC's support in addressing some of the policy and regulatory deficiencies that are also barriers to industry expansion. He noted that the California Shellfish Initiative is developing a stakeholder process to discuss potential new aquaculture facilities in locations where there is currently shellfish aquaculture. They are also looking at organizing a statewide mapping effort.

Council comments

- Councilmember Craven commended the commitment of the industry to clean water, and asked whether or not the completion of state's Aquaculture Programmatic Environmental Impact Review (PEIR) could help address some of the procedural challenges and barriers to entry for the industry. Mr. Finger stated that the PEIR will help facilitate some of the expansion but is not sufficient. Mr. Lovell stated that the PEIR will provide some of the foundational work needed for permitting, specifically in its description of the CEQA process and regulatory steps an applicant needs to take. Diane Windham, the Southwest Regional Aquaculture Coordinator for NOAA, stated that the PEIR will be excellent tool but does not provide a collaborative environment (i.e. a stakeholder process to develop the industry). She mentioned that NOAA is working with the National Ocean Council to develop a model

permit process to create efficiencies in the regulatory process, but with slow progress. Thus, California has the opportunity to lead and take charge of this effort.

- Mr. Craven asked whether they have identified potential competing uses in areas that could support aquaculture facilities. Mr. Finger responded that they have a sense of what these uses may and need to identify them on a region-by-region basis. Mr. Craven asked why industry expansion is being promoted when effects of ocean acidification on shellfish are continuing to worsen. Mr. Lovell answered that the strongest effects from acidification occur during the larval stages of production, and that it is possible for growers to adapt and raise larvae within the confines of a hatchery by adjusting water chemistry. He has also noted that this is an opportunity to adapt and grow to meet demand rather than not do anything at all.
- Councilmember Brown and Councilmember Newsom both ask for clarification as to what the specific most problematic barriers to growth have been. Mr. Lovell responded that the challenge is creating a delicate balance of having rigorous regulation to maintain environmental integrity, without creating a complex web of regulatory processes and permits required for new growers/facilities. He stated that the regulatory landscape for shellfish permitting is confusing; there are many different agencies at the federal, state and local level with competing jurisdictions and mandates that are very difficult for a small grower to navigate. The permitting and regulatory process needs to be streamlined.

Public Comment

- Greg Dale, from the Board of Commissioners of Humboldt Bay Harbor District stated that the Harbor District is in the process of developing a pre-permitting solution in Humboldt Bay for shellfish aquaculture that would address some of the permitting inefficiencies. He noted that it's an opportunity for economic development, and that they are following suit of other shellfish initiatives in Maryland, Alaska, Virginia and Delaware.
- Chris Pincetich, from Turtle Island Restoration Network and Environmental Action Committee of West Marin asked the Council to ensure, through policy and regulation, that increased shellfish production would not increase threats to the marine environment. He noted that shellfish growing can propagate invasive species, specifically an algae known as "marine vomit", and that it can release marine debris into coastal waters from its operations.
- Warner Chabot, consultant to the Pacific Shellfish Growers Association noted that they are working with the Environmental Action Committee of West Marin, and informed the Council of an NGO research group that is mapping existing shellfish aquaculture facilities and identifying potential sites for production. He noted that the California Coastal Geoportal will assist this effort by marrying multiple data sets to determine the best sites for shellfish aquaculture. He also stated that the aquaculture PEIR will be a useful document to develop the industry, but that there is a need to create a multi-agency and stakeholder dialogue to address policy gaps and identify other potential models and systems to integrate into the development process that can protect California's environmental standards.

Councilmember Newsom commended the California Shellfish Initiative for their presentation and asked for the active support of the Council and staff in supporting the California Shellfish Initiative. Ms. Kuhlman noted that OPC staff has been involved in discussions with the Initiative, and offered the support of the OPC in helping to bring other appropriate agencies into the discussion to resolve issues associated with the development of the industry.

9. Sea-Level Rise Outreach Strategy: [Presentation of an outreach strategy for the updated Sea-Level Rise Guidance Document.](#)

Abe Doherty, Project Specialist, OPC

Abe Doherty, Project Specialist for the OPC, presented on the outreach strategy for the OPC's Sea-Level Rise Guidance Document. In 2011, the OPC adopted a resolution on sea-level rise (SLR), which called on all state agencies and on entities receiving funding from the state or doing projects on state lands to follow this guidance document. The intention of the guidance document is to support decision-making by providing best available science and steps to reduce risk in decision-making.

Mr. Doherty explained that OPC staff has begun evaluating how the guidance document is being used currently, and has presented a draft outreach strategy outlining outreach goals for the guidance document. OPC staff will engage with the Coastal and Ocean Resources Working Group for the Climate Action Team (CO-CAT) to understand how decision-makers and leaders in climate change policy can best utilize the Sea-Level Rise Guidance Document, and reduce risk to state investments and projects potentially impacted by SLR. Mr. Doherty asked for feedback and comments on the outreach strategy from the Council.

Council comments

- Councilmember Burns reaffirmed engaging with the CO-CAT, and also suggested engaging with the California Strategic Growth Council.
- Councilmember Brown suggested “fine-tuning” the outreach strategy to address the different and particular interests of different audiences.

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| <ul style="list-style-type: none">• Exhibit 1 State of California Sea-level Rise Guidance Document (March 2013)• Exhibit 2 Outreach Strategy for State of California Updated Sea-level Rise Guidance Document |
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10. Update on the California Coastal Geoportal: [Presentation on progress for development of a dedicated website for California's marine and coastal datasets.](#)

Laura Engeman, OPC Project Manager and Clare O'Reilly, OPC Project Manager

Ms. Kuhlman introduced the California Geoportal: a website where agencies, scientists, NGOs, students and the general public, can discover, download, and view authoritative geospatial information from various entities across the state. The goal of the portal is to meet mandates of Assembly Bill 2025, to improve public access to the states authoritative data. Laura Engeman, OPC Project Manager, updated the Council on the progress of the Geoportal, showing a demonstrational video that highlighted the various features and functions of the Geoportal website. They have completed a number of demonstrations to agencies, and plan on demonstrating it to a number of NGOs in July. The official launch date of the portal will occur later this summer.

Council comments

- Councilmember Newsom commended the Geoportal staff and highlighted the accomplishment of aggregating disparate data sets and providing transparency. He asked Ms. Engeman to discuss some of the challenges they've faced in accumulating and updating raw data sets and how the Council can help facilitate this. Ms. Engeman answered that the Geoportal staff rely heavily on other agencies to update and add data to the system and steward this data. They have been partnering with analogous regional efforts such as CERES and the West Coast Governors' Alliance to acquire more regional datasets. Ms. Engeman noted that there are number of agency data layers they would like to include in the Geoportal that require re-formatting. It has been difficult for agencies to put resources towards this effort, so she suggested tapping in to academic institutions and providing internship experiences to students who would like to work more with raw data and re-purpose it into a format that can be aggregated into the Geoportal. Councilmember Newsom re-iterated his support of this effort and that he would like to be of service.
- Councilmember Brown commended staff on their efforts and success and suggested they connect with NGOs to acquire some of their data.

Public Comment:

- Linda Sheehan, Earth Law Center, commented that data access and transparency is important for policy-making. She suggested tying the California Coastal Geoportal into the State Water Board's data portals. Ms. Sheehan emphasized the translation and application of this data and these data sets to answer key management and policy questions as well as set environmental standards. Ms. Kuhlman stated that OPC has committed funding and resources to the Geoportal and is currently working with the California Water Quality Monitoring Council to determine how to "marry" the work that is being done at OPC, OST and the Monitoring Council.

11. Public Comment on non-agenda items

No comments

12. Arrangements for Next Meeting and Adjournment

The next Ocean Protection Council Meeting will be August 29, 2013 in Sacramento.

The OPC meeting was followed by a workshop on the issue of marine debris. A webcast of the workshop is available by clicking “webcast” on the OPC’s website:

<http://www.opc.ca.gov/category/meetings/>