

Marine Life Protection Act Initiative



Summary of MLPA Initiative BRTF Processes

Presentation to the Joint Meeting, Blue Ribbon Task Force and Fish and Game Commission

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MLPA has six goals



Six Goals of the Act (Section 2853 (b))

1. To protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems
2. To help sustain, conserve, and protect marine populations, including those of economic value, and rebuild those that are depleted.
3. To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
4. To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
5. To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
6. To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.



MLPA process requirements

1. Involve interested parties
2. Develop master plan framework
3. Assess existing MPAs
4. Create a regional profile
5. Compile list of species likely to benefit
6. Develop alternative MPA network components
7. Select preferred alternative MPA network component
8. Provide for long term maintenance of the regional MPA network component
9. Fish and Game Commission adopt regional network components



MLPA Initiative fundamentals

Created by Memorandum of Understanding

- Resources Agency, Department of Fish and Game, Resources Legacy Fund Foundation
- Advisory only, to DFG and to Secretary, Resources Agency

August 2004-December 2006

Funded from RLFF (\$7.2 Million) and state (\$500,000 annually and in kind services)



MLPA Initiative deliverables

- Master Plan Framework (approved by Commission, August 2005)
- Long-term funding strategy (delivered to Secretary Chrisman, February 2006)
- Alternative networks of MPAs, Central Coast (BRTF action, March 2006; transmitted to Department, May 2006)
- Recommendations for federal-state coordination
- Secure agreement and commitment among state agencies



Initiative decision making process

Four groups of volunteers:

- Blue Ribbon Task Force (8 members) (19 days of meetings)
- Master Plan Science Advisory Team (17 members) (13 days of meetings plus sub groups spending hundreds of hours)
- Central Coast Regional Stakeholder Group (32 members and 24 alternates) (14 days of meetings, plus work shops and many hours by package leads)
- Statewide Interests Group (xx members) (x teleconference meetings)

Supported by:

- MLPA Initiative staff
- Department of Fish and Game staff
- Additional contractors

Public participation and transparency:

- Web site posting of materials
- Web casting and video record of meetings
- Public comments at meetings, by email and letter (see xx)



Policy judgment required

The MLPA does not prioritize six goals

SAT evaluations provide important metrics on Goals 1, 2, 3, 4, and 6, but do not rank packages

Participants differ in emphasis they give goals, in how they interpret goals, and in how they assess possible future impacts of proposed packages

Competing claims for uses

Some interests gain and some impacted

Conclusion: policy judgment required



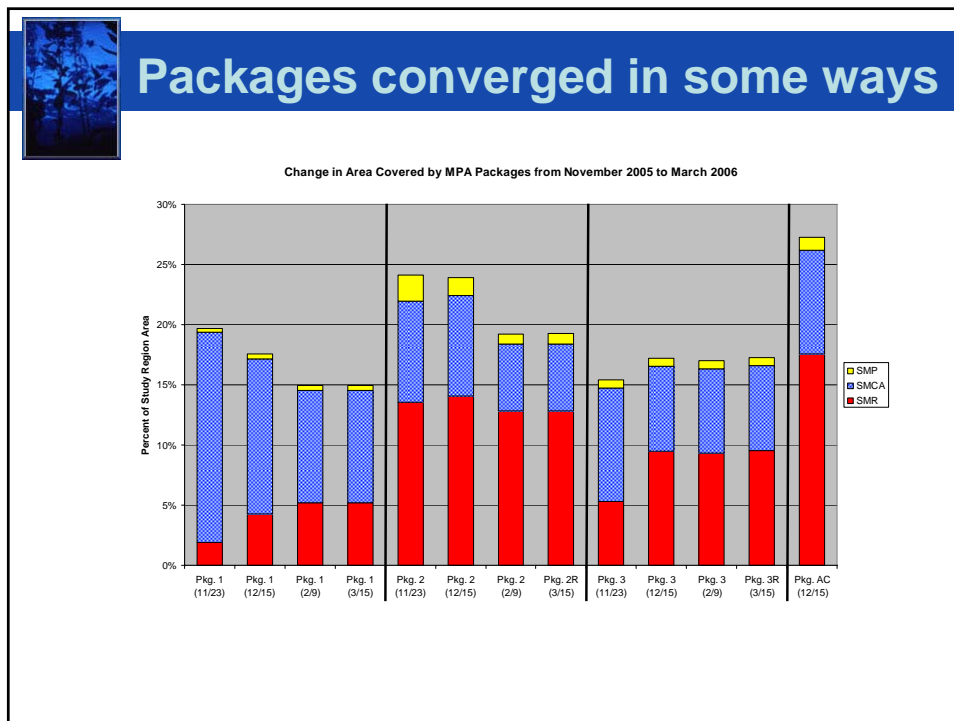
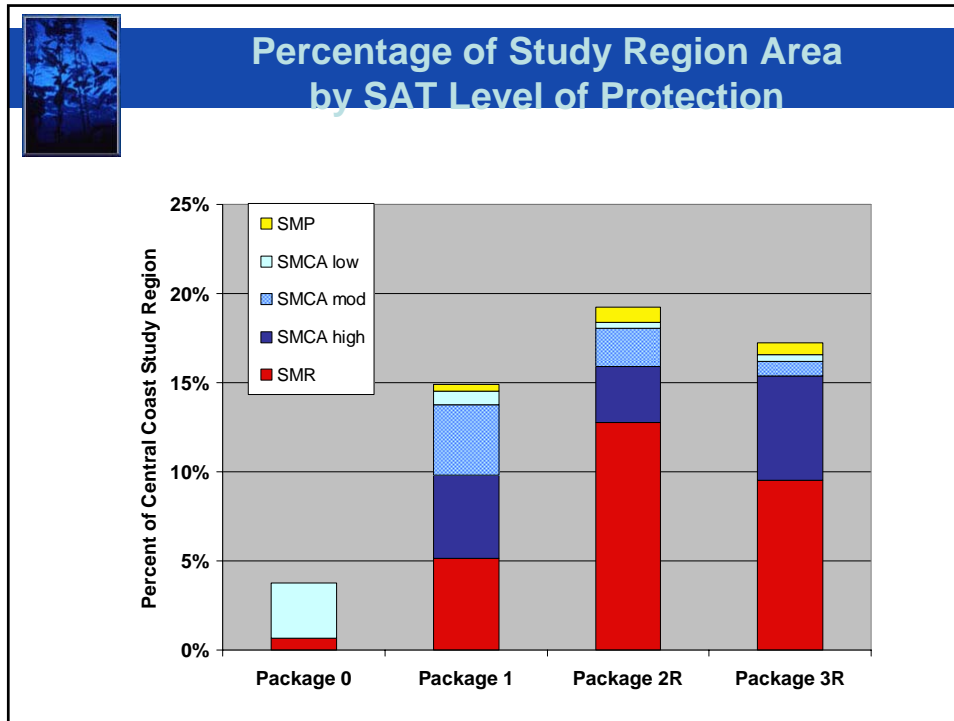
Central Coast Project

Central Coast Study Area boundaries

- set by BRTF after three public workshops and public testimony at BRTF meetings
- Pigeon Point to Point Conception

Goal: Alternative packages of proposed MPAs, as required by MOU

- Existing MPAs are Package "0"
- Three packages developed inside CCRSG (representatives on panel today)
- Three packages submitted from outside CCRSG (representative of Package AC on panel today)
- BRTF forwarded three alternative packages, and a recommended preferred alternative, to DFG





Addressing fisheries and socioeconomic concerns

Both issues raised several times

Conflicting perceptions of issue and what should be done

Addressed self consciously in Initiative process and by BRTF:

- Clarify legal issues
- Hear perspectives
- Make decision

Record available in memos and meeting records



MLPA and fisheries policies

Context

- Fisheries policies changing, including increased regulations and some attention to ecosystems
- MLPA focuses on ecosystem protection
- Individuals and interests differ in knowledge of policies and in "comfort" with them

How handled in the MLPA Initiative

- CCCRS members included fishermen, conservationists, divers and others
- Legal opinion on relationship between MLPA and fisheries policies (more next slides)
- Seven presentations on fisheries management policies and fisheries to BRTF, plus one field trip; additional presentations to CCCRS and information in Regional Profile
- Evaluations of maximum potential impacts on commercial and recreational fisheries
- Public comments at meetings, by email and letters

Result through transmittal from BRTF to DFG

- Design of proposed MPAs included knowledge of existing fishery regulations
- Potential impacts on fisheries reasonably well identified
- Some adjustments made to boundaries and regulations of proposed MPAs by BRTF



MLPA and fisheries management policies – legal opinion

1. The MLPA and fisheries management programs, including the MLMA, are “complementary” –
2. Conflicts, if any, should be resolved in favor of the MLPA which more comprehensively regulates the subject matter



Rationale for legal opinion (summary)

- MLPA enacted later than MLMA**
- MLPA provisions more specific and detailed than MLMA**
- Interests advanced by MLPA are broader than, and expressly encompass, interests of MLMA**
- MLPA provides “MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries” (Section 2851(d)), suggesting MLPA intended to complement ALL fishery regulations**



Socioeconomics in MLPA - I

2853. Redesign of MPA System: Goals and Elements

(b) To improve the design and management of that system, the commission, pursuant to Section 2859, shall adopt a Marine Life Protection Program, which shall have all of the following goals:

(2) To help sustain, conserve, and protect marine life populations, including those of **economic** value, and rebuild those that are depleted.

2855. Master Plan for Adoption of Marine Life Protection Program

(b) (1) ... the department shall convene a master plan team to advise and assist in the preparation of the master plan...

(3) The team shall be composed of the following individuals: (B) Five to seven members who shall be scientists, one of whom may have expertise in the **economics** and culture of California coastal communities.



Socioeconomics in MLPA - II

(c) The department and team, in carrying out this chapter, shall take into account relevant information from local communities, and shall solicit comments and advice for the master plan from interested parties on issues including, but not necessarily limited to, each of the following:

(2) **Socioeconomic** and environmental impacts of various alternatives.

2857. Department to Convene Workshops

(a) ... The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including **economic** information, to the extent possible while maintaining consistency with the goals of Section 2853 and guidelines in subdivision (c) of this section.

(d) The department and team, in developing the preferred siting alternative, shall take into account the existence and location of **commercial kelp beds**.



Sources of socioeconomic information

Knowledge of members of the Central Coast Regional Stakeholder Group

Compilation of existing information into the Central Coast Regional Profile

Interviews of a purposive sample of commercial fishermen from 19 fisheries re total fishing grounds and areas of high value

Interviews of selected non consumptive users (e.g., divers, kayakers) on access and use locations skiffs, based on surveys by the Department of Fish and Game and the California

Central coast recreational fishing effort data for commercial passenger fishing vessels (CPFV) and private Recreational Fisheries Survey

Public documents of local governments collected and local officials interviewed to identify policies related to MLPA

Opportunities for public participation, including posting documents on the web for comment and public comment periods at BRTF, CCRSG and SAT meetings



CEQA requirements in MLPA

Section 2859 (b). ..The commission's adoption of the plan and a program based on the plan shall not trigger additional review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).



Estimating socio economic impacts

Conflicting expectations:

Modest legal requirements

Some interested in negative impacts on commercial and/or recreational fishing and coastal communities

Some interested in positive impacts on non consumptive users and coastal communities

Some interested in benefits that spread broadly

Technical challenges:

Existing data inadequate to flawed

Much easier to obtain spatially refined quantification of negative impacts than of positive impacts



What was Done

Compile much information in regional profiles

Collect limited new data on spatial use patterns (commercial fishing, select non consumptive uses)

Collect relevant public documents from coastal communities

Commission literature reviews on economics of recreational fishing, whale watching, diving and shore activities

Analyze maximum potential impacts of proposed packages on commercial and recreational fishing grounds

Retain consultant to perform separate review of Ecotrust data and to develop analysis of maximum potential direct economic impacts on fisheries to support Department in addressing CEQA and OAL requirements



Summary re Central Coast Project

Robust process (CCRSG, SAT, outside packages, public input, staff support) resulted in plausible packages of proposed MPAs

Sought to clarify how other policies affect MLPA (fisheries, Vandenberg AFB, kelp leases) and provide clear record on how addressed by BRTF

Successful deliberative processes frame choices and clarify values involved—that has been done

Clear record of process