

COASTAL CONSERVANCY

Staff Recommendation
September 20, 2007

**OCEAN INSTITUTE
SEASIDE LEARNING CENTER**

File No. 07-075-01
Project Manager: Greg Gauthier

RECOMMENDED ACTION: Authorization to disburse an amount not to exceed \$2,000,000 to the Ocean Institute to assist in the construction of the new Seaside Learning Center at Dana Point Harbor in Orange County.

LOCATION: The project is within the coastal zone in Orange County at Dana Point Harbor in Orange County. (see Exhibit 1).

PROGRAM CATEGORY: Education and Public Access

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
 - Exhibit 2: [Seaside Learning Center Images](#)
 - Exhibit 3: [Mitigated Negative Declaration, including Mitigation and Monitoring Program](#)
 - Exhibit 4: [Letters of Support](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31409, 31118 and 31119 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two million dollars (\$2,000,000) to the Ocean Institute to assist in the construction of the new Seaside Learning Center, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, the Ocean Institute shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that the Ocean Institute has obtained all necessary permits and approvals and adequate funding to complete the project.
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- b. A detailed, final work plan, a project schedule and budget.
- c. The names and qualifications of any contractors to be used in the completion of the project.
2. The Ocean Institute shall enter into an agreement consistent with Section 31116(c) of the Public Resources Code, to protect the public's interest in the constructed improvements at the project site.
3. The Ocean Institute shall install and maintain signs on the project site, the design, number and placement of which has been approved by the Executive Officer, acknowledging Conservancy funding participation.
4. The Ocean Institute shall ensure the provisions of the Mitigation and Monitoring Plan (Exhibit 3) are implemented with the project.
5. The Ocean Institute shall fully repay one million dollars (\$1,000,000) and accrued interest of 5.25% per annum to the Conservancy on or before June 30, 2013 on terms satisfactory to the Executive Officer.
6. The Ocean Institute shall provide security to the Conservancy in a form and amount deemed adequate by the Executive Officer to secure repayment of the one million dollars (\$1,000,000) to the Conservancy."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapters 3 and 9 of Division 21 of the Public Resources Code.
 2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
 3. The proposed project will serve greater than local needs.
 4. The Conservancy has independently reviewed the Ocean Institute's Mitigated Negative Declaration and Mitigation and Monitoring Plan for the Seaside Learning Center Project, adopted by the County of Orange on April 5, 2006 (Exhibit 3) and finds that there is no substantial evidence based on the record as a whole that the project, as mitigated, will have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.
 5. The Ocean Institute is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code."
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PROJECT SUMMARY:

Staff recommends authorization to disburse up to \$2,000,000, \$1,000,000 of which will be interim funding to be reimbursed to the Conservancy, to the Ocean Institute to assist in the construction of the new Seaside Learning Center at Dana Point Harbor in Orange County (Exhibits 1 and 2). The Seaside Learning Center will add ocean-side teaching space to the facilities of the Ocean Institute located directly on the water, (Exhibit 2). The Seaside Learning Center will introduce thousands of school children and visitors each year to current and emerging topics in the field of oceanography and unique experiences in maritime history.

For more than two decades, the existing dock at Dana Point has served as the launch platform for the Ocean Institute's students and visitors as they prepare to go to sea. The structure is worn out from continual use and it is essential to replace the dock to continue and expand educational programming. The Seaside Learning Center project will provide a much improved, state-of-the-art mooring facility that will secure the Institute's educational vessels and expand science and maritime history programming.

Specifically, the new Seaside Learning Center will provide the equipment and space for expanded programming focused on ocean science, technology, and maritime history. For example, middle school students in "Sea Floor Science" programs will study robotic science, acoustic science, aspects of sonar, and engineering during their 18-hour overnight experience. A new *Underwater Technology Lab* right on the water will incorporate special software and equipment such as monitors, worktables, transformers, and squid lights in a secure lab space where students can explore uses of ocean technology.

Other planned aspects of the new teaching platform of the Seaside Learning Center include replicas of historic maritime equipment. A *windlass* lets students work in teams to raise anchors, *davits* hoist long boats, a *capstan* provides learning opportunities in applying force to other elements, and a *cargo boom* teaches principles of physics to move cargo and vessels. A new *boathouse* will provide expanded space for boat building, navigational and woodworking classes. A new *discovery pool* will house and quarantine small marine animals brought ashore from the *R/V Sea Explorer*, and enable students to monitor and observe local marine life.

The project consists of replacement and improvement of an existing dock facility, replacing the existing 10-foot by 145-foot long dock with a 300-foot long dock that is 27 feet wide. The total dock area will increase from 1,450 square feet to 5,500 square feet to allow space for the learning stations of the Seaside Learning Center and to facilitate docking of historic tallships. A new 20-foot by 100-foot platform and a 5-foot by 80-foot ramp will be built to establish wheelchair access. The project is expected to be completed in a single phase consisting of removal of the docks and piles, driving of new piles, and assembly and installation of the new dock platforms over a three month period. The additional \$1,000,000 of interim funding is needed to take advantage of harbor dredging that will occur in the Winter of 2008. Timing the project to coincide with this activity will save significant project dollars and will make the facility more immediately available to the community. The Ocean Institute anticipates obtaining sufficient funds from private donors and institutions within the coming months (as reflected in the PROJECT FINANCING section), but must secure the projected project costs to begin construction on time.

With the completion of the new Seaside Learning Center, programming is expected to expand to 30,000 additional participants each year including free and low-cost education opportunities to low-income, inner city and minority children not currently being served by the Ocean Institute. The general public also will participate in programs at the new Seaside Learning Center. With the expansion, additional historic vessels will be able to participate in the annual Tall Ships Festival that attracts 25,000 visitors each September.

The new facility will be ADA-compliant establishing access currently lacking, and interpretive signage will be installed throughout the Seaside Learning Center for students and the general public.

The Ocean Institute is a non-profit educational organization dedicated to extending the classroom experience through K-12 and public educational programs in marine science and maritime history. Since its founding in 1977, the Ocean Institute has grown steadily and now annually serves more than 100,000 K-college students in weekday educational programs and 50,000 public visitors on the weekends. The Ocean Institute engages students with 60 standards-based programs and a teaching philosophy that utilizes small-group learning with trained professional instructors and inquiry methodology. Programs also provide professional development for more than 1,500 teachers annually. Over 400 volunteers contribute 27,000 hours to the Ocean Institute each year.

Site Description: The Ocean Institute is located on 2.4 acres in the Dana Point Harbor, at the edge of the Pacific Ocean and adjacent to a designated Marine Life Refuge. The property is leased from Orange County. The site is ideal for ocean-based programs.

The Ocean Institute's Ocean Education Center campus opened in October of 2002. The campus includes an At-Sea Lab, an Ecology Lab, and a Surfscience Learning Lab supported with a collection of local marine life in over 60 tanks. It also includes a Coastal Ocean Observing Station, 16-foot Oceanography Test Tank, Digital Video Analysis Lab, Folino Center for Technology and Communications, and a Center for Cooperation in Research and Education. A Maritime Center and three floating classrooms: the 70' *R/V Sea Explorer*, the brig *Pilgrim* and the topsail schooner *Spirit of Dana Point*, complete the campus.

The new Seaside Learning Center will enhance the entire site's value and improve the facility as a resource for the County. The expansion and improvements will be completely compatible with the landscape and public pathway at the harbor's edge; it is from this promenade that thousands of people observe the daily educational programs aboard the docked research vessel and tallships.

Project History: The Ocean Institute was established as the Orange County Marine Institute by a Joint Powers Agreement (JPA) adopted on July 12, 1977. The JPA included the County of Orange, the Orange County Department of Education, Saddleback Community College District, Rancho Santiago Community College District, North Orange County Community College District and Coast Community College District. In September 1996, the Board of Directors transferred the assets and operating authority to a 501(c)(3), non-profit organization known as

Friends of the Marine Institute in Orange County. In November 1999, the Board voted to change the name of the organization to Ocean Institute.

In July 1999, the Ocean Institute signed a new 35-year lease with the County of Orange for 2.4 acres in Dana Point Harbor. On March 28, 2001, the Institute broke ground for a \$16.5 million Ocean Education Center with the capacity to educate 135,000 students each year. This facility has been open since mid-2002. In 2000, the Conservancy provided the Ocean Institute with a grant for \$450,000 to improve access between its education center and the Dana Point Marine Life Refuge.

The success of the Ocean Institute's programs along with expansion of facilities and increased visitors accelerated wear on an already aged dock and outdoor mooring platform. The Seaside Learning Center project addresses the need for replacement of these facilities and leverages the opportunity to expand and improve ocean-side learning and access.

PROJECT FINANCING:

Coastal Conservancy	\$ 1,000,000
Corporate Contributions (confirmed)	60,000
Private Contributions (confirmed)	330,000
Foundations Support (unconfirmed)	2,225,600
Private Contributions (unconfirmed)	400,000
Total Project Cost	\$4,015,600

Interim Funding

Coastal Conservancy Reimbursable Grant	\$1,000,000
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The anticipated source of Conservancy funds for the \$1,000,000 grant is the fiscal year 2003-2004 appropriation from the Water Security, Clean Drinking Water, Coastal Beach Protection Fund of 2002 (Proposition 50). Proposition 50 requires that a portion of the bond funds be used for the development of facilities to promote public access and participation in the conservation of land, water and wildlife. Eligible projects under Proposition 50 include nature centers, like the proposed project, that are in or adjacent to watersheds and wetlands and provide wildlife viewing, outdoor experiences, and conservation education programs (California Water Code Section 79571).

Section 79571 gives priority to nature center projects operated by nonprofit organizations that provide educational opportunities to children from urban areas that lack access to such programs. Consistent with these requirements, the Ocean Institute provides facilities for research and education focusing on coastal resource conservation. It also provides educational programs for students from kindergarten to college each year from throughout the Orange County area and beyond. A critical component of this project is to include students from inland and/or low-income school districts who otherwise might not have access to coastal natural areas and the associated educational programs conducted at the Ocean Institute. In 2005 and 2006 the Ocean Institute was able to provide tuition and transportation to fully subsidize more than 28,000 students.

The anticipated source of Conservancy funds for the additional \$1,000,000 reimbursable grant

is the fiscal year 2007-2008 appropriation from the "Safe Drinking Waters, Water Quality and Supply, Flood Control, River and Coastal Protection bond Act of 2006" (Proposition 84). These funds were appropriated to the Conservancy for expenditure pursuant to Division 21 of the Public Resources Code. (Pub. Res. Code § 75060). As discussed below, this project is consistent with that purpose.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This proposed project would be undertaken pursuant to Chapters 3 (regarding education projects) and 9 (regarding public access to the coast) of the Conservancy's enabling legislation.

Chapter 3 of Division 21 of the Public Resources Code enables the Conservancy to "undertake educational projects for pupils in kindergarten to grade 12, inclusive, relating to the preservation, protection, enhancement and maintenance of coastal resources," and to "award grants to nonprofit organizations, educational institutions, and public agencies for those purposes." Pub. Res. Code Section 31119(a)(1). The proposed project will create and improve space for the coastal resource educational exhibits and programs offered at the Ocean Institute.

Chapter 9 of Division 21 of the Public Resources Code authorizes the Conservancy' to implement a system of public accessways to and along the State's coastline (Section 31400). Through the proposed authorization, the Conservancy would provide an important public coastal access opportunity for the general public as well as grade school and high school students.

Consistent with Section 31400, the proposed project would provide funding to Ocean Institute complete a facility that provides coastal access and interpretation to school children and other visitors. Completion of the Seaside Learning Center will enhance the quality of public access at Dana Point Harbor and will increase the public's knowledge of important resource protection needs for the ocean and shore.

Consistent with Section 31400.3, the Ocean Institute and Seaside Learning Center will provide the public with an enhanced coastal accessway and related functions in order to appreciate the coastal resources of Orange County.

Consistent with Section 31400.1, the proposed project would help the Ocean Institute develop and operate the Seaside Learning Center, a visitor serving facility which meets greater than local needs. As described in the "Project Summary" above, the center will serve school children from throughout Orange County and attract visitors from throughout the State.

Consistent with Section 31400.2, staff recommends approval of this project after evaluating the amount of funding provided by the Conservancy in light of the total amount of available funds for coastal educational/interpretive centers, the fiscal resources of the grantee, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority (see "Consistency with Conservancy's Project Selection Criteria & Guidelines" discussion below). The proposed authorization would leverage \$3,015,600 in matching funds from public and private sources.

Consistent with Section 31118, the Conservancy may seek repayments of funds granted on terms and conditions as it deems appropriate to carry out the provisions of Division 21. Repayment of a

portion of the funds recommended for the construction of the Seaside Learning Center would ensure that funds remain available to achieve other purposes consistent with Division 21.

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

Consistent with **Goal 2 Objective D** of the Conservancy's Strategic Plan, the proposed project will increase coastal recreational opportunities for residents and visitors by enhancing the Ocean Institute and new Seaside Learning Center, a regional environmental education center.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** There is widespread public support for the Ocean Institute's Seaside Learning Center from the local community as well as from throughout the region. In addition to financial support, the Ocean Institute benefits from an active and large force of 400 volunteers who contribute 27,000 of labor to the center each year. The proposed Conservancy grant for the Seaside Learning Center has been specifically endorsed by State Senator Tom Harman, Senator Mark Wyland, Senator Dick Ackerman, Assemblywoman Mary Salas, Assemblywoman Mimi Walters, Assemblyman Chuck DeVore, Assemblyman Jim Silva, Assemblyman Michael Duvall, Assemblyman Van Tran, and Assemblyman Joel Anderson. The project further has the support of the County of Orange Dana Point Harbor Department, the City of Dana Point, the Orange County superintendent of schools, and the non-profit organization Friends of Harbors, Beaches and Parks. Letters of support are attached as Exhibit 4.
4. **Location:** The proposed project would be located within the coastal zone in Orange County and near urban centers that can provide educational and interpretive services to children who might not otherwise have the opportunity for the experiences the Institute offers..
5. **Need:** The Ocean Institute has already raised close to \$500,000 towards the \$4,015,600 needed for development of the new Seaside Learning Center. Funding from the Conservancy is essential to help close the remaining funding gap and allow the Ocean Institute to complete the construction of the center in the winter of 2007. The Ocean Institute has formed a funding committee comprised of corporate and civic leaders and led by the President and CEO of Toshiba America Business Solutions, Inc. to raise the funds needed to fill the funding gap. Without Conservancy participation, this project will not be completed.

6. **Greater-than-local interest:** As discussed in the “Project Financing” and “Consistency with Conservancy's Enabling Legislation” sections above, the Ocean Institute provides environmental educational programs for school children from throughout Orange County and beyond. The Seaside Learning Center will attract the general public as well. With the completion of the new center, the number of visitors served is expected to increase.

Additional Criteria

7. **Urgency:** The current dock is more than 20 years old and is at the end of its expected lifespan. The dock also is too short to accommodate the vessels of the Ocean Institute and was constructed without an ADA accessible ramp. Current accessibility, safety and capacity limitations are directly prohibiting access to and expansion of the resource education programs of the Ocean Institute. It also is critical to coordinate construction of the project with scheduled dredging of the harbor by the County of Orange for the winter of 2007-2008.
8. **Leverage:** As described in the “Project Financing” section above, Conservancy funds will be matched by \$3,015,600 of other funds. The Ocean Institute has raised more that \$500,000 in funds from private individuals and businesses and has formed a funding committee comprised of corporate and civic leaders and led by the President and CEO of Toshiba America Business Solutions, Inc. to raise the funds needed to fill the funding gap.
9. **Readiness:** The grantee is well underway with planning and design for the Seaside Learning Center project. They have obtained all necessary permits, and raised substantial matching funds necessary for the project. As soon as the final necessary funding is in place, the Ocean Institute will be able to begin construction of the Seaside Learning Center.
10. **Realization of prior Conservancy goals:** The Coastal Conservancy has been actively engaged in funding restoration and public access for the Ocean Institute and its grounds. The Coastal Conservancy granted \$110,000 in 1991 for construction of a new accessway to the brig *Pilgrim*, and in 2000 granted \$450,000 to create the Lands End Plant Preserve to enhance the entrance to the Dana Point Marine Life Refuge located at the Ocean Institute.
11. **Cooperation:** As discussed under “Support from the Public” in the “Required Criteria” above, fundraising for the proposed project has involved the participation of dozens of individuals and organizations. In addition to financial contributions, the Ocean Institute also collaborates with a number of other organizations to develop and run its educational programs and exhibits, including the Southern California Coastal Water Research Project, the National Oceanic and Atmospheric Association, Jet Propulsion Lab, UCLA Cultural Virtual Reality Lab, Scripps Institution of Oceanography, Woods Hole Oceanographic Institution, Monterey Bay Aquarium Research Institution, United States Geological Survey, MIT's Deep Archaeology Lab, and numerous other partners.
12. **Return to Conservancy:** \$1,000,000 would be repaid to the Conservancy consistent with the Conservancy's Long-Term Financial Strategy of making reimbursable grants when possible.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Dana Point Harbor Revitalization Plan, approved as an amendment to the City of Dana Point's Local Coastal Program, designates the area of the Ocean Institute as 3.6 acres of educational/institutional land use. The Seaside Learning Center project is consistent with that

designation. The proposed project will enhance access to coastal resources, increase handicap access to these resources, promote low intensity recreation, provide programming for low income groups, and enhance recreational opportunities in the coastal zone.

The Seaside Learning Center is consistent with the following goals and policies of the City of Dana Point's LCP: GOAL 5: Encourage development to meet visitor needs. Policy 5.3: Encourage a balanced mix of visitor serving uses to complement the marine environment and commercial activities. (Coastal Act §§ 30220, 30221, 30223, 30224, and 30234); and GOAL 9: Encourage the development of coastal dependent uses. Policy 9.1: Give priority to the coastal dependent uses on or near the shoreline over other developments and provide them within reasonable proximity to the coastal-dependent uses they support. (Coastal Act §30255).

COMPLIANCE WITH CEQA:

The County of Orange Dana Point Harbor Department adopted a Mitigated Negative Declaration and Mitigation Monitoring Program on April 5, 2006 for replacement of the dock and construction of the Seaside Learning Center at the Ocean Institute.

Conservancy staff has independently reviewed the County of Orange's Negative Declaration and the Mitigation Monitoring Program. The document identifies less than significant impacts with mitigation incorporated in the areas of water quality and noise. The possible effects and proposed mitigation to avoid, reduce, or minimize the possible the effects of the project to a level of insignificance are detailed in Exhibit 3 and summarized below:

Hydrology and Water Quality

Possible Effect: The Initial Study and Mitigated Negative Declaration found that small amounts of sediments within the construction area will possibly be disturbed during removal and construction. It also identified storm drain inlet protection and construction housekeeping practices to control and manage construction wastes and materials as necessary (Exhibit 3, pages 22 – 26).

These potential impacts will be addressed by the following mitigation measures:

- 1) During construction of the new dock facilities, a containment zone will be established with the approval of the Dana Point Harbor Director or Designee. Turbidity levels will be monitored to ensure that turbid waters remain within the containment area. If the thresholds for turbidity are exceeded the contractor will install a turbidity screen around the area to reduce impacts.
- 2) All construction debris will be removed in a timely manner to reduce impacts from construction by reducing the amount of waste that could potentially reach the ocean.
- 3) Covered waste receptacles will be used to eliminate lost debris.
- 4) The contractor will remove any debris that may reach the water by the end of each day.
- 5) There will be no maintenance of vessels in their slips that would result in the release of toxic materials into the water.
- 6) Vessel wash down will be conducted with biodegradable materials designed for the task.
- 7) Private pump-out facilities exist at the dock and will be used exclusively for Ocean Institute vessels. There will be no discharge from the vessels.

The above listed design and mitigation measures would reduce potential water quality impacts to a level that is less than significant (Mitigation Measures 5.a.i. through 5.a.vii.)

Noise

Possible Effect: The Initial Study and Mitigated Negative Declaration found that short term noise impacts would be associated with demolition and reconstruction of the dock and platform facilities. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area today but would no longer occur once construction is completed and there would be no lasting elevation of noise levels (Exhibit 3, page 29).

These potential impacts will be addressed by the following mitigation measures:

- 1) Prior to issuance of a grading permit the project applicant shall provide evidence that equipment and construction vehicles operating within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
- 2) All operations will comply with Orange County Codified Ordinance Division 6 (Noise Control).
- 3) The operators of the pile driving equipment shall use commonly available methods, such as sound curtains around the hammer and the pile, pile hammer pad or shoes and/or air bubble curtains, where possible and appropriate, to reduce impact noise.

The above listed mitigation measures would reduce potential noise impacts to a level that is less than significant (Mitigation Measures 8.a.i. through 8.a.iii.)

A Biological Resources Assessment was conducted by Merkel & Associates, Inc. to analyze the existing conditions and impacts of the proposed project on marine life. The study documented that the project site does not contain eel grass or other threatened or endangered species or habitats. The study concluded that the project as proposed would not be anticipated to result in significant adverse biological impacts.

Staff has independently reviewed the Mitigated Negative Declaration prepared and adopted by the County of Orange Dana Point Harbor Department and the public comment provided. Staff recommends that the Conservancy finds that the project, as mitigated, does not have the potential for an adverse environmental effect. Staff will file a Notice of Determination upon concurrence by the Board and approval of the project.