

# California Marine Life Protection Act Initiative Blue Ribbon Task Force

## MEMORANDUM

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**To: Members, MLPA Blue Ribbon Task Force**  
**From: John Kirlin, Executive Director**  
**Date: January 11, 2006**  
**Subject: MLPA PROCESS REQUIREMENTS**

### Summary

The purpose of this memo is to identify the process requirements of the MLPA relevant to the MLPA Central Coast Project that have been completed to date and outline those requirements that will be completed in the future.

This statewide/regional process can be divided into eight major overlapping pieces, all but the second of which are regional in nature:

1. Involvement of interested parties
2. Development of a master plan framework
3. Assessment of existing MPAs
4. Creation of a regional profile
5. Compilation of a list of species likely to benefit from MPAs
6. Development of alternative MPA network components
7. Selection of a preferred alternative MPA network component
8. Provisions for long term maintenance of the regional MPA network component, and
9. Adoption by the Fish and Game Commission of regional MPA network components

Each of these pieces is outlined below, including an evaluation of the level of completion of each piece.

### **Involvement of Interested Parties (status: 80 percent complete)**

In Section 2855 (c), the MLPA requires that:

“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:

- (1) Practical information on the marine environment and the relevant history of fishing and other resources use, areas where fishing is currently prohibited, and water pollution in the state's coastal waters.
- (2) Socioeconomic and environmental impacts of various alternatives.
- (3) Design of monitoring and evaluation activities.
- (4) Methods to encourage public participation in the stewardship of the state's MPAs.”

In addition, Section 2855 (b) (4) states that:

“The master plan shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons. In preparing the master plan, the department shall confer, to the extent feasible, with the commission, the Pacific Fishery Management Council, the National Marine Fisheries Service, the United States Navy, the United States Geological Survey's national biological survey, staff from national marine sanctuaries off California, Sea Grant researchers, marine advisers, and national parks personnel”

The MLPA Initiative has consistently provided multiple opportunities for participation by interested parties in its work within the central coast as well as within the statewide MLPA process. These opportunities include, for example:

- deep involvement of the MLPA Central Coast Regional Stakeholder Group in the Central Coast Project, including participation opportunities in plenary meetings, work sessions and work teams, as well as opportunities to work in stakeholder-initiated caucus sessions, while developing proposed packages of MPAs
- video recording and posting of meetings,
- webcasting of MLPA Blue Ribbon Task Force (BRTF) and Central Coast Regional Stakeholder Group (CCRSG) meetings,
- opportunities for public comment at meetings,
- posting of drafts of significant work products, such as the MLPA Master Plan Framework, Central Coast Regional Profile and proposed packages of network components of MPAs for public comment, and consideration of those comments in decisions,
- regular teleconference meetings of an MLPA Statewide Interests Group to provide advice on involvement of interested parties, and
- timely preparation and posting of key outcomes memoranda so interested parties could track the work of the CCRSG.

Furthermore, the MLPA process began with public, roundtable discussions in August and September of 2004 to solicit feedback on the process as it was initially planned.

The involvement of interested parties has been a fundamental component of implementing the MLPA. The input of these parties has been extensively integrated in the process steps and

work products listed below, with the exception of the “Compilation of a List of Species Likely to Benefit from MPAs,” which necessitated a lesser degree of public involvement, but was still open to general public comment.

### **Development of a Master Plan Framework (status: complete)**

The MLPA Initiative partitioned the requirement in the MLPA for developing a master plan for a Marine Life Protection Program [per Section 2853] into several basic components. These included the creating a master plan framework for use in establishing regional components of a statewide network of MPAs, and a process for implementing the first regional component along the central coast of California. The MLPA Master Plan Framework (MPF) was used to develop guidelines for proposed network components of MPAs. A Master Plan Science Advisory Team (SAT) was formed to aid in the development of these guidelines, as required by Section 2855 (b) (1):

“... In order to take full advantage of scientific expertise on MPAs, the department shall convene a master plan team to advise and assist in the preparation of the master plan, or hire a contractor with relevant expertise to assist in convening such a team.”

The SAT is composed of individuals with expertise in the field of marine life protection, as required by Section 2855 (b) (2):

“The team members convened pursuant to this subdivision shall have expertise in marine life protection and shall be knowledgeable about the use of protected areas as a marine ecosystem management tool. “

The MPF was also used to meet the MLPA requirement of developing recommendations regarding habitat types to be included in MPA networks. Section 2856 (a) (2) (A) requires:

“Recommendations for the extent and types of habitat that should be represented in the MPA system and in marine life reserves.”

In-depth peer review of the scientific basis of the guidelines presented in the Master Plan Framework has been conducted by means of a contract with Oregon Sea Grant at Oregon State University. Through this process, three separate peer reviewers were found and their work was been completed. This peer review process helps to achieve the requirements in Section 2858:

“The department shall establish a process for external peer review of the scientific basis for the master plan prepared pursuant to Section 2855. The peer review process may be based, to the extent practicable, on the peer review process described in Section 7062.”

The MPF, which was adopted by the California Fish and Game Commission in August 2005, incorporates the above elements and satisfies these requirements of the MLPA. The master plan required in the MLPA will be completed when the California Fish and Game Commission

completes the designation of network components of marine protected areas in all California state waters.

### **Assessment of Existing Central Coast MPAs (status: 50 percent complete)**

The MLPA requires that all existing MPAs be assessed; this is being accomplished on a regional basis, with the Central Coast Study Region being assessed first. Section 2856 (a) (2) (G) requires:

“An analysis of the state's current MPAs, based on the preferred siting alternative, and recommendations as to whether any specific MPAs should be consolidated, expanded, abolished, reclassified, or managed differently so that, taken as a group, the MPAs best achieve the goals of Section 2853 and conform to the guidelines in subdivision (c) of Section 2857.”

Existing central coast MPAs have been considered during the preliminary stages of the stakeholder process, in order to provide a baseline analysis of existing conditions. The proposed packages of MPAs incorporate existing MPAs, and the proposed changes in scale or regulation reflect assessments of existing MPAs by those who developed the proposed packages. Existing MPAs will be considered again as a “no project” alternative by the Master Plan Science Advisory Team (SAT). The final assessment of existing central coast MPAs will occur in designating a central coast network component of MPAs by the California Fish and Game Commission as that decision will include any changes to existing MPAs.

### **Creation of a Regional Profile (status: complete)**

The MLPA requires that information regarding the California coast be compiled and taken into account when establishing an MPA network. Section 2855 (b) (2) requires that members of the master plan science advisory team:

“...be familiar with underwater ecosystems found in California waters, with the biology and habitat requirements of major species groups in the state's marine waters, and with water quality and related issues..”

In addition, Section 2855 (b) (5) states that:

“The department may engage other experts to contribute to the master plan, including scientists, geographic information system (GIS) experts, and commercial and recreational fishermen, divers, and other individuals knowledgeable about the state's underwater ecosystems, the history of fishing effort or MPA management, or other relevant subjects.”

Members of the SAT, as well as “other experts” defined in section 2855 (b) (5), were consulted in the creation of the Central Coast Regional Profile, in an effort to compile the most up to date scientific information, as required by Section 2856 (a) (1):

“The department and team shall use the best readily available scientific information in preparing the master plan adopted pursuant to Section 2855.”

In instances where valuable scientific information was not readily available, the MLPA Initiative pursued the generation of such data sets, though this action is not required by the MLPA. The socioeconomic data gathered by Ecotrust is one example of supplementary data pursued by the MLPA Initiative in order to better inform the creation of a MPA network.

The MLPA Central Coast Regional Profile was completed in September 2005 and is a compilation of regional information on the distribution of habitats and areas of biological significance, socioeconomic factors, and commercial and recreational fisheries in the region. It was reviewed by the SAT and utilizes the “best readily available scientific information” for MPA network creation and therefore satisfies the above portions of the MLPA for the Central Coast Study Region.

### **Compilation of a List of Species Likely to Benefit from MPAs (status: complete)**

In considering the effects of MPA networks and the relative merits of proposed MPA packages, the MLPA requires that species likely to benefit from MPAs be identified. Specifically, Section 2856 (a) (2) (B) requires:

“An identification of select species or groups of species likely to benefit from MPAs, and the extent of their marine habitat, with special attention to marine breeding and spawning grounds, and available information on oceanographic features, such as current patterns, upwelling zones, and other factors that significantly affect the distribution of those fish or shellfish and their larvae.”

The SAT provided an updated list of such species for the central coast in December 2005, fulfilling this requirement.

### **Development of Alternative MPA Network Components (status: 80 percent complete)**

The MLPA mandates that alternative networks of MPAs be created. Specifically, Section 2856 (a) (2) (D) requires:

“Recommended alternative networks of MPAs, including marine life reserves in each biogeographical region that are capable of achieving the goals in Section 2853 and designed according to the guidelines in subdivision (c) of Section 2857.”

In developing these alternative network components for the central coast and ultimately other regions, the MLPA requires public meetings. Section 2857 (a) states that:

“...the department shall convene, in each biogeographical region and to the extent practicable near major working harbors, siting workshops, composed of interested parties,

to review the alternatives for MPA networks and to provide advice on a preferred siting alternative.”

Ten separate alternative MPA network components were developed through the Central Coast Regional Stakeholder Group (CCRSG) process: five proposals from within the CCRSG, four proposals from groups external to the CCRSG, and one proposal (the existing Central Coast MPAs) that was developed as a “no project” alternative. At this time, three alternative MPA network components that have been developed through the Central Coast Regional Stakeholder Group (CCRSG) process will be forwarded to the BRTF for further consideration, along with one external proposal and the “no project” alternative. Considering these five packages, the above requirements of the MLPA regarding alternative MPA network components have been met. Adjustments to these proposed packages are expected in response to evaluations by the SAT, further public comment, BRTF action, California Department of Fish and Game review, and consideration by the California Fish and Game Commission.

### **Selection of a Preferred Alternative (status: complete by May 2006)**

The MLPA envisioned that a statewide network of MPAs would be developed with one comprehensive process. Because the MLPA Initiative is taking a regional approach, the proposed MPAs for the central coast must be considered as a component of this statewide network. Once alternative MPA network components have been developed, the MLPA requires that a preferred alternative network be chosen. Section 2856 (a) (2) (F) requires:

“Recommendations for a preferred siting alternative for a network of MPAs that is consistent with the goals in Section 2853 and the guidelines in subdivision (c) of Section 2857.”

The MLPA requires that this preferred alternative not only be consistent with the goals and guidelines of the MLPA, but also that it take into account information from stakeholder groups. Section 2857 (a) states that:

“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.”

A vital component to creating a preferred alternative has been the creation of network component alternatives, through the CCRSG process described above. Additionally, the MLPA Statewide Interest Group (SIG) has been consulted in the preparation of these packages. The selection of a preferred alternative will depend on continued interactions between the SAT, BRTF, stakeholders, and MLPA Initiative staff. A preferred alternative with the above components will be selected by the California Department of Fish and Game by May 2006. The BRTF may recommend a preferred alternative at its March 2006 meeting.

The MLPA requires that the preferred alternative be accompanied by provisions for adaptive management, as described by Section 2856 (a) (2) (H):

“Recommendations for monitoring, research, and evaluation in selected areas of the preferred alternative, including existing and long-established MPAs, to assist in adaptive management of the MPA network, taking into account existing and planned research and evaluation efforts.”

Additionally, the preferred alternative should include provisions for management and enforcement, per Section 2856 (a) (2) (I):

“Recommendations for management and enforcement measures for the preferred alternative that apply systemwide or to specific types of sites and that would achieve the goals of this chapter.”

A Monitoring, Evaluation and Adaptive Management Framework is currently being developed by the MLPA Initiative in order to help satisfy the above two requirements.

Section 2957 (c) of the MLPA identifies five guidelines that should be considered in developing the preferred siting alternative:

“The preferred siting alternative shall include MPA networks with an improved marine life reserve component, and shall be designed according to each of the following guidelines:

- (1) Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter.
- (2) Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.
- (3) Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.
- (4) Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided.
- (5) The MPA network and individual MPAs shall be of adequate size, number, type of protection, and location to ensure that each MPA meets its objectives and that the network as a whole meets the goals and guidelines of this chapter.”

The MLPA requires that these guidelines be subject to change to take into account the best available science. Section 2856 (a) (2) (C) requires:

“Recommendations to augment or modify the guidelines in subdivision (c) of Section 2857, if necessary to ensure that the guidelines reflect the most up-to-date science, including, for example, recommendations regarding the minimum size of individual marine life reserves needed to accomplish the various goals set forth in Section 2853.”

The MPF provides further guidance on the MPA design guidelines in Section 2957 (c) and will be amended over time as additional science and management experience are generated. These guidelines, informed by the best available science, will also be considered in the selection of the preferred alternative.

**Provisions for Long-Term Maintenance of the MPA network (status: regional component complete when the Fish and Game Commission adopts a marine protected area network component for the central coast and approves a management plan and monitoring and evaluation plan.)**

The MLPA requires that provisions be made for the long term maintenance of the adopted MPA network. While these provisions are made within the Marine Life Protection Program, which is outside the scope of work of the MLPA Initiative, the Initiative can make certain contributions that will support the long-term maintenance of an MPA network, such as recommendations for making MLPA implementation fiscally viable. Section 2856 (a) (2) (K) requires:

“Recommendations for funding sources to ensure all MPA management activities are carried out and the Marine Life Protection Program is implemented.”

In early 2006 you will approve a long-term funding strategy that builds upon a funding report generated by consultants. This will help to achieve the above requirement of the MLPA.

The MLPA also requires that the Marine Life Protection Program be adaptively managed. Section 2853 (c) (3) requires:

“Provisions for monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter.”

The MLPA Initiative is developing frameworks for the required management plan and adaptive management and monitoring and evaluation plans. These two frameworks will guide development of a management plan and of an adaptive management and monitoring and evaluation plan that is specific to the preferred alternative that will be recommended by the Department of Fish and Game.

In addition, the MLPA mandates consideration of petitions for changes to the MPA network. Section 2861 (a) states that:

“The commission shall, annually until the master plan is adopted and thereafter at least every three years, receive, consider, and promptly act upon petitions from any interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of this chapter.”



The California Fish and Game Commission, not the MLPA Initiative, will be responsible for fulfilling the above requirement. However, the MPF and adaptive management plan developed through the MLPA initiative will aid in processing and evaluating these petitions. Consideration of petitions for changes to the MPA network will be assessed by the California Fish and Game Commission, and the MPF and adaptive management plan will guide the regular assessment of the network that is ultimately designated.

The above actions of the MLPA Initiative help to fulfill the requirements of the MLPA concerning the Marine Life Protection Program outlined in Section 2853 (c):

“The program may include areas with various levels of protection, and shall include all of the following elements:

- (1) An improved marine life reserve component consistent with the guidelines in subdivision (c) of Section 2857.
- (2) Specific identified objectives, and management and enforcement measures, for all MPAs in the system.
- (3) Provisions for monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter.
- (4) Provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation.
- (5) A process for the establishment, modification, or abolishment of existing MPAs or new MPAs established pursuant to this program, that involves interested parties, consistent with paragraph (7) of subdivision (b) of Section 7050, and that facilitates the designation of MPAs consistent with the master plan adopted pursuant to Section 2855.”