

California Marine Life Protection Act Initiative
Motions Adopted by the MLPA Blue Ribbon Task Force on
October 26, 2010 Regarding Recommendations for the
MLPA North Coast Study Region
November 16, 2010

At its meeting on October 25-26, 2010, the Marine Life Protection Act (MLPA) Blue Ribbon Task Force (BRTF) adopted seven motions with recommendations related to marine protected areas (MPAs) and special closures in the MLPA North Coast Study Region. The BRTF recommendations are specific to the work of the California Fish and Game Commission, California Department of Fish and Game, and California Department of Parks and Recreation, or more generally to the State of California. This document contains the adopted motions as approved by the BRTF. An attachment to this document summarizes the actions resulting from the motions adopted by the BRTF, including which proposed MPAs or special closures are affected, the source of their design, and any modifications to the design (see Attachment A).

1. Motion to Forward the Revised MLPA North Coast Regional Stakeholder Group (NCRSG) MPA Proposal and Special Closures Recommendation for the MLPA North Coast Study Region to the California Fish and Game Commission (motion made by Cathy Reheis-Boyd, seconded by Greg Schem, passed unanimously)

The MLPA Blue Ribbon Task Force recommends that the Revised Round 3 NCRSG MPA Proposal be forwarded to the California Fish and Game Commission in its entirety, in recognition of all of the fine work that the NCRSG has done. The motion includes the NCRSG's Skip Wollenberg recommendation (to re-name the proposed Ten Mile MPAs), Round 3 NCRSG Special Closures Recommendation (with seven special closures recommended), alternative recommendations for Green Rock and Flatiron Rock, and the NCRSG motion regarding tribal uses.

2. Motion to Recommend Incorporation of Tribal Uses in Marine Protected Areas of the MLPA North Coast Study Region (motion made by Roberta Cordero, seconded by Meg Caldwell, passed unanimously)

The BRTF appreciates the extraordinary efforts of the NCRSG to develop feasible methods for ensuring inclusion of tribal traditional, non-commercial uses in the design and location of MPAs. The NCRSG worked diligently to carry out the guidance of the BRTF. Further work is needed to accomplish the goal of ensuring continuation of tribal uses. Accordingly, the BRTF adopts the following recommendations:

1. When the legal authority to do so is clarified and settled by the State of California and California tribes and tribal communities, the BRTF recommends that the California Fish and Game Commission identify "tribal uses" as a separate category of use in the regulations applicable to each MPA. And, for each state marine conservation area (SMCA), state marine park (SMP) and state marine recreational management area (SMRMA) for which the NCRSG has proposed to allow tribal uses, the California Fish and Game Commission should include the following descriptive language in the regulations: "Members of California Indian tribes and tribal communities shall be allowed to fish, gather and harvest marine resources for

traditional, non-commercial subsistence, ceremonial, religious or stewardship purposes.”

2. In recognition of the status quo, there is a mutual reservation of rights by the State of California and California tribes and tribal communities.
3. When the legal authority to do so is clarified and settled by the State of California and California tribes and tribal communities, an approximately 1,000-foot wide nearshore ribbon SMCA for tribal uses should be created adjacent to all proposed state marine reserves that extend from the shoreline in the north coast study region (South Cape Mendocino SMR, Sea Lion Gulch SMR, Skip Wollenberg/Ten Mile SMR and Point Cabrillo SMR) and to the Vizcaino SMCA. Shore-based, extractive uses within these nearshore ribbon SMCAs should be limited to traditional, non-commercial tribal uses.
4. The California Department of Fish and Game should consult and work with the tribes and tribal communities to resolve any outstanding issues with regard to the continuation of tribal traditional, non-commercial uses, including exploration of opportunities for co-management agreements under MLPA.

3. Motion to Recommend Co-Management of MPAs with Sister Agencies (motion made by Meg Caldwell, seconded by Greg Schem, passed unanimously)

The BRTF recommends that the California Fish and Game Commission work with tribes and tribal communities and encourage sister agencies to work with the commission and tribes and tribal communities to develop co-management of MPAs where appropriate. “Sister” agencies are broadly construed to include agencies at different levels of jurisdiction, including local agencies, tribes and tribal communities.

4. Motion Regarding an Enhanced Compliance Alternative MPA Proposal (motion made by Greg Schem, seconded by Bill Anderson, passed with six in favor and two abstentions)

The BRTF recommends that the North Coast Enhanced Compliance Alternative MPA Proposal be forward to the California Fish and Game Commission that consists of the Revised Round 3 NCRSG MPA Proposal, modified to include:

- with the exception of the Reading Rock and Ten Mile clusters, creating “nearshore ribbon” SMCAs with a shoreward boundary from the mean high tide line to approximately 1000 feet offshore only in SMCAs with proposed uses at all levels of protection intended to accommodate tribes and tribal communities (Pyramid Point, Samoa, Big Flat, and Vizcaino SMCAs); and
- for the remaining offshore SMCAs at Pyramid Point, Samoa, Big Flat, and Vizcaino, retaining only species/gear types that have a moderate-high or high level of protection and removing any shore-based activity; and

- for Reading Rock SMCA, retaining only species/gear types that have a moderate-high or high level of protection; and
- for Ten Mile SMCA, retaining all proposed uses at all levels of protection, including those intended to accommodate tribes and tribal communities, and
- for estuarine MPAs and SMRMAs with proposed uses intended to accommodate tribes (South Humboldt Bay SMRMA, Big River Estuary SMP, and Navarro River Estuary SMRMA), retaining only species/gear types that have a moderate-high or high level of protection for those uses intended to accommodate tribes and tribal communities; and
- an accompanying statement that proposed recreational uses intended to accommodate traditional tribal uses be restricted to only tribes and tribal communities when administrative or legislative action is taken that allows only tribes and tribal communities to engage in traditional tribal uses within MPAs and SMRMAs, and
- adding pelagic finfish (recreational spearfishing) to all SMCAs.

5. Motion to Recommend Adding Eulachon and Pacific Lamprey to Estuaries (motion made by Roberta Cordero, seconded by Cathy Reheis-Boyd, passed unanimously)

The BRTF recommends that eulachon (DIP NET) and Pacific lamprey (SPEARFISHING, HOOK AND LINE, BOW AND ARROW, and HAND) be added to all estuaries with proposed uses intended to accommodate tribes and tribal communities (South Humboldt Bay SMRMA, Big River Estuary SMP, and Navarro River Estuary SMRMA),.

6. Motion to Recommend Retaining Three Existing MPAs: MacKerricher, Russian Gulch and Van Damme SMCAs (motion made by Virginia Strom-Martin, seconded by Bill Anderson, passed unanimously)

The BRTF recommends that three existing MPAs that are offshore lands managed by the California Department of Parks and Recreation (MacKerricher SMCA, Russian Gulch SMCA and Van Damme SMCA) be retained with existing take regulations (both commercial and recreational) and with the addition of proposed allowed uses intended to accommodate tribes and tribal communities. Furthermore, the BRTF recommends that the California Department of Parks and Recreation and the California Department of Fish and Game work together to address feasibility concerns with the boundaries of each site.

7. Motion to Recommend Changing Classifications for Ten Mile Estuary and Navarro River Estuary State Marine Recreational Management Areas (motion made by Meg Caldwell, seconded by Greg Schem, passed unanimously)

The BRTF recommends that, if designated, the classification of Ten Mile Estuary State Marine Recreational Management Area be changed to a state marine reserve and the

Navarro River Estuary State Marine Recreational Management Area be changed to a state marine conservation area, as intended by the NCRSG.

ATTACHMENT A

California Marine Life Protection Act Initiative

Summary of Actions Resulting from Motions Adopted by the MLPA Blue Ribbon Task Force for the MLPA North Coast Study Region *November 16, 2010*

At its October 25-26, 2010 meeting, the Marine Life Protection Act (MLPA) Blue Ribbon Task Force (BRTF) adopted seven motions with recommendations related to marine protected areas (MPAs) and special closures in the MLPA North Coast Study Region. The BRTF recommendations are specific to the work of the California Fish and Game Commission, California Department of Fish and Game, and California Department of Parks and Recreation, or more generally to the State of California (see the adopted BRTF motions document). This document summarizes the actions resulting from the motions adopted by the BRTF, including which proposed MPAs or special closures are affected, the source of their design, and any modifications to the design.

BRTF Motion 1: Forward the Revised Round 3 MLPA North Coast Regional Stakeholder Group (NCRSG) MPA Proposal and Special Closures Recommendation for the MLPA North Coast Study Region to the California Fish and Game Commission

This motion forwards the Round 3 NCRSG MPA Proposal in its entirety, but with two modifications:

- Per the NCRSG's recommendation, three MPA names (Ten Mile State Marine Reserve, Ten Mile Beach State Marine Conservation Area, and Ten Mile Estuary State Marine Recreational Management Area) were modified to include, "Skip Wollenberg/...."
- The proposed allowed uses intended to accommodate tribal uses were updated based on a staff review to ensure that legally appropriate species and gear types were included; the findings from this review were presented at the October BRTF meeting (<http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=42651>).

The Round 3 NCRSG Special Closures Recommendation, the NCRSG's tribal uses recommendation, and the Green Rock and Flatiron Rock recommendation will accompany the Revised Round 3 NCRSG MPA Proposal. See Tables 1 and 2 for more details.

Table 1. Individual MPAs and MPA clusters included in the Revised Round 3 NCRSG MPA Proposal for BRTF Motion 1

MPA or MPA Cluster Name^{1,2}	Source of Boundaries and Proposed Allowed Uses	Modifications
Pyramid Point SMCA	Round 3 NCRSG MPA Proposal	Modified recreational uses intended to accommodate tribal uses
Point St. George Reef Offshore SMCA	Round 3 NCRSG MPA Proposal	None

¹ SMCA = state marine conservation area, SMP = state marine park, SMR = state marine reserve, SMRMA = state marine recreational management area

² Note this proposal includes state marine recreational management areas (SMRMAs), which are not MPAs but rather marine managed areas.

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MPA or MPA Cluster Name^{1,2}	Source of Boundaries and Proposed Allowed Uses	Modifications
Reading Rock SMR/SMCA cluster	Round 3 NCRSG MPA Proposal	SMR: No change SMCA: Modified recreational uses intended to accommodate tribal uses
Samoa SMCA	Round 3 NCRSG MPA Proposal	Modified recreational uses intended to accommodate tribal uses
South Humboldt Bay SMRMA	Round 3 NCRSG MPA Proposal	Modified recreational uses intended to accommodate tribal uses
South Cape Mendocino SMR	Round 3 NCRSG MPA Proposal	None
Mattole Canyon SMR	Round 3 NCRSG MPA Proposal	None
Sea Lion Gulch SMR	Round 3 NCRSG MPA Proposal	None
Big Flat SMCA	Round 3 NCRSG MPA Proposal	Modified recreational uses intended to accommodate tribal uses
Vizcaino SMCA	Round 3 NCRSG MPA Proposal	Modified recreational uses intended to accommodate tribal uses
Ten Mile SMR/SMCA cluster	Round 3 NCRSG MPA Proposal	SMR: Modified name to, "Skip Wollenberg/ Ten Mile SMR" SMCA: Modified name to "Skip Wollenberg/ Ten Mile Beach SMCA" and modified recreational uses intended to accommodate tribal uses
Ten Mile Estuary SMRMA	Round 3 NCRSG MPA Proposal	Modified name to "Skip Wollenberg/ Ten Mile Estuary SMRMA"
Point Cabrillo SMR	Round 3 NCRSG MPA Proposal	None
Big River Estuary SMP	Round 3 NCRSG MPA Proposal	Modified recreational uses intended to accommodate tribal uses
Navarro River Estuary SMRMA	Round 3 NCRSG MPA Proposal	Modified recreational uses intended to accommodate tribal uses

Table 2. Special Closures included in the Round 3 NCRSG Special Closure Recommendation for BRTF Motion 1

Special Closure Name	Source of Boundaries and Closure Times	Modifications
Southwest Seal Rock Special Closure	Round 3 NCRSG Special Closures Recommendation	None
Castle Rock Special Closure	Round 3 NCRSG Special Closures Recommendation	None
False Klamath Rock Seasonal Special Closure	Round 3 NCRSG Special Closures Recommendation	None

Special Closure Name	Source of Boundaries and Closure Times	Modifications
Sugarloaf Island Special Closure	Round 3 NCRSG Special Closures Recommendation	None
Steamboat Rock Seasonal Special Closure	Round 3 NCRSG Special Closures Recommendation	None
Rockport Rocks Seasonal Special Closure	Round 3 NCRSG Special Closures Recommendation	None
Vizcaino Rock Seasonal Special Closure	Round 3 NCRSG Special Closures Recommendation	None

BRTF Motion 2: Recommend Incorporation of Tribal Uses in MPAs of the MLPA North Coast Study Region

This motion recommends that tribal traditional, non-commercial uses be accommodated in proposed state marine parks (SMPs), state marine conservation areas (SMCAs) and state marine recreational management areas (SMRMAs) when the legal authority to do so is clarified and settled by the State of California and California tribes and tribal communities. The motion also recommends modifying the proposed South Cape Mendocino State Marine Reserve (SMR), the Sea Lion Gulch SMR, Ten Mile SMR, Point Cabrillo SMR and Vizcaino SMCA to include a nearshore ribbon SMCA of approximately 1000 feet with only traditional, non-commercial tribal shore-based activities allowed within the SMCA ribbon.

BRTF Motion 3: Recommend Co-Management of MPAs with Sister Agencies

This motion recommends that the California Fish and Game Commission work with tribes and tribal communities and encourage sister agencies to work with the commission and tribes and tribal communities to develop co-management of MPAs where appropriate.

BRTF Motion 4: Motion Regarding the North Coast Enhanced Compliance Alternative MPA Proposal

This motion describes the North Coast Enhanced Compliance Alternative MPA Proposal (ECA). The ECA builds off the Revised Round 3 NCRSG MPA Proposal with modifications to improve compliance with science guidelines and California Department of Fish and Game feasibility criteria. The modifications involve replacing some SMCAs from the NCRSG proposal with MPA clusters that include a nearshore ribbon SMCA to accommodate tribal uses and an offshore SMCA with more limited take regulations in an effort to raise the level of protection; this approach is consistent with previous BRTF guidance to the NCRSG. In addition, Motion 4 includes a recommendation to restrict proposed recreational uses intended to accommodate traditional tribal uses to only tribes and tribal communities when administrative or legislative action is taken that allows only tribes and tribal communities to engage in traditional tribal uses within MPAs and SMRMAs. See Table 3 for more details.

Table 3. Individual MPAs and MPA clusters included in the North Coast Enhanced Compliance Alternative MPA Proposal described in BRTF Motion 4.

MPA or MPA Cluster Name^{3,4}	Source of Boundaries & Proposed Allowed Uses	Boundary Modifications	Proposed Allowed Uses Modifications⁵
Pyramid Point Nearshore/ Offshore SMCA cluster	Revised Round 3 NCRSG MPA Proposal: Pyramid Point SMCA	Modify MPA to create MPA cluster that includes a nearshore ribbon SMCA of approximately 1000 feet and an offshore SMCA	Nearshore ribbon SMCA: Include all proposed allowed uses at all levels of protection, including those intended to accommodate tribal uses, and add recreational take of pelagic finfish by spearfishing. Offshore SMCA: Retain only proposed allowed uses with moderate-high or high levels of protection and add recreational take of pelagic finfish by spearfishing; any proposed allowed uses with moderate, moderate-low or low levels of protection removed.
Point St. George Reef Offshore SMCA	Revised Round 3 NCRSG MPA Proposal: Point St. George Offshore Reef SMCA	None	Add recreational take of pelagic finfish by spearfishing.
Reading Rock SMR/SMCA cluster	Revised Round 3 NCRSG MPA Proposal: Reading Rock SMR/Reading Rock SMCA	None	SMR: No changes SMCA: Retain only proposed allowed uses with moderate-high or high levels of protection, and add recreational take of pelagic finfish by spearfishing; any proposed allowed uses with moderate, moderate-low or low levels of protection removed.

³ SMCA = state marine conservation area, SMP = state marine park, SMR = state marine reserve, SMRMA = state marine recreational management area

⁴ Note this proposal includes state marine recreational management areas, which are not MPAs, but rather marine managed areas.

⁵ The detailed lists of proposed allowed uses (species and gear types) can be found in MarineMap (www.marinemap.org).

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MPA or MPA Cluster Name^{3,4}	Source of Boundaries & Proposed Allowed Uses	Boundary Modifications	Proposed Allowed Uses Modifications⁵
Samoa Nearshore/ Offshore SMCA cluster	Revised Round 3 NCRSG MPA Proposal: Samoa SMCA	Modify MPA to create MPA cluster that includes a nearshore ribbon SMCA of approximately 1000 feet and an offshore SMCA	<p>Nearshore ribbon SMCA: Include proposed allowed uses at all levels of protection, including those intended to accommodate tribal uses, and add recreational take of pelagic finfish by spearfishing.</p> <p>Offshore SMCA: Retain only proposed allowed uses with moderate-high or high levels of protection and add recreational take of pelagic finfish by spearfishing; any proposed allowed uses with moderate, moderate-low or low levels of protection removed.</p>
South Humboldt Bay SMRMA	Revised Round 3 NCRSG MPA Proposal: South Humboldt Bay SMRMA	None	Retain only proposed allowed uses with moderate-high or high levels of protection, including those intended to accommodate tribal uses; any proposed allowed uses with moderate, moderate-low or low levels of protection removed.
South Cape Mendocino SMR	Revised Round 3 NCRSG MPA Proposal: South Cape Mendocino SMR	None	None
Mattole Canyon SMR	Revised Round 3 NCRSG MPA Proposal: Mattole Canyon SMR	None	None
Sea Lion Gulch SMR	Revised Round 3 NCRSG MPA Proposal: Sea Lion Gulch SMR	None	None
Big Flat Nearshore/ Offshore SMCA cluster	Revised Round 3 NCRSG MPA Proposal: Big Flat SMCA	Modify MPA to create MPA cluster that includes a nearshore ribbon SMCA of approximately 1000 feet and an offshore SMCA	<p>Nearshore ribbon SMCA: Include proposed allowed uses at all levels of protection, including those intended to accommodate tribal uses, and add recreational take of pelagic finfish by spearfishing.</p> <p>Offshore SMCA: Retain only proposed allowed uses with moderate-high or high levels of protection and add recreational take of pelagic finfish by spearfishing; any proposed allowed uses with moderate, moderate-low or low levels of protection removed.</p>

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MPA or MPA Cluster Name^{3,4}	Source of Boundaries & Proposed Allowed Uses	Boundary Modifications	Proposed Allowed Uses Modifications⁵
Vizcaino Nearshore/ Offshore SMCA cluster	Revised Round 3 NCRSG MPA Proposal: Vizcaino SMCA	Modify MPA to create MPA cluster that includes a nearshore ribbon SMCA of approximately 1000 feet and an offshore SMCA	Nearshore ribbon SMCA: Include proposed allowed uses at all levels of protection, including those intended to accommodate tribal uses, and add recreational take of pelagic finfish by spearfishing. Offshore SMCA: Retain only proposed allowed uses with moderate-high or high levels of protection and add recreational take of pelagic finfish by spearfishing; any proposed allowed uses with moderate, moderate-low or low levels of protection removed.
Skip Wollenberg/Ten Mile SMR/SMCA cluster	Revised Round 3 NCRSG MPA Proposal: Skip Wollenberg/Ten Mile SMR and Skip Wollenberg/Ten Mile Beach SMCA	None	SMR: No changes SMCA: Add recreational take of pelagic finfish by spearfishing.
Skip Wollenberg/Ten Mile Estuary SMRMA	Revised Round 3 NCRSG MPA Proposal: Skip Wollenberg/Ten Mile Estuary SMRMA	None	None
Point Cabrillo SMR	Revised Round 3 NCRSG MPA Proposal: Point Cabrillo SMR	None	None
Big River Estuary SMP	Revised Round 3 NCRSG MPA Proposal: Big River Estuary SMP	None	Retain only proposed allowed uses with moderate-high or high levels of protection for those uses intended to accommodate tribal uses; any proposed allowed uses intended to accommodate tribal uses with moderate, moderate-low or low levels of protection removed.
Navarro River Estuary SMRMA	Revised Round 3 NCRSG MPA Proposal: Navarro River Estuary SMRMA	None	Retain only proposed allowed uses with moderate-high or high levels of protection for those uses intended to accommodate tribal uses; any proposed allowed uses intended to accommodate tribal uses with moderate, moderate-low or low levels of protection removed.

BRTF Motion 5: Recommend Adding Eulachon and Pacific Lamprey to Estuaries

This motion recommends that the recreational take of Pacific lamprey (by hook and line, hand, spear, and bow and arrow) and eulachon (by dip net) be added to the proposed allowed uses for estuarine MPAs intended to accommodate tribes: South Humboldt Bay SMRMA, Big River Estuary SMP and Navarro River Estuary SMRMA.

BRTF Motion 6: Recommend Retaining Three Existing MPAs with Modifications: MacKerricher, Russian Gulch and Van Damme SMCAs

This motion recommends that three of the five existing MPAs (MacKerricher SMCA, Russian Gulch SMCA and Van Damme SMCA) be retained with modifications. The BRTF recommends that two state agencies, the California Department of Fish and Game (DFG) and California Department of Parks and Recreation, work together and modify the three existing MPAs so that DFG feasibility concerns regarding boundaries are addressed. See Table 4 for more details.

Table 4. Existing MPAs (Proposal 0) included in BRTF Motion 6.

MPA or MPA Cluster Name	Source of Boundaries and Proposed Allowed Uses	Boundary Modifications	Proposed Allowed Uses Modifications⁶
MacKerricher SMCA	Proposal 0	Modify boundaries to address DFG feasibility concerns.	Modify proposed allowed uses to include recreational take that accommodates tribal uses.
Russian Gulch SMCA	Proposal 0	Modify boundaries to address DFG feasibility concerns.	Modify proposed allowed uses to include recreational take that accommodates tribal uses.
Van Damme SMCA	Proposal 0	Modify boundaries to address DFG feasibility concerns.	Modify proposed allowed uses to include recreational take that accommodates tribal uses.

BRTF Motion 7: Recommend Changing the Classifications of the Ten Mile Estuary and Navarro River Estuary SMRMAs

This motion recommends modifying the proposed designation of two SMRMAs back to the MPA designation originally assigned by the NCRSG before waterfowl hunting was suggested to take place in these geographies. As such, the Ten Mile Estuary SMRMA would change to a state marine reserve and the Navarro River Estuary SMRMA would change to a state marine conservation area. For both of these proposed MPAs, any proposed allowed uses related to waterfowl hunting would be removed.

⁶ MLPA Initiative and California Department of Fish and Game staff are working to develop the list of additional proposed uses intended to accommodate tribal uses, which will be added to MarineMap (www.marinemap.org) when complete.