



**OCEAN
PROTECTION
COUNCIL**

Wade Crowfoot | Secretary for Natural Resources | Council Chair
Yana Garcia | Secretary for Environmental Protection
Betty Yee | State Controller | State Lands Commission Chair
Ben Allen | State Senator
Mark Stone | State Assemblymember
Michael Brown | Public Member
Jordan Diamond | Public Member

Item 7a

Staff Recommendation

October 6, 2022

Action Item:

Consideration and Approval of Disbursement of Funds to Support Marine Protected Area Partnerships for Outreach, Education, Enforcement and Compliance Projects

Elyse Goin, California Sea Grant Fellow

Recommended Action: Authorization to disburse up to \$4,226,262 from Once-Through Cooling Interim Mitigation Program funds to various grantees to increase marine life associated with marine protected areas (MPAs) as follows:

7.a.1: \$1,499,963 to California Department of Parks and Recreation to expand MPA outreach and education within State Parks, and

7.a.2: \$2,726,299 to Resources Legacy Fund to further enforcement and compliance efforts in the MPA Network through community partnerships.

Location: Statewide

Strategic Plan Goals and Objectives: Goal 3: Enhance Coastal and Marine Biodiversity; Objective 3.1: Protect and Restore Coastal and Marine Ecosystems

Exhibits:

Exhibit A: Department of Parks and Recreation Outreach and Education Project Program Statistics: January 2019-May 2022.

Exhibit B: Resources Legacy Fund MPA Compliance Initiative 2019-2022 Program Statistics

Findings and Resolution:

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings:

“Based on the accompanying staff report and attached exhibit(s), OPC hereby finds that:

- 1) The proposed projects are consistent with the purposes of Division 26.5 of the Public Resources Code, the California Ocean Protection Act;
- 2) The proposed projects are consistent with the adopted State Water Resources Control Board’s Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling; and
- 3) The proposed authorization is not subject to review under the California Environmental Quality Act (“CEQA”) pursuant to 14 Cal. Code of Regulations Section 15378.”

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

“OPC hereby approves the disbursement of up to \$4,226,262 from Once-Through Cooling Interim Mitigation Program funds to various grantees to increase marine life associated with MPAs as follows:

- \$1,499,963 to California Department of Parks and Recreation to expand MPA outreach and education within State Parks, and
- \$2,726,299 to Resources Legacy Fund to further enforcement and compliance efforts in the MPA Network through community partnerships.

This authorization is subject to the condition that prior to disbursement of funds, California Department of Parks and Recreation and the Resources Legacy Fund shall submit for the review and approval of the Executive Director of the OPC detailed work plans, schedules, staff requirements, budgets, and the names of any contractors intended to be used to complete the projects, as well as discrete deliverables that can be produced in intervals to ensure the projects are on target for successful completion. All projects will be developed under a shared understanding of process, management, and delivery.”

Executive Summary:

Staff recommends that OPC approve the disbursement of up to \$4,226,262 to California Department of Parks and Recreation (State Parks) and Resources Legacy Fund (RLF) to advance MPA outreach, education, enforcement, and compliance activities through OPC's Once-Through Cooling (OTC) Interim Mitigation Program (OTC Program). This funding would build on previous OPC investments to State Parks and RLF to expand MPA messaging, interpretive programming, enforcement trainings, and other compliance activities that further advance priorities of the state's [MPA Management Program](#) and the [MPA Statewide Leadership Team Work Plan](#). Increased awareness, compliance and enforcement will maximize ecological benefits expected from MPAs, thereby helping offset the impacts to marine life caused by OTC technology used by coastal power plants.

Background and Project Summaries:

Background:

OTC technology pulls water from the ocean to cool coastal power plants, and its impacts contribute to the decline of fisheries and the degradation of marine habitats near power plants using OTC. To address these damaging impacts, the State Water Resources Control Board established the [Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling Policy](#) (OTC Policy) in 2010 requiring power plants to stop using OTC technology or use the best technology available to protect aquatic life by greatly reducing impingement and entrainment from OTC cooling water intakes. Until power plants transition to less harmful cooling systems like closed cycle cooling, the OTC Policy requires power plant operators to make mitigation payments to the state of California to support projects that will offset negative ecological effects and increase marine life associated with MPAs in the geographic area of the facilities. OPC receives up to \$5.4M annually from these payments until the power plants come into compliance with the OTC Policy.

The OTC Policy requires OPC to direct funds toward projects that will increase marine life associated with MPAs within the geographic region of the power plants that are still using OTC technology. To offset the negative impacts of OTC on marine ecosystems, California's MPAs must be ecologically functioning as a network, which requires effective MPA management. To that end, OPC's [OTC](#)

[Interim Mitigation Program](#) directs interim mitigation funds to several priority areas within California’s MPA Management Program including: enforcement and compliance; research and monitoring; and outreach and education.

The recommended projects address the OTC Program’s enforcement and compliance and outreach and education priority investment categories to ensure effective management of the MPA Network:

1) Enforcement and compliance of MPA regulations statewide.

Enforcement of MPA regulations is stated in the [Marine Life Protection Act](#) (MLPA) as necessary for maintaining a successful MPA Network that achieves the ecological goals of the MLPA. Recurring poaching of marine life in MPAs decreases diversity, populations, and reproductive output, and can therefore affect an ecosystem’s ability to recover from or mitigate negative impacts.

2) Outreach and education to improve compliance of MPA regulations statewide.

Outreach and education to the public is a critical component of establishing and maintaining compliance with MPA regulations. Improved public awareness (and resulting compliance) of MPA regulations can serve as OTC impact mitigation because it increases protection of marine life within MPAs, which in turn maximizes the expected ecological benefits from these areas.

The proposed outreach and compliance projects aim to offset the harmful effects to marine life resulting from OTC by increasing awareness of and compliance with MPA regulations. These projects also help understand human uses inside and outside MPAs to inform law enforcement priorities, consistent with the OTC Program.

Both State Parks and RLF have successfully advanced projects with initial funding provided by OPC in 2018¹ and 2019² respectively. Recognizing the strong

¹

https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180725/Item4b_MPA_OTC_Parks&LE_DContracts_FINAL.pdf

²

https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20190523/Item3c_MPAOutreach_Enforcement_FINAL_v1.pdf

partnerships and beneficial outcomes from OPC's previous investments, staff recommends the Council fund continued efforts as described in the summaries below. These projects will advance priorities in [OPC's Strategic Plan](#), the MPA Statewide Leadership Team Work Plan the state's MPA Management Program and the [MPA Education and Outreach Needs Assessment](#).

Funding for State Parks will advance education programming at parks adjacent to MPAs with a goal of inspiring stewardship and increasing compliance. Funding for RLF will further compliance of MPA regulations and provide a basis for collaborative MPA management through community-based partnerships and multi-stakeholder MPA organizations.

7.a.1 - Project Summary:

\$1,499,963 to the California Department of Parks and Recreation (State Parks) to expand MPA outreach and education within State Parks with the goal of increasing marine life associated with MPAs

OPC previously provided funding for State Parks to bolster its MPA outreach and education programming from 2018-2022. With this initial round of funding, State Parks far exceeded expectations and delivered over 4,320 MPA programs and reached over 220,170 individuals through distance learning, in-park programs, social media, home learning programs, and special events. While the in-person programming was halted during the height of the COVID-19 pandemic, State Parks' online presence and digital programming persevered. State Parks was able to manage the significant increase in participation of the Parks Online Resources for Teacher and Students (PORTS) programing, their online K-12 educational platform that allows classrooms across the state to speak directly to a Park Ranger live in a park. By expanding the PORTS programming to include MPA messaging, thousands of students got to experience MPAs from both above and below the water from the safety of their homes and classrooms during a period when in-person programming was not allowed.

Building on these successes from the initial OPC investment, State Parks will continue outreach and education in MPAs within State Parks districts for the next three years. This project will focus on extending the reach of educational programs by utilizing new technologies, video footage, and continual support for training of volunteers and staff members. The project will accomplish the following objectives:

- Update, expand, and deliver MPA interpretation and educational programs by developing new digital resources and expanding accessibility of existing resources.
 - Three permanent intermittent State Parks Interpreter I positions, and six Parks Interpretive Specialist positions will deliver MPA messaging across nine districts. The PORTS program, school field trips, special events, and live in-park lessons provide important avenues for the Interpreters to raise awareness about MPAs.
 - Nine new digital MPA educational resources will be created and integrated into outreach efforts. These resources, and some existing resources, will be translated to Spanish and Traditional Chinese to increase accessibility. Project deliverables will be made following K-12 learning mandates, including Next Generation Science Standards, Common Core State Standards, Environmental Principles and Concepts, and Ocean Literacy Principles.
 - State Parks Interpreters will also participate in survey and data collection efforts for MPA Watch, a community science program focused on collecting data about human uses inside and outside of MPAs. A minimum of 24 MPA Watch surveys will be collected by interpreters and volunteers per district per year.
- Showcase the underwater beauty of MPAs by delivering live SCUBA dive programs to be shared on social media and web platforms.
 - Partnering with CDFW and the National Parks Service (NPS), two trained and equipped MPA Interpreters will deliver eight underwater interpretive programs that will highlight various habitats and species in California MPAs. Utilizing underwater communication devices, a live audience can interact with the SCUBA divers in real time through their computer screens from the classroom, home, or office. Recordings of the live dive programs will be used for PORTS, linked to social media channels, and made available to government agencies and partner organizations.
- Bolster MPA management and partnerships with the addition of a State Parks funded Interpreter II position.
 - State Parks will use matching funds to create a new Interpreter II position to expand MPA outreach and education to stakeholders and the public and liaise with CDFW and partner organizations. This individual will continue the momentum started by the MPA Outreach and Education Project Coordinator at State Parks.

7.a.1 - About the Grantee

California State Parks manages 128 coastal state park units over 340 miles of coastline, of which 42 state parks adjacent to MPAs. Approximately one-third of California's MPAs are co-located with a coastal state park. For 17 years, State Parks has been providing [blended access experiences](#) through both virtual and in-person lessons for K-12 students across the state utilizing best practices in experiential education and modern technology tools. State Parks is a dedicated member of the MPA Statewide Leadership Team and is committed to the success of the MPA Management Program. The first round of funding for this project was so successful that State Parks integrated MPA messaging across its coastal programs and created a permanent State Park Interpreter II full-time position as the MPA Outreach and Education Project Coordinator. This position has coordinated statewide coordination of MPA outreach and education within State Parks, and improved collaboration with other organizations and agencies.

7.a.1 - Project Timeline

January 2023 – December 2025

7.a.2 - Project Summary:

\$2,726,299 to Resources Legacy Fund (RLF) to further enforcement and compliance and the MPA network through partnerships and community-based efforts.

The first phase of RLF's MPA Compliance Initiative (Initiative) began in 2019 with funding from OPC. This phase coordinated compliance activities across MPA enforcement agencies and non-governmental partners. RLF supported the [MPA Collaborative Network](#) and [MPA Watch](#) to enhance compliance initiatives and proposes to continue this partnership in Phase II. Activities completed during the first phase include enforcement trainings for attorneys and local MPA officers, a series of 15 coastal MPA community compliance forums that addressed MPA compliance concerns, and an analysis of the first 10 years of MPA Watch human use data to understand trends over time. The outcomes of these tasks complete goals within the MSLT Work Plan and are valuable for the enforcement and compliance section of the upcoming Decadal Management Review in 2023.

RLF proposes a three-year project to continue the successes of the previous OTC funded MPA Compliance Initiative. Through this investment, RLF will provide funding to subgrantees including the MPA Collaborative Network, [California](#)

[Marine Sanctuary Foundation \(CMSF\)](#), and MPA Watch organizations to accomplish the enforcement and compliance objectives described below. The MPA Collaborative Network is made up of 14 regional Collaboratives along the California coast that helps ensure stakeholders have an understanding and compliance of MPA regulations and have a voice in MPA management. CMSF is a non-profit organization that support National Marine Sanctuaries and MPAs in California state waters. MPA Watch is a community science program that trains volunteers to collect scientific data on human usage of coastal and marine resources. This Initiative proposes a suite of projects that directly align with MPA Statewide Leadership Team Work Plan enforcement and compliance goals.

This project will accomplish the following objectives:

- Provide funding and strategic guidance to the MPA Collaborative Network to administer enforcement and compliance trainings, increase understanding of enforcement statistics and administer community-based diversity, equity, inclusion, and justice (DEIJ) events.
 - Over three years, 14 MPA enforcement trainings will be provided to CDFW and local, state, and federal enforcement partners, including engagement with district attorneys and judges. The MPA Collaborative Network will also provide MPA compliance trainings to State Parks staff, volunteers, and docents. Training development will include CDFW Law Enforcement Division review and related Tribal priorities.
 - The MPA Collaborative Network will track MPA enforcement statistics from allied enforcement partners such as city lifeguards. This information will be shared with local prosecutors, CDFW, and OPC to better inform the state's MPA Management Program.
 - The MPA Collaborative Network will deliver statewide community-based outreach related to the coast and ocean developed with DEIJ standards. This outreach will include events and panels for Tribally focused efforts, partnership with stakeholder groups, and improved accessibility and translation of materials identified by the community groups.
- Funding and direction to CMSF to pilot the use of electronic Fisheries Information Network System (eFINS) within State Parks near to MPAs. eFINS is an innovative technology that will improve tracking and understanding of threats to California's marine resources.

- eFINS is a mobile data collection application that allows its users to geospatially detect and record data regarding enforcement encounters while patrolling offshore. This system has been in use since 2015 by the Channel Islands National Marine Sanctuary, in accordance with CDFW, OPC, and the Channel Islands National Park.
- CMSF will provide trainings, application demonstrations, and data reports on the use of the eFINS platform statewide. Data reports will be shared with CDFW and OPC on a bi-annual basis.
- Oversee and provide funding for five MPA Watch programs ranging in location from Santa Barbara to San Diego. RLF will provide funding to UC Davis to synthesize the last 10 years of MPA Watch data and the program's impact. In total the MPA Watch program is receiving \$921,043 in matching funds from RLF and various sources. The synthesized data will help managers understand changing human uses of MPAs through time as a result of MPA implementation.
 - Maintain the contract with GreenInfo Network to have access to the electronic information management system for the MPA Watch program.
 - Deliver semi-annual reports describing human uses inside and outside of MPAs to OPC and CDFW. The data will also be shared on CNRA's Open Data Platform for free access for the public.
 - UC Davis Center for Community and Citizen Science will provide a written report and a presentation of the MPA Watch program, highlighting information concerning MPA compliance. A point intercept protocol will be administered to beach goers to better understand human dimensions data.

7.a.2 - About the Grantee

RLF is a non-profit organization that works closely with philanthropists to achieve conservation outcomes related to land, ocean, and water resources as well as climate change resilience. RLF has been a close partner with OPC for years and its team brings deep experience, expertise, and connections to make significant advancements in MPA management through the MPA Statewide Leadership Team. RLF has invested more than \$23 million of philanthropic funding to strengthen implementation of California's MPA Network, support creation of the statewide MPA Watch and MPA Collaborative Networks, and bolster key monitoring, stewardship, and enforcement projects and programs. Past RLF grants have supported creation of extensive statewide outreach and educational

materials, including brochures for harbors and marinas, videos, docent trainings, and a range of MPA education programs including those focused on disadvantaged communities, Tribes, and youth at organizations.

7.a.2 - Project Timeline

January 2023 – December 2025

Project Financing:

Staff recommends that OPC authorize encumbrance of up to \$4,226,262 in total to the two organizations listed below to support projects that enhance outreach, education, enforcement, and compliance efforts of MPAs statewide.

| | |
|---|--------------------|
| California State Parks | |
| Ocean Protection Council | \$1,499,963 |
| Matching funds from State Parks | \$354,666 |
| TOTAL | \$1,854,629 |
| Resources Legacy Fund | |
| Ocean Protection Council | \$2,726,299 |
| Matching funds from Resources Legacy Fund | \$1,417,543 |
| TOTAL | \$4,143,842 |
| OPC Funds Total | \$4,226,262 |
| Overall Total | \$5,998,471 |

The anticipated source of funds for State Parks will come from the Once-Through Cooling Interim Mitigation Program Fund Fiscal Year 20/21 and 21/22. The

anticipated funding for RLF will come from the same source using Fiscal Year 21/22 funding. California State Parks has secured in-kind funding to fully support a permanent State Parks Interpreter II position as well as \$10,000 per year for travel and equipment. State Parks will also provide in-kind funding to support the live SCUBA dive staff time to support the divers, at a value of \$8,900 per event for eight events.

RLF has secured 52% of matched funding over three years to bolster the impact of OTC Program funds. Various sources of private funding provided \$574,543 to the MPA Watch program, and RLF is leveraging these funds with an additional \$346,500. RLF is also providing an additional \$496,500 to be spread across the other tasks presented in Phase II of the Initiative.

Consistency with California Ocean Protection Act:

The proposed project is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with trust-fund allowable projects, defined in Public Resources Code Section 35650(b)(2) as projects which:

- Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species.
- Improve the management of fisheries and/or foster sustainable fisheries.
- Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term protection and conservation of those resources.
- Improve management, conservation, and protection of coastal waters and ocean ecosystems.
- Provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources.
- Protect, conserve, and restore coastal waters and ocean ecosystems.

Compliance with the California Environmental Quality Act (CEQA):

The proposed authorization is not subject to review under the California Environmental Quality Act ("CEQA") pursuant to 14 Cal. Code of Regulations Section 15378.