

MATERIAL FOR APPENDICES TO THE MASTER PLAN FRAMEWORK

- a. **References:** *References will be compiled from research conducted under the Initiative as well as other sources.*

**b. Glossary:** *The MLPA includes the definition of several key terms. These are as follows:*

*The following terms are defined in Fish and Game Code Section 2852:*

*“(a) "Adaptive management," with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood.”*

*“(b) "Biogeographical regions" refers to the following oceanic or near shore areas, seaward from the high tide line or the mouth of coastal rivers, with distinctive biological characteristics, unless the master plan team establishes an alternative set of boundaries (emphasis added):*

- (1) The area extending south from Point Conception.*
- (2) The area between Point Conception and Point Arena.*
- (3) The area extending north from Point Arena.”*

*(As authorized by Fish and Game Code Section 2852(b), the Master Plan Team established an alternate set of boundaries. See XXX.)*

*“(c) "Marine protected area" (MPA) means a named, discrete geographic marine or estuarine area seaward of the high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves and other areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses, including living marine resources, cultural and historical resources, and recreational opportunities.”*

*“(d) "Marine life reserve," for the purposes of this chapter, means a marine protected area in which all extractive activities, including the taking of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.”*

*Fish and Game Code Section 2860 (b) further clarifies permissible activities in “marine life reserves”:*

*“Notwithstanding any other provision of this code, the taking of a marine species in a marine life reserve is prohibited for any purpose, including*

recreational and commercial fishing, except that the commission may authorize the taking of a marine species for scientific purposes, consistent with the purposes of this chapter, under a scientific collecting permit issued by the department .“(emphasis added)

*The MLPA uses but does not define other terms. The glossary will include suggested definitions of these terms, based upon short-term research now underway. The scope of work of that research is as follows:*

- Review state and federal statutes as well as relevant scientific and other literature regarding the usage, definition, and interpretation of key terms in the MLPA;*
- Describe the range of definitions and interpretations of these terms as well as any controversies of relevance to interpretation and application of the MLPA;*
- Suggest a working definition for the MLPA.*

*Terms that will be defined include, among others, these terms from the MLPA:*

- natural diversity*
- abundance*
- ecosystem*
- ecosystem structure*
- ecosystem function*
- ecosystem integrity*
- ecosystem disturbance*
- habitat*
- representative habitat*
- unique habitat*
- intrinsic value*
- objectives*
- management*
- network*
- system*
- adaptive management*
- community.*
- Environmental impacts*
- Socioeconomic impacts*
- Rebuild*
- Depleted*
- Biodiversity*
- Marine natural heritage*
- Best readily available science*

**c. Species likely to benefit from MPAs:** During an earlier stage of the MLPA, the Department developed a list of species likely to benefit from MPAs. As mentioned above, this list will be the subject of an Initiative-sponsored independent review, as well as review by the science team and stakeholders. The list of species is as follows:

<b>Fishes</b>		
Bass, kelp	Rockfish, black-and-yellow	Rockfish, tiger
Bass, barred sand	Rockfish, blackgill	Treefish
Bass, spotted sand	Rockfish, blue	Rockfish, vermilion
Blacksmith	Bocaccio	Rockfish, widow
Butterfish (Pacific pompano)	Rockfish, brown	Rockfish, yelloweye
Cabezon	Rockfish, calico	Rockfish, yellowtail
Corbina, California	Rockfish, canary	Sanddab, Pacific
Corvina, shortfin	Chilipepper	Sargo
Croaker, white	Rockfish, China	Scorpionfish, California
Croaker, yellowfin	Rockfish, copper	Sculpin, staghorn
Eel, California moray	Cowcod	Shark, Pacific angel
Eel, wolf	Rockfish, darkblotched	Shark, leopard
Flounder, arrowtooth	Rockfish, flag	Sheephead, California
Flounder, starry	Rockfish, freckled	Skate, big
Goby, bluebanded	Rockfish, gopher	Skate, California
Greenling, kelp	Rockfish, grass	Smelt, night
Greenling, rock	Rockfish, greenblotched	Smelt, surf
Grenadier	Rockfish, greenspotted	Smelt, whitebait
Grunion, California	Rockfish, greenstriped	Sole, butter
Guitarfish, shovelnose	Rockfish, halfbanded	Sole, Dover
Hagfish	Rockfish, honeycomb	Sole, English
Halfmoon	Rockfish, kelp	Sole, fantail
Halibut, California	Rockfish, Olive	Sole, Petrale
Halibut, Pacific	Pacific Ocean perch	Sole, rex
Jacksmelt	Rockfish, pink	Sole, rock
Lingcod	Rockfish, pinkrose	Sole, sand
Lizardfish, California	Rockfish, quillback	Surfperch, barred
Midshipman, plainfin	Rockfish, redbanded	Surfperch, black
Opaleye	Rockfish, redstripe	Surfperch, pile
Prickleback, monkeyface	Rockfish, rosethorn	Surfperch, rainbow
Queenfish	Rockfish, rosy	Surfperch, redtail
Ratfish, spotted	Rockfish, sharpchin	Surfperch, rubberlip
Ray, Pacific electric	Rockfish, shortbelly	Surfperch, striped
Ray, bay	Rockfish, speckled	Surfperch, white
Rockfish, aurora	Rockfish, splitnose	Thornyhead, longspine
Rockfish, bank	Rockfish, squarespot	Thornyhead, shortspine
Rockfish, black	Rockfish, starry	Tomcod, Pacific
	Rockfish, stripetail	Turbot, curlfin
	Rockfish, swordspine	Whitefish, ocean

***Invertebrates***

***Crustaceans***

*Crab, box*  
*Crab, Dungeness*  
*Crab, brown rock*  
*Crab, red rock*  
*Crab, sand*  
*Crab, spider*  
*Crab, yellow rock*  
*Lobster, California spiny*  
*Prawn, ridgeback*  
*Prawn, spot*  
*Shrimp, bay*  
*Shrimp, coonstriped*  
*Shrimp, ghost and mud*  
*Shrimp, Pacific Ocean*

***Echinoderms***

*Cucumber, sea (several species)*  
*Sea stars*  
*Urchin, purple*  
*Urchin, red*  
*Urchin, white*

***Mollusks***

*Abalone, black*  
*Abalone, flat*  
*Abalone, green*  
*Abalone, pink*  
*Abalone, pinto*  
*Abalone, red*  
*Abalone, threaded*  
*Abalone, white*  
*Chiones (several species)*  
*Clam, California jackknife*  
*Clam, littleneck*  
*Clam, gaper*  
*Clam, geoduck*  
*Clam, Manila*  
*Clam, razor*  
*Clam, softshell*  
*Clam, Washington*  
*Cockles (several species)*  
*Limpets (several species)*  
*Mussel (several species)*  
*Octopus (several species)*  
*Oyster, native*  
*Scallop, rock*  
*Sea hare*  
*Snail, moon*  
*Snail, top*  
*Snail, turban*  
*Whelk, Kellet's*

***Other invertebrates***

*worms (several species)*

***Plants***

*Bull kelp*  
*Giant kelp*  
*Palm kelp*  
*Gelidium sp.*  
*Gracilaria sp.*  
*Porphyra sp.*

- d. Description of existing state marine protected areas:** *This document has been prepared by the Department and will be incorporated here.*

- e. Proposed Outline of Information Required for Proposals for Alternative Networks of Marine Protected Areas:** *In response to public comment, staff revised the draft version of this document, which will also be reviewed by the science team, and may be adjusted in response to the results from the Initiative-sponsored surveys mentioned above:*

*The Marine Life Protection Act (MLPA) requires the development and evaluation of alternative network proposals for marine protected areas in the various regions of the state. There are several sources of guidance regarding the contents and evaluation of proposals for alternative networks:*

- *The MLPA,*
- *Discussions of the Master Plan Team established under the MLPA,*
- *Criteria developed by the State Interagency Coordinating Committee for Marine Managed Areas pursuant to the Marine Managed Areas Improvement Act, and*
- *Experience with establishing MPA networks in California and elsewhere.*

*Distillation of this guidance will assist in developing and evaluating MPA network proposals by identifying early in the process the required or desirable information, synthesis, analysis, and evaluation. The current limited capacity of state agencies to carry out all of these functions argues for encouraging the private sector to take on more of these activities. The more the information and analytical requirements of the MLPA are met by MPA network proposals from the private sector, the more likely it will be that responsible agencies can carry out due diligence review of these proposals.*

*The proposed outline of information required for proposals for alternative networks of MPAs is based on the guidance identified above. Definition of key terms will require further discussion as part of the broader MLPA Initiative. Whether prepared by a public agency or by a private organization, a proposal for a regional network of MPAs should aim at addressing most, if not all, of the requirements listed below.*

*The outline is organized in four sections:*

- *A summary*
- *The setting*
- *The proposed alternative networks*
- *Individual MPAs within the preferred network.*
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### **Proposed Outline**

#### **Summary**

- Objectives of network
- How the proposal addresses the requirements of the MLPA and other relevant law

### The Setting

- Description of region
  - Legal description of the boundaries of study area
    - Rationale for boundaries
  - Species or groups of species likely to benefit from MPAs (FGC §2856[a]2[B]). (See list of species at [www.dfg.ca.gov/mrd/mlpa/guidelines.html](http://www.dfg.ca.gov/mrd/mlpa/guidelines.html) and [www.dfg.ca.gov/mrd/mlpa/table\\_inv.html](http://www.dfg.ca.gov/mrd/mlpa/table_inv.html).)
    - Distribution of these species in the region and beyond
    - Status of these species in the region and beyond
  - Representative or unique marine ecosystems in the region (FGC §2853[b]1)
    - Distribution of these ecosystems
    - Status of these ecosystems (principally “function” and “integrity”)
  - Distribution of representative and unique habitats in the region generally, and specifically for species likely to benefit:
    - Rocky reefs
    - Intertidal zones
    - Sandy or soft ocean bottoms,
    - Submerged pinnacles,
    - Kelp forests,
    - Submarine canyons,
    - Seagrass beds.
  - Distribution of oceanic features that may influence target species, including currents and upwelling zones (FGC §2856[a]2[B])
  - Current and anticipated distribution of human uses
    - Aquatic
      - Commercial fishing
      - Recreational fishing
      - Diving
      - Etc
    - Terrestrial
      - Discharges
      - Recreation
      - esthetics
      - other
  - Current management of human activities affecting target species, ecosystems, and habitats



- *Evaluation of current management of human activities affecting target species, ecosystems, and habitats in relation to the goals and objectives of the MLPA*

### *The Proposed Network*

- *Process used to develop the proposal*
  - *Participants and their roles*
  - *Sources of information*
- *Gap analysis*
  - *Description of existing MPAs*
  - *Adequacy of existing management plans and funding*
  - *Target habitats and ecosystems entirely unrepresented or insufficiently protected by existing MPAs and other management activities,*
  - *Target habitats and ecosystems insufficiently protected by existing MPAs and other management activities, without replicates in the region or with replicates too widely spaced.*
- *Framework for regional network of MPAs*
- *Regional goals and objectives for a network of MPAs*
  - *Relation of goals and objectives to the MLPA generally and to resource problems and opportunities in the region specifically*
- *General description of preferred network (and alternatives)*
  - *Spacing of MPAs and overall regional level of protection*
  - *Proposed management measures*
  - *Proposed monitoring for evaluating the effectiveness of the site in achieving its goals*
  - *Proposed research programs,*
  - *Proposed education programs,*
  - *Enforcement needs and means of meeting those needs,*
  - *Funding requirements and sources,*
  - *Proposed mechanisms for coordinating existing regulatory and management authority,*
  - *Opportunities for cooperative state, federal, and local management,*
  - *Name of network.*
- *Evaluation of the proposed network:*
  - *How does the network emphasize (much of this is from the MPT):*
    - *areas where habitat quality does (or potentially can) support diverse and high-density populations,*
    - *benthic habitats and non-pelagic species,*

- *hard bottom as opposed to soft bottom, because fishing activities within state waters have had the greatest impact on fishes associated with hard bottom, and because soft bottom habitat is interspersed within areas containing rocky habitat,*
- *habitats associated with those species that are officially designated as overfished, with threatened or endangered species, and productive habitats such as kelp forests and seagrass beds?*
- *How does the network include*
  - *unique habitats,*
  - *a variety of ocean conditions such as upwelling centers, upwelling shadows, byas, estuaries, and exposed and semi-protected coastlines?*
- *How does the network incorporate or expand upon existing MPAs that are considered to be effective?*
- *How does the network include a variety of sizes and types of MPAs that are dispersed in a network that does the following?*
  - *Provide enough space within individual MPAs for the movement of juveniles and adults of many species.*
  - *Achieve beneficial ratios of edge to area,*
  - *Help to include a variety of habitats,*
  - *Facilitate analysis of the effects of different-sized MPAs,*
  - *Facilitate analysis of the effects of different types of MPAs,*
  - *Provide a network of sources for larval dispersal that are interconnected,*
  - *Enable the use of MPAs as reference sites to evaluate the effects of climate change and other factors on marine ecosystems, without the effects of fishing,*
  - *Enable the use of MPAs as reference sites for fisheries management,*
  - *Minimize the likelihood that catastrophic events will impact all replicate MPAs within a biogeographic region.*
  - *If an MPA is less restrictive than a reserve, how do different uses and restrictions affect achieving the objectives immediately above?*
- *How does the network use simple and easily recognizable boundaries to facilitate identification and enforcement of MPA regulations?*
- *Where feasible, how does the network locate MPAs in areas where there is onsite presence to facilitate enforcement?*
- *How does the network consider non-extractive uses, cultural resources, and existing fisheries and fishing regulations?*
- *How does the network consider proximity to ports, safe anchorage sites, and points of access, to minimize negative impacts on people and increase benefits?*

- *How does the network facilitate monitoring of MPA effectiveness by including well-studied sites, both in MPAs and unprotected areas?*
- *How does the network consider positive and negative socioeconomic consequences?*
- *What are the socio-economic impacts of the proposed networks?*
  - *Current uses:*
    - *What are the current uses of the site that are likely to be affected?*
    - *What are the likely impacts of the site upon these uses?*
  - *Future uses:*
    - *How are current uses expected to change in response to the site?*
    - *What are the socio-economic impacts of these changes?*
  - *Costs and benefits:*
    - *What uses are likely to benefit from the site, and how?*
    - *What uses are likely to suffer from the site, and how?*
- *What is the improved marine life reserve component of the preferred network? (FGC §2857[c])*
  - *Which regional habitat types are represented in two or more marine reserves in this network?*
    - *Do these reserves include these habitat types and communities across different depth ranges?*
    - *Do these reserves include these habitat types and communities across different environmental conditions?*
    - *Is each of these habitat types and communities represented in two or more reserves in this region?*
- *Which species will benefit from the proposed network and how? (See list of species at [www.dfg.ca.gov/mrd/mlpa/guidelines.html](http://www.dfg.ca.gov/mrd/mlpa/guidelines.html) and [www.dfg.ca.gov/mrd/mlpa/table\\_inv.html](http://www.dfg.ca.gov/mrd/mlpa/table_inv.html).)*
- *How does this network meet the goals and guidelines of the MLPA (FGC § 2853[b]), viz:*
  - *Protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems;*
  - *Help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted;*
  - *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;*

- *Protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value;*
  - *Ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines;*
  - *Ensure that the State's MPAs are designed and managed, to the extent possible, as a network.*
- *Information necessary for fulfilling required CEQA analysis requirements of network alternatives.*

*Individual MPAs within the Preferred Network*

- *What are the boundaries of this MPA?*
- *What is the total area of the MPA?*
- *What is the total shoreline length of the MPA?*
- *Does this MPA expand upon an existing MPA?*
- *What is the overall goal of this MPA?*
- *What are the objectives that serve this goal?*
- *What species, populations, habitats, or ecosystem functions are of most concern in this area?*
  - *What are the chief threats to these features?*
    - *Which of these threats are amenable to management?*
  - *What restrictions are proposed that address these threats?*
  - *What additional restrictions or designations (e.g. water quality protection areas) would help address these threats?*
- *Many of the general design issues identified for the regional network apply here as well.*
- *What features does the site display among those identified for different types of MPAs by the State Interagency Coordinating Committee for Marine Managed Areas? (See Attachment A.)*

**ATTACHMENT A**

**Excerpted from California State Interagency Coordinating Committee for MMAs  
CRITERIA FOR DESIGNATING MARINE MANAGED AREAS**

*Pursuant to statute, these designation criteria have been developed by the State Interagency Coordinating Committee for Marine Managed Areas to assist individuals or groups in developing site proposals. While the criteria are based on language in California law, it is not required that a site meet all of the criteria listed for a specific classification. Because different MMAs will have different goals and purposes, some of the criteria listed overlap or are mutually exclusive. All the criteria are presented here to help applicants prepare appropriate documentation. Site proposals need only address those criteria that apply to the specific site and classification being proposed (see item #6 on the application form).*

## **I. STATE MARINE RESERVE**

### **A. Biological Criteria**

- 1. The proposed site will protect or restore rare, threatened, or endangered native species or habitats.*
- 2. The proposed site will protect outstanding, representative, or imperiled marine species, communities, habitats, or ecosystems.*
- 3. The proposed site will protect populations of one or more fish species that have been declared "overfished" by the National Marine Fisheries Service. [see [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov) for list]*
- 4. The proposed site will protect populations of harvested species that are of concern to state or federal fishery managers.*
- 5. One or more habitats within the proposed site is/are designated as essential fish habitat (EFH) by the National Marine Fisheries Service. [see [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov) for list]*
- 6. The proposed site will protect habitat, or biological communities, populations, species or gene pools that are under-represented or not replicated in the existing network of state marine managed areas.*
- 7. The proposed site will protect connections between geographic areas and/or habitat types, including estuarine and marine, wetland and intertidal, intertidal and subtidal, and deep and shallow water.*
- 8. The proposed site is biologically highly productive.*
- 9. The proposed site contains multiple habitat types.*

10. *The proposed site has historically received relatively heavy fishing effort, it is likely that some populations of fished species are locally depleted, and populations of fished species are expected to rebound if protected.*

**B. Socio-Economic Criteria**

1. *The proposed site currently or potentially provides public access, consistent with resource protection goals.*
2. *The proposed site currently or potentially provides educational and interpretive activities for the public.*
3. *The proposed site has historically received relatively little fishing effort.*
4. *Designation of the proposed site is not likely to have a significant negative socio-economic impact on those who have traditionally used the area.*
5. *Designation of the proposed site is likely to have a positive socio-economic impact.*
6. *The proposed site is bordered by similar habitat in which spillover effects from protecting one or more species could benefit those fishing adjacent to the site.*

**C. Management and Enforcement Criteria**

1. *The proposed site overlaps or is adjacent to an existing protected or managed area, thus facilitating enforcement.*
2. *The proposed site is adjacent to a populated area in which public stewardship would facilitate enforcement.*
3. *The proposed site has boundaries that are practical and enforceable.*
4. *Designating this site would lessen the impact of human uses on sensitive populations of marine or estuarine organisms.*
5. *The proposed site has little or no direct access from land, or the access is controlled.*
6. *The proposed site has or will have funding sources and/or in-kind resources for enforcement.*
7. *The proposed site has or will have funding sources and/or in-kind resources for management activities.*

**D. Evaluation and Research Criteria**

- 1. The proposed site will provide an opportunity for scientific research or monitoring in outstanding, representative, or imperiled marine habitats or ecosystems.*
- 2. The proposed site has or will have funding for scientific research or monitoring.*
- 3. The proposed site has been the site of previous scientific research or monitoring studies.*
- 4. Seafloor habitat within the proposed site has been partially or totally mapped using side-scan sonar or equivalent technology.*

## **II. STATE MARINE PARK**

### **A. Biological Criteria**

- 1. The proposed site will protect a spacious natural system.*
- 2. The proposed site will protect outstanding, representative, or imperiled marine species, communities, habitats, or ecosystems.*
- 3. The proposed site will afford some protection to populations of harvested species that are of concern to state or federal fishery managers.*
- 4. One or more habitats within the proposed site are designated as essential fish habitat (EFH) by the National Marine Fisheries Service. [see [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov) for list]*
- 5. The proposed site will protect habitat, or biological communities, populations or species that are under-represented or not replicated in the existing network of state marine managed areas.*
- 6. The proposed site will protect connections between geographic areas and/or habitat types, including estuarine and marine, wetland and intertidal, intertidal and subtidal, and deep and shallow water.*
- 7. The proposed site is biologically highly productive.*
- 8. The proposed site contains multiple habitat types.*
- 9. The proposed site has historically received relatively heavy fishing effort, it is likely that some populations of fished species are locally depleted, and populations of fished species are expected to increase if protected.*

10. *The proposed site will protect populations of one or more fish species that have been declared “overfished” by the National Marine Fisheries Service. [see [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov) for list]*

**B. Cultural Criteria**

1. *The proposed site has cultural objects or sites of historical, archaeological or scientific interest.*

**C. Socio-Economic Criteria**

2. *The proposed site currently or potentially provides public access, consistent with resource protection goals.*
3. *The proposed site currently or potentially provides educational and interpretive activities for the public.*
4. *The proposed site will provide sustainable recreational opportunities in the absence of conflicting uses.*
5. *The proposed site will provide recreational opportunities to meet other than purely local needs.*
6. *The proposed site has historically received relatively little fishing effort.*
7. *Designation of the proposed site is not likely to have a significant negative socio-economic impact on those who have traditionally used the area.*
8. *Designation of the proposed site is likely to have a positive socio-economic impact.*
9. *The proposed site is bordered by similar habitat in which spillover effects from protecting one or more species could benefit those fishing adjacent to the area.*

**D. Geological Criteria**

1. *The proposed site has outstanding or unique geological features that contribute to the biological productivity of the area.*
2. *The proposed site has geological features that are critical to the lifecycle of native marine or estuarine species.*

**E. Management and Enforcement Criteria**

1. *The proposed site overlaps or is adjacent to an existing protected or managed area, thus facilitating enforcement.*
2. *The proposed site is adjacent to a populated area in which public stewardship would facilitate enforcement.*



3. *The proposed site has boundaries that are practical and enforceable.*
4. *Designating this site would lessen the impact of human activities on sensitive populations of marine or estuarine organisms.*
5. *The proposed site has or will have funding sources and/or in-kind resources for enforcement.*
6. *The proposed site has or will have funding sources and/or in-kind resources for management activities.*

**F. Evaluation and Research Criteria**

1. *The proposed site will provide an opportunity for scientific research or monitoring in outstanding, representative, or imperiled marine habitats or ecosystems.*
2. *The proposed site has or will have funding for scientific research or monitoring.*
3. *The proposed site has been the site of previous scientific research or monitoring studies.*
4. *Seafloor habitat within the proposed site has been partially or totally mapped using side-scan sonar or equivalent technology.*

**III. STATE MARINE CONSERVATION AREA**

**A. Biological Criteria**

1. *The proposed site will protect or restore rare, threatened, or endangered native species or habitats.*
2. *The proposed site will protect outstanding, representative, or imperiled marine species, communities, habitats, or ecosystems.*
3. *The proposed site will protect populations of one or more fish species that have been declared “overfished” by the National Marine Fisheries Service. [see [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov) for list]*
4. *The proposed site will protect populations of harvested species that are of concern to state or federal fishery managers.*
5. *One or more habitats within the proposed site are designated as essential fish habitat (EFH) by the National Marine Fisheries Service. [see [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov) for list]*

6. *The proposed site will protect habitat, or biological communities, populations, species or gene pools that are under-represented or not replicated in the existing network of state marine managed areas.*
7. *The proposed site will protect connections between geographic areas and/or habitat types, including estuarine and marine, wetland and intertidal, intertidal and subtidal, and deep and shallow water.*
8. *The proposed site is biologically highly productive.*
9. *The proposed site contains multiple habitat types.*
10. *The proposed site has historically received relatively heavy fishing effort, it is likely that some populations of fished species are locally depleted, and populations of fished species are expected to rebound significantly if protected.*

**B. Socio-Economic Criteria**

1. *The proposed site currently or potentially provides public access, consistent with resource protection goals.*
2. *The proposed site currently or potentially provides educational and interpretive activities for the public.*
3. *The proposed site has historically received relatively little fishing effort.*
4. *Designation of the proposed site is not likely to have a significant negative socio-economic impact on those who have traditionally used the area.*
5. *Designation of the proposed site is likely to have a positive socio-economic impact.*
6. *The proposed site is bordered by similar habitat in which spillover effects from protecting one or more species could benefit those fishing adjacent to the area.*

**C. Geological Criteria**

1. *The proposed site has outstanding or unique geological features that contribute to the biological productivity of the area.*
2. *The proposed site has geological features that are critical to the lifecycle of native marine or estuarine species.*

**D. Management and Enforcement Criteria**

1. *The proposed site overlaps or is adjacent to an existing protected or managed area, thus facilitating enforcement.*

- 2. The proposed site is adjacent to a populated area in which public stewardship would facilitate enforcement.*
- 3. The proposed site has boundaries that are practical and enforceable.*
- 4. Designating this site would lessen the impact of human activities on sensitive populations of marine or estuarine organisms.*
- 5. The proposed site has living marine resources that if managed properly will allow for sustainable harvest.*
- 6. The proposed site has or will have funding sources and/or in-kind resources for enforcement.*
- 7. The proposed site has or will have funding sources and/or in-kind resources for management activities.*

***E. Evaluation and Research Criteria***

- 1. The proposed site will provide an opportunity for scientific research or monitoring in outstanding, representative, or imperiled marine habitats or ecosystems.*
- 2. The proposed site has or will have funding for scientific research or monitoring.*
- 3. The proposed site has been the site of previous scientific research or monitoring studies.*
- 4. Seafloor habitat within the proposed site has been partially or totally mapped using side-scan sonar or equivalent technology.*

**f. Implementation of the MLPA 1999-2004:** *This section will include a description of the first two phases of the MLPA. Draft text follows:*

*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 maintains a comprehensive mailing list. However, the Department at the time 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 Cen Cal Divers and United Anglers representatives). These letters contained DFG 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 DFG block maps indicated all blocks were important within a region.*

*Initial Draft Concepts, which identified areas the 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 the 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 Planning 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 DFG 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 Team members and to the three at-large members (Jim Barry, Frank Palmer, John Dixon). 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 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 in 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 the 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.*

*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, 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.*

**g. Relevant legislation**

The Marine Life Protection Act

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 10.5 (commencing with Section 2850) is added to Division 3 of the Fish and Game Code, to read:

CHAPTER 10.5. MARINE LIFE PROTECTION ACT

2850. This chapter shall be known and may be cited as the Marine Life Protection Act.

2851. The Legislature finds and declares all of the following:

(a) California's marine protected areas (MPAs) were established on a piecemeal basis rather than according to a coherent plan and sound scientific guidelines. Many of these MPAs lack clearly defined purposes, effective management measures and enforcement. As a result, the array of MPAs creates the illusion of protection while falling far short of its potential to protect and conserve living marine life and habitat.

(b) California's extraordinary marine biological diversity is a vital asset to the state and nation. The diversity of species and ecosystems found in the state's ocean waters is important to public health and well-being, ecological health, and ocean-dependent industry.

(c) Coastal development, water pollution, and other human activities threaten the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate.

(d) Fish and other sea life are a sustainable resource, and fishing is an important community asset. MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries.

(e) Understanding of the impacts of human activities and the processes required to sustain the abundance and diversity of marine life is limited. The designation of certain areas as sea life reserves can help expand our knowledge by providing baseline information and improving our understanding of ecosystems where minimal disturbance occurs.

(f) Marine life reserves are an essential element of an MPA system because they protect habitat and ecosystems, conserve biological

*diversity, provide a sanctuary for fish and other sea life, enhance recreational and educational opportunities, provide a reference point against which scientists can measure changes elsewhere in the marine environment, and may help rebuild depleted fisheries.*

*(g) Despite the demonstrated value of marine life reserves, only 14 of the 220,000 square miles of combined state and federal ocean water off California, or six-thousandths of 1 percent, are set aside as genuine no take areas.*

*(h) For all of the above reasons, it is necessary to modify the existing collection of MPAs to ensure that they are designed and managed according to clear, conservation-based goals and guidelines that take full advantage of the multiple benefits that can be derived from the establishment of marine life reserves.*

*2852. The following definitions govern the construction of this chapter:*

*(a) "Adaptive management," with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood.*

*(b) "Biogeographical regions" refers to the following oceanic or near shore areas, seaward from the high tide line or the mouth of coastal rivers, with distinctive biological characteristics, unless the master plan team establishes an alternative set of boundaries:*

*(1) The area extending south from Point Conception.*

*(2) The area between Point Conception and Point Arena.*

*(3) The area extending north from Point Arena.*

*(c) "Marine protected area" (MPA) means a named, discrete geographic marine or estuarine area seaward of the high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves and other areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses,*

*including living marine resources, cultural and historical resources, and recreational opportunities.*

*(d) "Marine life reserve," for the purposes of this chapter, means a marine protected area in which all extractive activities, including the taking of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.*

*2853. (a) The Legislature finds and declares that there is a need to reexamine and redesign California's MPA system to increase its coherence and its effectiveness at protecting the state's marine life, habitat, and ecosystems.*

*(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:*

*(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 life 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.*

*(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.*

*2854. Notwithstanding Section 7550.5 of the Government Code, the State Interagency Marine Managed Areas Workgroup established by the Resources Agency shall submit its final report to the Legislature and the commission by January 15, 2000. The workgroup shall, after appropriate consultation with members of the public, determine future actions for implementing the recommendations of its final report.*

*2855. (a) The commission shall adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program adopted pursuant to Section 2853 and decisions regarding the siting of new MPAs and major modifications of existing MPAs. The plan shall be based on the best readily available science.*

*(b) (1) The department shall prepare, or by contract shall cause to be prepared, a master plan in accordance with this subdivision. 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.*

*(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 members shall also 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.*

*(3) The team shall be composed of the following individuals:*

*(A) Staff from the department, the Department of Parks and Recreation, and the State Water Resources Control Board, to be designated by each of those departments.*

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

*(C) One member, appointed from a list prepared by Sea Grant marine advisers, who shall have direct expertise with ocean habitat and sea life in California marine waters.*

*(4) 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.*

*(5) 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.*

*(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:*

*(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.*

*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, and shall organize the location-specific contents, where feasible, by biogeographical region. In preparing the plan, the department and team shall use and build upon the findings of the Sea Grant survey of protected areas in California waters, which is entitled "California's Marine Protected Areas," the report of the State Interagency Marine Managed Areas Workgroup, the Department of Parks and Recreation's planning information and documents regarding existing and potential underwater parks and reserves, maps and other information from the department's marine nearshore ecosystem mapping project, and other relevant planning and scientific materials.*

*(2) The master plan shall include all of the following components:*

*(A) Recommendations for the extent and types of habitat that should be represented in the MPA system and in marine life reserves. Habitat types described on maps shall include, to the extent possible using existing information, rocky reefs, intertidal zones, sandy or soft ocean bottoms, underwater pinnacles, sea mounts, kelp forests, submarine canyons, and seagrass beds.*

*(B) 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.*

*(C) 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.*

*(D) 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.*

*(E) A simplified classification system, which shall be consistent with the goals of Section 2853 and the guidelines in subdivision (c) of Section 2857, and which may include protections for specific habitats or species, if no system that meets these specifications has already been developed.*

*(F) 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.*

*(G) 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.*

*(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.*

*(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.*

*(J) Recommendations for improving the effectiveness of enforcement practices, including, to the extent practicable, the increased use of advanced technology surveillance systems.*

*(K) Recommendations for funding sources to ensure all MPA management activities are carried out and the Marine Life Protection Program is implemented.*

*(b) The team shall, as necessary, identify and define additional appropriate components of the master plan as soon as possible after enactment of this section.*

2857. (a) *On or before July 1, 2001, 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. 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.*

*(b) The preferred alternative may include MPAs that will achieve either or both of the following objectives:*

*(1) Protection of habitat by prohibiting potentially damaging fishing practices or other activities that upset the natural ecological functions of the area.*

*(2) Enhancement of a particular species or group of species, by prohibiting or restricting fishing for that species or group within the MPA boundary.*

*(c) 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.*

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

*(e) The department and team may provide recommendations for phasing in the new MPAs in the preferred siting alternative.*

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.*

2859. (a) *On or before January 1, 2002, the department shall submit to the commission a draft of the master plan prepared pursuant to this chapter.*

*(b) On or before April 1, 2002, after public review, not less than three public meetings, and appropriate modifications of the draft plan, the department shall submit a proposed final master plan to the commission. On or before July 1, 2002, the commission shall adopt a final master plan and a Marine Life Protection Program based on the plan and shall implement the program, to the extent funds are available. The commission's adoption of the plan and a program based on the plan shall not trigger an additional review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).*

*(c) The commission shall hold at least two public hearings on the master plan and the Marine Life Protection Program prior to adopting the plan and program. The commission may adopt the plan and the program immediately following the second public hearing or at any duly noticed subsequent meeting.*

*(d) Notwithstanding Section 7550.5 of the Government Code, upon the commission's adoption of the program, the commission shall submit the master plan and program description, including marine life reserve and other MPA designations, to the Joint Committee on Fisheries and Aquaculture for review and comment. Upon receipt of the plan, the joint committee shall have 60 days to review the plan and to submit written recommendations to the commission regarding the plan and program. The joint committee shall only submit a recommendation to the commission if a majority of the members agree to that recommendation. The commission shall consider all recommendations submitted by the joint committee, and may amend the program to incorporate the recommendations. If the commission does not incorporate any recommendations submitted by the joint committee, the commission shall set forth, in writing, its reasons for not incorporating that recommendation.*

2860. (a) *The commission may regulate commercial and recreational fishing and any other taking of marine species in MPAs.*

*(b) Notwithstanding any other provision of this code, the taking of a marine species in a marine life reserve is prohibited for any purpose, including recreational and commercial fishing, except that the commission may authorize the taking of a marine species for scientific purposes, consistent with the purposes of this chapter, under a scientific collecting permit issued by the department.*

2861. (a) *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 the department or any other interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of*

*this chapter.*

*(b) Notwithstanding Section 7550.5 of the Government Code, prior to the adoption of a new MPA or the modification of an existing MPA that would make inoperative a statute, the commission shall provide a copy of the proposed MPA to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature.*

*(c) Nothing in this chapter shall restrict any existing authority of the department or the commission to make changes to improve the management or design of existing MPAs or designate new MPAs prior to the completion of the master plan. The commission may abbreviate the master plan process to account for equivalent activities that have taken place before enactment of this chapter, providing that those activities are consistent with this chapter.*

*2862. The department, in evaluating proposed projects with potential adverse impacts on marine life and habitat in MPAs, shall highlight those impacts in its analysis and comments related to the project and shall recommend measures to avoid or fully mitigate any impacts that are inconsistent with the goals and guidelines of this chapter or the objectives of the MPA.*

*2863. The department shall confer as necessary with the United States Navy regarding issues related to its activities.*

*SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

### *The Marine Managed Areas Improvement Act*

#### *PUBLIC RESOURCES CODE SECTION 36700-36900*

*36700. Six classifications for designating managed areas in the marine and estuarine environments are hereby established as described in this section, to become effective January 1, 2002. Where the term "marine" is used, it refers to both marine and estuarine areas. A geographic area may be designated under more than one classification.*

*(a) A "state marine reserve" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:*

*(1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.*

*(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.*

*(3) Protect or restore diverse marine gene pools.*

*(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.*

*(b) A "state marine park" is a nonterrestrial marine or estuarine area that is designated so the managing agency may provide opportunities for spiritual, scientific, educational, and recreational opportunities, as well as one or more of the following:*

*(1) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.*

*(2) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding representative or imperiled marine habitats or ecosystems.*

*(3) Preserve cultural objects of historical, archaeological, and scientific interest in marine areas.*

*(4) Preserve outstanding or unique geological features.*

*(c) A "state marine conservation area" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:*

*(1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.*

*(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.*

*(3) Protect or restore diverse marine gene pools.*

*(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.*

*(5) Preserve outstanding or unique geological features.*

*(6) Provide for sustainable living marine resource harvest.*

*(d) A "state marine cultural preservation area" is a nonterrestrial marine or estuarine area designated so the managing agency may preserve cultural objects or sites of historical, archaeological, or scientific interest in marine areas.*

*(e) A "state marine recreational management area" is a nonterrestrial marine or estuarine area designated so the managing agency may provide, limit, or restrict recreational opportunities to meet other than exclusively local needs while preserving basic resource values for present and future generations.*

*(f) A "state water quality protection area" is a nonterrestrial*

*marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by the State Water Resources Control Board through its water quality control planning process.*

*36710. (a) In a state marine reserve, it is unlawful to injure, damage, take, or possess any living geological, or cultural marine resource, except under a permit or specific authorization from the managing agency for research, restoration, or monitoring purposes. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state. Access and use for activities including, but not limited to, walking, swimming, boating, and diving may be restricted to protect marine resources. Research, restoration, and monitoring may be permitted by the managing agency. Educational activities and other forms of nonconsumptive human use may be permitted by the designating entity or managing agency in a manner consistent with the protection of all marine resources.*

*(b) In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial exploitation purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the designating entity or managing agency. All other uses are allowed, including scientific collection with a permit, research, monitoring, and public recreation, including recreational harvest, unless otherwise restricted. Public use, enjoyment, and education are encouraged, in a manner consistent with protecting resource values.*

*(c) In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes, that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The designating entity or managing agency may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources.*

*(d) In a state marine cultural preservation area, it is unlawful to damage, take, or possess any cultural marine resource. Complete integrity of the cultural resources shall be sought, and no structure*



*or improvements that conflict with that integrity shall be permitted. No other use is restricted.*

*(e) In a state marine recreational management area, it is unlawful to perform any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted.*

*(f) In a state water quality protection area, point source waste and thermal discharges shall be prohibited or limited by special conditions. Nonpoint source pollution shall be controlled to the extent practicable. No other use is restricted.*

*36711. The classifications contained in Section 36710 may not be inconsistent with United States military activities deemed mission critical by the United States military.*

*36725. (a) The Fish and Game Commission may designate, delete, or modify state marine recreational management areas established by the commission for hunting purposes, state marine reserves, and state marine conservation areas. The Fish and Game Commission shall consult with, and secure concurrence from, the State Park and Recreation Commission prior to modifying or deleting state marine reserves and state marine conservation areas designated by the State Park and Recreation Commission. The Fish and Game Commission shall not delete or modify state marine recreational management areas designated by the State Park and Recreation Commission.*

*(b) The State Park and Recreation Commission may designate, delete, or modify state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. The State Park and Recreation Commission may not designate, delete, or modify a state marine reserve, state marine park, or state marine conservation area without the concurrence of the Fish and Game Commission on any proposed restrictions upon, or change in, the use of living marine resources.*

*(c) If an unresolved conflict exists between the Fish and Game Commission and the State Park and Recreation Commission regarding a state marine reserve, state marine park, or state marine conservation area, the Secretary of the Resources Agency may reconcile the conflict.*

*(d) The State Water Resources Control Board may designate, delete, or modify state water quality protection areas.*

*(e) The Fish and Game Commission, State Park and Recreation Commission, and State Water Resources Control Board each may restrict or prohibit recreational uses and other human activities in the MMAs*

*for the benefit of the resources therein, except in the case of restrictions on the use of living marine resources. Pursuant to this section, and consistent with Section 2860 of the Fish and Game Code, the Fish and Game Commission may regulate commercial and recreational fishing and any other taking of marine species in MMAs.*

*(f) (1) The Department of Fish and Game may manage state marine reserves, state marine conservation areas, state marine recreational management areas established for hunting purposes and, if requested by the State Water Resources Control Board, state water quality protection areas.*

*(2) The Department of Parks and Recreation may manage state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. Department authority over units within the state park system shall extend to units of the state MMAs system that are managed by the department.*

*(3) The State Water Resources Control Board and the California regional water quality control boards may take appropriate actions to protect state water quality protection areas. The State Water Resources Control Board may request the Department of Fish and Game or the Department of Parks and Recreation to take appropriate management action.*

*36750. Any MMA in existence on January 1, 2002, that has not been reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code), shall be reclassified under the classification system described in Section 36700 by January 1, 2003, based upon the management purpose and level of resource protection at each site on January 1, 2002. Upon the reclassification of existing sites, but no later than January 1, 2003, the use of all other classifications shall cease for the marine and estuarine environments of the state, though the classifications may continue to be used for the terrestrial and freshwater environments where applicable. The reclassification process shall be the responsibility of the State Interagency Coordinating Committee established pursuant to Section 36800, and shall occur to the extent feasible in conjunction and consistent with the MMA master planning process created pursuant to the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code).*

*36800. The Secretary of the Resources Agency shall establish and chair the State Interagency Coordinating Committee, whose members are representatives from those state agencies, departments, boards, commissions, and conservancies with jurisdiction or management interests over marine managed areas, including, but not limited to,*

*the Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board, and State Lands Commission. The Secretary of the Resources Agency shall designate additional members of the committee. The committee shall review proposals for new or amended MMAs to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other such designations in the state. The committee shall also serve to ensure the proper and timely routing of site proposals, review any proposed site-specific regulations for consistency with the state system as a whole, and conduct periodic reviews of the statewide system to evaluate whether it is meeting the mission and statement of objectives.*

*36850. Designation guidelines based on the classification goals adopted for the state system of MMAs shall be developed jointly by the appropriate managing agencies in cooperation with the committee on or before January 1, 2002. These guidelines shall be used to provide a general sense of requirements for designating a site in any particular classification, and may include characteristics such as uniqueness of the area or resource, biological productivity, special habitats, cultural or recreational values, and human impacts to the area. These designation guidelines shall be provided on a standard set of instructions for each classification.*

*36870. On or before January 1, 2002, the committee shall establish a standard set of instructions for each classification to guide organizations and individuals in submitting proposals for designating specific sites or networks of sites. On or before January 1, 2003, the relevant site proposal guidelines shall be adopted by each designating entity.*

*(a) At a minimum, each proposal shall include the following elements for consideration for designation as an MMA:*

- (1) Name of individual or organization proposing the designation.*
- (2) Contact information for the individual or organization, including contact person.*
- (3) Proposed classification.*
- (4) Proposed site name.*
- (5) Site location.*
- (6) Need, purpose, and goals for the site.*
- (7) Justification for the manner in which the proposed site meets the designation criteria for the proposed classification.*
- (8) A general description of the proposed site's pertinent biological, geological, and cultural resources.*
- (9) A general description of the proposed site's existing recreational uses, including fishing, diving, boating, and waterfowl*

*hunting.*

*(b) The following elements, if not included in the original proposal, shall be added by the proposed managing agency in cooperation with the individual or organization making the proposal, prior to a final decision regarding designation:*

- (1) A legal description of the site boundaries and a boundary map.*
- (2) A more detailed description of the proposed site's pertinent biological, geological, cultural, and recreational resources.*
- (3) Estimated funding needs and proposed source of funds.*
- (4) A plan for meeting enforcement needs, including on-site staffing and equipment.*
- (5) A plan for evaluating the effectiveness of the site in achieving stated goals.*
- (6) Intended educational and research programs.*
- (7) Estimated economic impacts of the site, both positive and negative.*
- (8) Proposed mechanisms for coordinating existing regulatory and management authority, if any exists, within the area.*
- (9) An evaluation of the opportunities for cooperative state, federal, and local management, where the opportunities may exist.*

*36900. Individuals or organizations may submit a proposal to designate an MMA directly through the committee or an appropriate designating entity. Proposals submitted to a designating entity shall be forwarded to the committee to initiate the review process. Proposals for designating, deleting, or modifying MMAs may be submitted to the committee or a designating entity at any time. The committee and scientific review panel established pursuant to subdivision (b) shall annually consider and promptly act upon proposals until an MPA master plan is adopted pursuant to subdivision (b) of Section 2859 of the Fish and Game Code, and thereafter, no less than once every three years. Upon adoption of a statewide MPA plan, subsequent site proposals determined by the committee to be consistent with that plan shall be eligible for a simplified and cursory review of not more than 45 days.*

*(a) The committee shall review proposals to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other designations of that type in the state. After initial review by the coordinating committee and appropriate agencies, the proposal shall be forwarded to a scientific review panel established pursuant to subdivision (b).*

*(b) The Secretary of the Resources Agency shall establish a scientific review panel, with statewide representation and direction from the committee, to evaluate proposals for technical and scientific validity, including consideration of such things as site*

*design criteria, location, and size. This panel, to the extent practical, shall be the same as the master plan team used in the process set forth in the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code). Members shall maintain familiarity with the types and effectiveness of MMAs used in other parts of the world for potential application to California. Members shall be reimbursed reasonable costs to participate in the activities of the panel. Where feasible, advice shall be sought from the appropriate federal agencies and existing regional or statewide marine research panels and advisory groups. After review by the scientific review panel, the committee shall forward the proposal and any recommendations to the appropriate designating entity for a public review process.*

*(c) Designating entities shall establish a process that provides for public review and comment in writing and through workshops or hearings, consistent with the legal mandates applicable to designating entities. All input provided by the committee and scientific review panel shall be made available to the public during this process. Outreach shall be made to the broadest ocean and coastal constituency possible, and shall include commercial and sport fishing groups, conservation organizations, waterfowl groups and other recreational interests, academia, the general public, and all levels of government.*

*(d) This process does not replace the need to obtain the appropriate permits or reviews of other government agencies with jurisdiction or permitting authority.*

*(e) Nothing in this section shall be construed as altering or impeding the process identified under the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) or the actions of the master plan team described in that act.*