

Appendix C. Implementation of the Marine Life Protection Act: 1999-2004

In April 2001 a general informational two-page letter was mailed to approximately 7,000 constituents. The letter provided information about the MLPA process and asked for initial recommendations about the effectiveness of existing MPAs, possible modifications of existing MPAs, and possible additional MPAs. About half of the letters were sent to commercial fishers, for which the Department of Fish and Game (Department) maintains a comprehensive mailing list. However, at the time Department did not have an adequate mailing list for recreational anglers and other members of the public, and many constituents did not become aware of the MLPA process, in particular the July 2001 public workshops, until during or after July.

In April 2001 supplementary letters were included with the informational letters and sent to commercial fishers as well as those recreational fishing constituents in our data base at the time. This included all commercial passenger fishing vessel (CPFV) landings and the primary recreational diving and angling organizations (including CenCal Divers and United Anglers representatives). These letters contained Department fishing block maps (numbered 10 x 10 square mile areas partially or entirely within state waters) and requested informational on areas of primary use, with the intention of using this information to help reduce potential socioeconomic impacts from recommended MPAs.

Approximately 215 responses were received during the next several months. These were of limited value to the Master Plan Team; many of the Department block maps indicated all blocks were important within a region.

Initial Draft Concepts, which identified areas the Master Plan Team thought worthy of consideration as MPAs, were developed during January to July 2001 by the Master Plan Team. They were primarily based on the recommendations of the Master Plan Team scientists. Although fishery data were considered, there was little input from constituent user groups nor was there any initial socioeconomic analysis. The team realized that the proposals would generate controversy but it was felt that the Initial Draft Concepts would serve as a starting point from which to consider public input on potential negative impacts to users. The team stated at all public workshops in July 2001 that these proposals would be revised based on public input.

Each of the four initial draft concepts was made available on Department's MLPA website, and at Department Marine Region offices, during June-July 2001, approximately two weeks before the scheduled workshops for a particular region.

The draft concepts for the four regions differed because each region is characterized by differences in environmental conditions, the status of marine populations and ecosystems, the levels of historical and on-going extraction and human use; and the extent of existing MPAs. No predetermined percentage of state waters was designated for any form of protection in any of the regions.

To meet the MLPA goals, the MLPA Master Plan Team employed the following criteria in developing the draft concepts for regional networks of MPAs for California. Design elements included MPA location, shape, size, number, association with existing MPAs and other area-

based regulations. The criteria are organized into three categories: 1) habitat; 2) size and spacing; and 3) practicality.

As stated previously, the team presented the initial draft concepts to the public at ten workshops throughout the state. An informational two-page notice was mailed to the same list of approximately 7,000 constituents in mid-June, provided to the press, and made available at Marine Region offices and on the MLPA website. In all, approximately 2,500 people attended the workshops.

The informal phase of public comment for the MLPA process was an extensive one and began with the mass mailing of the previously mentioned informational letter in mid-April 2001. From then until mid-June 2001, when the first initial draft concept (North Central Region) became available to the public, approximately 340 comments were received, primarily via letter and email. Of these approximately 215 were related to the supplementary informational letters and contained the Department block maps. Understandably, most comments were of a general nature but varied substantially in content.

Between mid-June and mid-November approximately 2,915 additional comments were received, including the following subsets: 400 individual letters, 235 form letters, 235 emails, 1,215 form emails, 420 form faxes, and 370 form postcards. It would serve no purpose to quantify these comments as for or against MPAs in general, or with the many subtle variations of compromises in between.

All comments were distributed to appropriate team members for their consideration. If comments applied only to a specific region they were sent only to the regional Master Plan Team members and to the three state agency members on the team. Although most comments were received and distributed, in general individuals did not receive acknowledgment or response. Exceptions included letters sent to the Governor or the Director of Fish and Game and subsequently forwarded to the South Central region coordinator for response.

After the July public workshops it became apparent to the team that additional venues were necessary for public input into the MLPA process. From late August to December 2001, team members within each region conducted small group meetings with constituent representatives to discuss concerns with the process and with the Initial Draft Concepts. Constituent groups were contacted based on input from Department, team members, and the constituents themselves, who often requested a meeting. An attempt was made to reach every major constituent group within each region. More than 60 individual small group meetings were held in areas throughout the state.

Regional coordinators were responsible for providing a summary of each meeting to all team members. These summaries were eventually placed on the MLPA website for public review. Many useful suggestions were made, including alternative sites and modification of existing sites, either in proposed boundaries and/or regulations. Areas were identified that would create a significant negative socioeconomic impact on users if designated as MPAs.

In October 2001, AB1673 extended by one year the deadline by which Department must present a proposed final master plan to the Fish and Game Commission. The deadline became April 1, 2003 with a final adoption date of July 1, 2003.

Then Department of Fish and Game Director Robert Hight formally announced a change in direction for the MLPA process at a legislative hearing in January 2002. The process included the formation of seven regional working groups, two in southern California, two in south-central California, one in north-central California, and two in northern California. In addition to stakeholder representatives, each group had a DFG representative, one or more Master Plan Team scientists, DFG geographic information systems (GIS) support, and a professional facilitator. The groups were intended to work towards a set of marine protected area proposals for their region. Additionally, four more DFG staff were redirected to assist with the regional working group process.

Between February and April 2002, Department MLPA staff solicited nominations for the seven working groups. In April 2002 Director Hight formally appointed approximately 150 working group members in seven regions to the MLPA process. At the same time, Department developed a web site dedicated to the MLPA process. In June 2002 Department completed an initial evaluation of existing state MPAs. These evaluations were provided to all MLPA working group members as background material for their deliberations.

A series of three initial working group meetings occurred in July of 2002, each with a professional facilitator, to begin the revised MLPA process. These initial meetings served as an orientation to the new process. Each of the seven groups then met separately two times between September 2002 and January 2003.

In September 2002, AB892 further extended the deadline by which Department must present a proposed final master plan to the Fish and Game Commission. The deadline then became January 1, 2005 with a final adoption date of December 2005.

In February 2003 a socio-economic workshop was held in Santa Cruz to begin discussions of how to incorporate socio-economic data into the MLPA process.

Between March 2003 and January 2004 the working group process was placed on an informal hold, as Department tried to secure funding adequate to support the process through completion. In January 2004 this pause became permanent and discussions of alternative processes began.

Past Funding of MLPA Activities

Funding Directly Related to the MLPA

- *June 2000:* The David and Lucile Packard Foundation provided a grant of \$49,460 to the National Fish and Wildlife Foundation for implementation of the MLPA, mostly travel and per diem costs for scientists attending meetings of the Master Plan Team. This funding was matched by Coastal Impact Assessment Program (CIAP) funds described more fully below. The combined funds supported a graduate student assistant to the

Master Plan Team, development and maintenance of a web page for public information, and public meetings.

- *2000*: The California State Legislature appropriated and the Governor approved \$2 million for implementation of the Marine Life Management Act and the MLPA. Most of this funding was expended on implementing the MLMA, although some funding provided staff support to the Master Plan Team.
- *2001-2002*: The Resources Agency provided \$372,000 in federal CIAP funds to the Department of Fish and Game for MLPA implementation. This funding was directed to support of the public process and for GIS support. It is expected that the GIS support funds will be used in the 2005-2006 fiscal year.
- *2003*: The Resources Agency provided \$379,000 in federal CIAP funds for biological and socioeconomic research managed by California Sea Grant in support of implementation of the MLPA. It is expected that funds will be dispersed to specific projects early in 2005.
- *2003*: The California State Legislature appropriated and the Governor approved \$800,000 for fiscal year 2004 implementation of the MLPA. These funds, however, were not sufficient to fully fund the process without significant match from outside sources. Additionally, the funds would have required an equal reduction in funding from other important programs. The final 2003 budget did not include this funding.
- *2004*: The California State Legislature appropriated and the Governor approved \$500,000 for MLPA implementation in fiscal year 2005 and a continuing annual appropriation for following years. Private foundations assembled \$7.5 million in funding through 2006.

Related Funding

Since 1997, the Department of Fish and Game and several programs in the National Oceanic and Atmospheric Administration have provided nearly \$2 million in funding for strategic habitat mapping in certain areas along the coast. Department has provided ongoing staff support through general funds and Federal Sport Fish Restoration Act grant funding of staff positions to the MLPA process. Department and several partner groups have provided support for ongoing research and monitoring in existing MPAs to help provide the scientific knowledge necessary for the MLPA.