

Fish Advisories Posting Project

Questions and Answers

The official responses to these questions and others received at the Q&A webinar on August 9, 2022 and via email posted on the CCDEH website www.ccdeh.org

**Answers are subject to change as information becomes available or updated.
Posted September 19, 2022**

1. What are the Fish Advisories?
 - OEHHA provides two sets of guidelines for eating fish, one for each of the following populations:
 - Women 18-49 years and children 1-17 years
 - Women 50 years and older and men 18 years and older
 - Fish Advisory Fact Sheet (PDF) [English](#)
2. How do I find information concerning the OEHHA water bodies in my county?
 - <https://oehha.ca.gov/fish/advisories>
 - In the search field under "OEHHA Fish Advisories" use the dropdown list for your county and click APPLY. A list of water bodies is provided with links to specific fish advisories (GUIDANCE POSTERS) for each water body.
3. How do you use the CalEnviroScreen to calculate the enviroscreen score for a waterbody? **Answer:** Those that have a higher score would be prioritized over lower scored. Do your best to estimate your score on your application.
 - <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>
4. Do we have an established vendor for signs?
 - Or should jurisdictions contact local vendors **Answer:** It is best for you to go local and we can share resources.
5. Are there established contacts for OEHHA, CDPH, Department of Fish & Wildlife, and the appropriate Regional Water Quality Control Board to make aware of our interest in participating in this project for my jurisdiction? **Answer:** Contact OEHHA at fish.advisory@oehha.ca.gov. For the rest they should contact the agency to determine contact person (not sure if they would want to ask for SWAMP staff at the Regional Water Quality Control Boards?)
6. Can we use funding to purchase replacement signs (to keep on hand for when the first set of signs vanish or are damaged)? **Answer:** If the sign is unreadable or outdated in respect to OEHHA health posting information, then this grant would cover the cost of the new sign.
7. Do you have recommendations for working with the Coastal Commission?
8. How does OEHHA advise us on vandalism and removal of signs? **Answer:** If the sign is unreadable or outdated in respect to OEHHA health posting information,

then this grant would cover the cost of the new sign. If vandalism occurs for signs funded by this grant, AB 762 states, "The local health officer shall be responsible for maintaining the signage until the office rescinds or revises the relevant site-specific fish or shellfish health advisory."

9. How often are these advisories expected to change? Are durable signs a benefit, or a liability? **Answer:** Advisories will be updated approximately every 10 years or if there is a current update.
10. Will the grant pay for signage language translation cost? **Answer:** OEHHA has about 8-10 languages already translated. Look on the OEHHA.ca.gov website for the water bodies in your area. <https://oehha.ca.gov/fish/translations> The Grant may be able to pay for translation costs if not already translated by OEHHA and the need is justified.
11. Who is the contact for OEHHA if we have questions? **Answer:** you can contact OEHHA at fish.advisory@oehha.ca.gov and any one of us will answer your question.
12. Is the scope of work limited to signage at "site-specific fish or shellfish health advisory pursuant to Section 59011", in my case Humboldt Bay, or can/does it include posting signage at ocean-access points to also address the state-wide coastal advisory signage? (reference: <https://oehha.ca.gov/advisories/statewide-advisory-eating-fish-california-coastal-locations-without-site-specific-advice>)
Answer: Yes, that we can fund those sites coastal sites. My understanding is that the site-specific advisories on at this link in the "OEHHA Fish Advisories" section: [Fish Advisories | OEHHA \(ca.gov\)](https://oehha.ca.gov/fish/advisories): (c) "Site-specific fish or shellfish health advisory" means a consumption advisory regarding fish or shellfish in a specified body of water or area of that body of water, which may include a specified area.
13. Is this an annual grant? **Answer:** This is a \$480,000 grant for signs and ends early Feb 2024. This is not an annual grant. The funds are for local jurisdictions directly as a reimbursement for the cost of the signs.
14. **Listserv:** sign up for OEHHA fish advisory list serv for email notifications when new or updated advisories are issued: <https://oehha.ca.gov/about/listserv>
15. Can we purchase signs for posting and then a couple for replacing later? **Answer:** No, the signs to be funded under the grant need to be posted as part of the grant implementation. The applicant in order to get reimbursed will need to submit pictures of installed signs and CCDEH or State Board staff may be visiting sites to verify requested vs installed signs.
16. Many jurisdictions will need pre-approval to encumber county/city funding prior to receiving the grant. Can CCDEH or SWRCB provide an estimate of the dollar amount that we may potentially receive from the grant? **Answer:** No, neither CCDEH nor SWRCB has estimates on the likely cost of each sign at this stage. We recommend that the applicants get some approximate costs from other departments within their jurisdiction. This is a reimbursement grant.
17. What size does the sign have to be? **Answer:** The grant application does not stipulate an exact size, but it should be visible and readable as with any notice

provided to the public. 18x24 inches is a recommended minimum size. 24x30 worked well for Sonoma County.

18. We understand that our application will be scored and ranked according to the Prioritization Criteria. The total scores our application earns will determine the grant amount we will receive or is this a competitive Grant? **Answer:** Yes, the grants will be awarded to the highest scored applications based on the ranking criteria shared.
19. North Fork of the Feather River has 7 fish listed. Would those be 7 different signs, or all on one sign? **Answer:** One sign can list all seven fish listed by OEHHA. OEHHA provides the information/text of what should be on the sign.
20. **Question:** Can these funds be used for flyers and/or handouts, rather than signs? **Answer:** No, the funding is only available for signage, not flyers or handouts.
21. How is this mandate applied to waters that are currently under DWR's oversight? Is the local jurisdiction still required to post the advisories or does the state do that? Example: Lake Oroville and Thermolito Forebay/Afterbay. **Answer:** AB 762 requires Local Health Officers to post warnings upon issuance of health advisories, and defines Local Health Officer as the legally appointed health officer or director of environmental health of the city, county, or city and county, having jurisdiction over the area in which a publicly accessible body of water is located, which may include a coastal area. Whether or not the signage requirement applies depends on whether the body of water is located in an area over which the county has jurisdiction. The signage requirements do not apply to tribes or the federal government.
22. Does the obligation to post under AB762 apply to any waterbody with OEHHA Advisory, even if under tribal control/ownership or tribal control/ownership? Does it apply to federally-controlled water bodies like those managed by BLM? What about joint ownership with other states? **Answer:** AB 762 requires Local Health Officers to post warnings upon issuance of health advisories, and defines Local Health Officer as the legally appointed health officer or director of environmental health of the city, county, or city and county, having jurisdiction over the area in which a publicly accessible body of water is located, which may include a coastal area. Whether or not the signage requirement applies depends on whether the body of water is located in an area over which the county has jurisdiction. The signage requirements do not apply to tribes or the federal government. The obligation is not on the other state, but a California jurisdiction may use these funds for their area of responsibility if in joint ownership or management.
23. Regarding Attachment B in the application form, Prioritization Criteria for Estimated Usage (# of fishers): Are there actual numbers of fishers that are considered "very high", "high", "medium", and "low"? **Answer:** We haven't seen any clarification on how the Waterboards will evaluate responses this this question. Applicants should do their best to answer the question about usage.

24. Is there is a definition for 'subsistence fishing'. Is it specific to native American tribal fishing rights, or does it cover anyone who relies on fishing to feed themselves/family?

Answer: In terms of subsistence fishing as mentioned in AB762, please reference AB762, including but not limited to the following which appears to call out public access points and does not mention fishing on tribal lands: "a) Upon issuance by the office of a site-specific fish or shellfish health advisory pursuant to Section 59011 of this code or Section 13177.5 of the Water Code, a local health officer shall conspicuously post health warnings at public access points to locations where contaminated fish or shellfish may be caught, including piers, jetties, lakes, reservoirs, and other areas where recreational or subsistence fishing is known to occur, consistent with any program guidelines adopted by the State Water Resources Control Board pursuant to paragraph (2) of subdivision (e). The local health officer shall coordinate with the office, the State Department of Public Health, the Department of Fish and Wildlife, and the appropriate regional water quality control board to identify appropriate posting locations and signage. The local health officer shall be responsible for maintaining the signage until the office rescinds or revises the relevant site-specific fish or shellfish health advisory."

Also, refer to items 21 and 22 on the Q&A list that mention AB762 requirements and tribes.

25. Our county has more than one body of water. Do we complete an application for each body or can we submit additional attachments on one application? **Answer:** One application per agency is sufficient.

26. A follow-up question in the funding prioritization data. One question is "Travel Time to another water body with an advisory". For example: Humboldt Bay. Do I include the Pacific Ocean as a water body with an advisory given the state-wide coastal advisory, or is this specific to other water bodies with site-specific advisories? **Answer:** Include the Pacific Ocean/Humboldt Bay.

27. Is there opportunity for submit the application for initial review/comment before final submittal? **Answer:** There will be no initial reviews. Applications are due 9/30/2022.

28. Regarding Fish Advisory Signage for Elkhorn Slough. This signage is only for Marine Conservation Area and not the greater watershed. Moss landing Wildlife area of Elkhorn Slough is part of Marine Conservation Area and will require signs posted. Kirby Park area of Elkhorn Slough is a Marine Protected Area but we wanted to clarify if Marine Protected Area and Marine Conservation Area are same and if Kirby Park area will need to put Fish Advisory Signage at this time? **Answer:** [The Elkhorn Slough Fish Advisory applies to the Elkhorn Slough State Marine Conservation Area \(SMCA\)](#), and not the greater watershed region.

No fishing is allowed in State Marine Reserve (SMR) portion of Elkhorn Slough, which includes Kirby Park.

Fishing by hook and line is allowed in the State marine conservation area (SMCA) of Elkhorn Slough.

See the [State Parks](#) website for more information on regulations for SMR and SMCA at Elkhorn Slough. Additionally, maps delineating these protected areas can be found on the [DFW website for the Central Coast](#).

29. How do we quantify question 6 of the application (HOW MANY WATERBODIES ARE YOU APPLYING FOR?) if we are applying for coastal or bay locations? Are the individual coastal/bay locations considered their own "bodies" of water, or are they considered one body of water since they are all part of the Pacific Ocean/San Francisco Bay?

Answer: For purposes of the grant application, please answer this in terms of how many individual coastal/bay locations you are applying for signage for—this will be tied to where the fish advisories are posted. So for example if you had two coastal locations, each with different OEHHA fish advisories (as posted on the OEHHA fish advisories site), then you could indicate in the application you are applying for two waterbodies. However, if there are multiple locations with the same OEHHA advisory signage, then you it may be more appropriate to indicate you are applying for just one waterbody.

30. How do we estimate the size of a coastal/bay location body of water for the table portion of the grant?

Answer: Please provide some information about the site—this might be the approximate length of coastline where fishing occurs for the area and potentially also giving an indication of number and/or size of piers.

31. Is there a cap on the Admin costs for this grant application? **Answer:** No cap in the statute, but administrative costs need to be reasonable.

32. Can you clarify whether grant funds may be used for grant administration, staff time in posting/implementing signage, etc.? Or are grant funds to be strictly used in the reimbursement of purchasing signs? Do you have more guidelines on what activities would be reimbursable? **Answer:** Admin and other activities in direct support of posting the signs are eligible. There are no additional guidelines. Please see other Q&As.

33. We have an existing signage provided by US EPA under the Montrose Settlement Restoration Program. It lists the fish species in the Do Not Eat category, inclusive of all age groups and population, applicable to our area. Would this meet the minimum signage requirements? **Answer:** No, the EPA signage is not adequate. This program is intended to post the advisories developed by OEHHA. These advisories include information on consumption limits of many different fish in different water bodies, not just the EPA "no not eat" category. If there are additional fish listed for any of the water bodies in your jurisdiction, your Health Officer is obligated to post the relevant signage prepared by OEHHA.

34. If a waterbody is under joint ownership/jurisdiction (including local agency ownership/jurisdiction as one party), can we fund the health warning postings at that waterbody? So, for examples, when a waterbody is under joint ownership/jurisdiction with a state agency and a local agency, or when a waterbody is under joint ownership/jurisdiction with a tribe and a local agency.

Answer: Yes, if the local agency has joint jurisdiction over an area, the health warning postings at that waterbody could be eligible under the agreement, based on the definition of local health officer.”