



## California Marine Life Protection Act Initiative

c/o California Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

**To: MLPA Blue Ribbon Task Force**  
**From: Michael DeLapa, Central Coast Project Manager**  
**Subject: Transmittal of Adopted Provisional Regional Goals, Objectives, and Design and Implementation Considerations**  
**Date: September 21, 2005**

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### **Recommendations**

MLPA Initiative staff recommends that the MLPA Blue Ribbon Task Force (BRTF):

1. Review and provide guidance with regard to the package of Provisional Regional Goals, Objectives, and Design and Implementation Considerations for the Central Coast Study Region adopted by Central Coast Regional Stakeholder Group (CCRSG).
2. Within this package, approve the staff recommendation to express socioeconomic considerations as a design consideration.
3. Within this package, adopt the staff recommendation to include estuaries, heads of submarine canyons, and pinnacles in Goal 4, Objective 1, but omit upwelling centers and larval retention areas.

### **Introduction**

MLPA Initiative staff is pleased to transmit to you a package of Provisional Regional Goals, Objectives, and Design and Implementation Considerations for the Central Coast Study Region. The CCRSG developed this package over the past three months with support from MLPA Initiative staff and unanimously adopted the package on September 8, 2005 in Cambria. As you know, the MLPA Master Plan Framework calls for developing regional goals and objectives as a foundation for designing alternative MPA proposals.

This memorandum details the CCRSG deliberation process and the elements and structure of the policy package. It also outlines key issues (text choices) where BRTF guidance is sought. Staff has provided its own recommendations where appropriate and a description of the appendix that details the text choices considered in building this package. The memorandum concludes with a note on further refinement of the package and outlines the anticipated next steps in applying these goals, objectives, and design and implementation considerations to the Central Coast Project.

## **The CCRSG Deliberation Process**

The CCRSG's adoption of this package culminated an intensive and comprehensive deliberation process. Throughout this effort, MLPA Initiative staff worked diligently to support and facilitate CCRSG discussions; organize and synthesize policy recommendations; produce multiple drafts of documents; offer professional recommendations regarding the application of the MLPA to policy development; and encourage fair and open negotiations among CCRSG members and interest groups. The CCRSG's work was informed by timely advice from MLPA Master Plan Science Advisory Team members as well.

This work began with the formation of a multi-stakeholder Regional Goals/Objectives Work Team that was appointed at the June 8-9 meeting. The Regional Goals/Objectives Work Team identified a series of options for regional goals, narrowed choices, and reported them back to the full CCRSG on July 7. After a robust 90-minute discussion, the CCRSG unanimously adopted the regional goals.

The following day, staff convened a spirited, multi-stakeholder brain-storming work session. Over the course of several hours and in follow-up correspondence, participants produced approximately 130 candidate regional objectives, keyed to adopted goals. MLPA Initiative staff then distilled these into an initial list of 33 provisional regional objectives, each with a rationale and reference back to the original brainstormed list. This list was reviewed, discussed and revised during a work session teleconference in late July.

At its August 10-11, 2005 meeting, the CCRSG reviewed major portions of the regional objectives, reached substantial agreement on some, and found divergence on others. In particular, the August deliberations turned up a suite of issues indirectly related to the drafting of regional objectives. Some of these were recast as "design considerations" or "implementation considerations." Still others were captured and moved into a "To Be Determined Bin" (or "TBD Bin") to be addressed per the process described in a September 1, 2005 memorandum to CCRSG members (attached to the staff report on the Central Coast Project).

The Regional Goals/Objectives Work Team met again in late August to narrow and clarify choices and, in some cases, bring back new text options. MLPA Initiative staff assembled a draft package for the September CCRSG meeting. During these deliberations staff further clarified the difference between design and implementation considerations (see Attachment 1, August 24, 2005 memorandum from John Kirlin) and their role relative to regional objectives (see Attachment 2, September 2, 2005 memorandum from Michael DeLapa).

At the September CCRSG meeting, the MLPA Initiative facilitators structured a series of straw votes to clarify choices. Altogether, the facilitators framed more than 40 straw votes on alternative text configurations. In building the package that appears here, staff wrapped in those text options that received the greatest support from the CCRSG.

Next, the full package was put forward for a final straw vote and was adopted unanimously. This final straw vote was taken with the understanding that the MLPA Initiative staff would convey two key issues for which multiple options received close to equal support from CCRSG members (the larval retention area issue and the placement of socioeconomic considerations). As well, staff committed to conveying the results of the alternative text formulations for other issues considered at the September meeting, together with the associated straw votes (see appendix to the adopted regional goals and objectives package), along with a staff recommendation for deciding among specific alternate text choices.

### **Alternative Text Formulations and Straw Votes Used to Track Relative Degrees of Support**

Consistent with the ground rules adopted by the CCRSG, MLPA Initiative facilitators structured a series of straw votes to help clarify choices and track progress in building agreement. These straw votes were a very practical tool for moving the process forward.

In the spirit of transparency and full documentation, the appendix to the provisional goals and objectives package presents each of the alternative text formulations considered during the September CCRSG meeting, along with the results of the straw votes. Staff believes this material will provide the MLPA Blue Ribbon Task Force with exceptionally detailed documentation of the CCRSG's deliberations.

### **Further Refinement of this Package**

The CCRSG and MLPA Initiative staff believe these goals, objectives, and design and implementation considerations can effectively guide the development of alternative MPA proposals within the study region. As implied by the modifier "provisional", the CCRSG and staff consider this package to be a living document subject to change as the process proceeds. The application of these goals, objectives, and design and implementation considerations may be refined as they are applied to the task of delineating MPAs.

### **Next Steps in the Application of Regional Policies in the Central Coast Project**

The CCRSG has already begun to use these provisional goals, objectives, and design and implementation considerations in the evaluation of existing MPAs within the Central Coast Study Region, the next phase of the Central Coast Project. At its October 5-6, 2005 meeting, the CCRSG will use this package in a structured process to begin developing MPA proposals.

### **Elements of the Regional Policy Package**

The package is organized into four components:

1. Statement clarifying relationship between goals, objectives and design and implementation considerations
2. Design considerations

3. Implementation considerations
4. Regional goals and objectives

The regional policy package includes goals and objectives that focus on protecting the natural diversity and abundance of marine life, rebuilding rare or overfished species, and improving recreational, educational, and study opportunities. The regional goals closely track the language of the goals of the Marine Life Protection Act (Fish and Game Code Section 2853 (b)).

The goals and objectives also call for replicating MPAs to ensure scientifically valid studies, carrying out a long-term monitoring plan, and creating a process for regional review to determine if regional MPAs are an effective part of a statewide network. In addition, as part of the same package, the CCRSG members unanimously supported design and implementation considerations to be used in concert with the objectives to guide the siting and evaluation of MPAs.

### **BRTF Guidance Requested on Key Policy Issues**

The CCRSG members agreed that MLPA Initiative staff should request the guidance of the BRTF on two elements of this package that generated strongly held preferences reflected in closely divided straw votes. Below is a description of these issues, a staff recommendation and a rationale for that recommendation.

#### ***Issue 1: Decide placement of text addressing socioeconomic impacts***

The text for Design Consideration #1 on socioeconomic impacts states:

Minimize negative socioeconomic impacts and optimize positive socioeconomic impacts for all users, to the extent possible, while following the Master Plan Framework design guidelines for the establishment of regional MPA network components.

The text currently appears as Design Consideration # 1, but the CCRSG agreed to convey to the BRTF that there was also strong interest in including this text as an objective under Goal 2.

#### ***Recommendation***

The MLPA Initiative staff recommends that socioeconomic considerations appear as a Design Consideration rather than as a Regional Objective.

#### ***Rationale***

The strong consideration of socioeconomic factors, and the aim to avoid negative socioeconomic impacts and optimize positive effects, is a crosscutting consideration, which received broad support. MLPA Initiative staff believes it is more appropriately treated as a design consideration than an objective for the following reasons:

1. Unlike the regional goals and objectives, the concerns embodied in this and other design considerations are not mentioned in the goals section of the MLPA. That is, economic factors are not identified as goals of the MLPA.
2. In one of several references to "economic" or "socioeconomic," the MLPA specifically requires that the Department of Fish and Game incorporate economic information in the context of achieving the goals of the MLPA:

*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. [Section 2857]*

3. The MLPA does not provide any guidance on what economic factors ought to take precedence, how MPA design should address these factors, nor how economic factors ought to be weighed against biological objectives.

***Issue 2: Decide between two options for the text of Goal 4, Objective 1 (dealing with larval retention areas)***

The two options discussed by the CCRSG were:

Option A. Include within MPAs the following habitat types: estuaries, heads of submarine canyons, pinnacles, upwelling centers, and larval retention areas.

Option B. Include within MPAs the following habitat types: estuaries, heads of submarine canyons, pinnacles, and upwelling centers.

At its September 19, 2005 meeting, the SAT advanced a third option:

Option C. Include within MPAs the following habitat types: estuaries, heads of submarine canyons, and pinnacles.

***Recommendation***

The MLPA Initiative staff recommends adoption of Option C, which includes estuaries, heads of submarine canyons, and pinnacles, but which omits upwelling centers and larval retention areas, as specific habitat types to be recognized in Goal 4, Objective 1.

***Rationale***

The SAT has provided the following advice on this objective: "Given that upwelling centers and larval retention areas are representative habitats and mappable in a gross sense (using headlands as a proxy -- upcoast upwelling, downcoast retention), they are

included in Goal 4, Objective 2 and thus do not need additional mention in Objective 1.” Staff agrees with this advice as it represents the best readily available science on the issue and therefore recommends selecting Option C.

**ATTACHMENT 1 TO MICHAEL DELAPA TRANSMITTAL MEMO**  
**California Marine Life Protection Act Initiative**  
**Blue Ribbon Task Force**

**M E M O R A N D U M**

Phil Isenberg, *Chair*  
*Isenberg/O'Haren, Government Relations*

William Anderson  
*Westrec Marina Management, Inc.*

Meg Caldwell  
*Stanford University Law School*

Ann D'Amato  
*Los Angeles City Attorney's Office*

Susan Golding  
*The Golding Group, Inc.*

Dr. Jane Pisano  
*Natural History Museum of L.A. County*

Cathy Reheis-Boyd  
*Western States Petroleum Association*

Douglas P. Wheeler  
*Hogan & Hartson, LLP*

John J. Kirlin, *Executive Director*

**To: Central Coast Regional Stakeholder Group**  
**From: John J. Kirlin**  
**Executive Director**  
**Subject: Design Considerations and Implementation Issues**  
**Date: August 24, 2005**

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At its last meeting, members of the CCRSG and staff identified several proposed objectives that could be better considered either as design considerations or implementation considerations. It was agreed to refer these items to the MLPA Blue Ribbon Task Force (BRTF) for their decision on this matter.

I strongly support these changes and will recommend the BRTF approve both the general rationale offered below and the specific proposed changes.

**Design Considerations and Implementation Considerations Differ from Objectives**

While objectives apply to a single goal and may or may not apply to all individual MPAs, design considerations and implementation considerations apply to all MPAs.

As suggested by the plain meaning of the words, design considerations are applied as the location, category (reserve, park or conservation area), size and other characteristics of potential MPAs are being developed.

Similarly, implementation considerations would arise after the design of MPAs as DFG and any other responsible agencies implement decisions of the California Fish and Game Commission with funding from the Legislature or other resources.

Moreover, while progress toward objectives can be assessed by quantitative or qualitative data, that is less appropriate or feasible with design considerations or implementation considerations.

Central Coast Regional Stakeholder Group  
August 24, 2005  
Page Two

As a consequence, the MLPA I-team advises that packages of possible MPAs developed by the CCRSG should include provisional objectives, design guidelines and implementation considerations.

### **Application to the CCRSG Goals and Provisional Objectives**

The implication here is that text for Goal 5, provisional regional objectives 3, 5 and 6, should be logically shifted to Design Considerations. One potential objective, Goal 5, Objective 4, should be shifted to Implementation Considerations. Goal 5, Objective 10 should be deleted.



## **ATTACHMENT 2 TO MICHAEL DELAPA TRANSMITTAL MEMO**

September 2, 2005

From: Michael DeLapa, Central Coast Project Manager, MLPA Initiative  
To: Central Coast Regional Stakeholder Group (CCRSG)  
Re: Staff Analysis: Goals, Objectives and Design Considerations

### **Purpose of Memo**

This memo addresses the following questions:

- What is the relationship between goals, objectives and design considerations in MPA planning as mandated by the MLPA?
- How can design considerations proposed by the CCRSG be used to guide MPA planning?

### **Staff Recommendation**

Staff suggests that the CCRSG consider and adopt the following statement to guide the application of goals, objectives, and considerations in the later design and evaluation of MPAs:

Members of the RSG agree that regional goals, regional objectives, objectives for individual MPAs, and design considerations are very important in the development of an effective system of MPAs that have stakeholder support. As described in the Master Plan Framework, regional goals are statements of what the MPAs in a region are ultimately trying to achieve as a group. The current regional goals are largely taken directly from the MLPA. Regional objectives are more specific measurable statements of what must be accomplished to attain a related goal (Pomeroy et al. 2004).

Design considerations are additional factors that may help insure effective MPAs by facilitating enforcement, monitoring, and management, encouraging public involvement, and incorporating socio-economic considerations and existing fisheries management measures, while meeting the goals and guidelines of the MLPA. Design considerations will be applied as the location, type, size, and other characteristics of potential MPAs are being developed. Design considerations are cross cutting—that is, they apply to all MPAs—and are not necessarily measurable. Any alternative MPA proposal developed by the RSG should include an analysis of how the proposal addresses both regional goals and objectives and design considerations. All these elements will be incorporated in the package which is presented to the BRTF.

Such a statement can enhance the understanding of other stakeholders, the Blue Ribbon Task Force, the Science Advisory Team, the Department, and the Commission

regarding this important matter. If the CCRSG is unable to agree to a statement such as that proposed below, staff will request that the BRTF provide guidance in this area.

## **Discussion**

The Marine Life Protection Act recognizes the importance of considerations such as economic impacts and water pollution during the design and evaluation of marine protected areas (MPAs). Besides requiring that information on these matters be collected from local communities, the Act states that a preferred siting alternative should incorporate "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" (Section 2857[a]). The goals mentioned are those that served as the basis for the adopted regional goals for the central coast. The guidelines mentioned include requirements for goals and objectives, coverage of habitats, size, number, and type of MPAs, and other standards.

Incorporating such considerations as socio-economic impacts helps ensure that in achieving goals and objectives for the region, MPAs are designed to be effective socially and economically, as well as ecologically. However, as Section 2857(a) makes clear, such considerations cannot supersede or compromise achieving the Act's goals and reflecting the Act's guidelines for design.

Such considerations also have a different relation to the Act than do the guidelines on design developed by the Science Advisory Team (SAT). The Act links guidelines developed by the SAT directly to its goals. Section 2856(a)(2)(C) of the Act mandates that the science team review and revise the guidelines in order to make sure that they are based on the most up-to-date science.

## **Illustrations**

The process for considering such aspects as socio-economic impacts in MPA design and evaluation is not described in detail in the Master Plan Framework. The following discussion illustrates how considerations raised by the CCRSG might be integrated into the design and evaluation of MPAs. The following examples, drawn from the September 1, 2005 memorandum on Draft Provisional Regional Objectives, are based upon the design considerations recommended by the CCRSG at its August meeting. The processes described in the examples are meant to give a clearer idea how these and any later considerations might be applied to MPA design and evaluation in the region.

**1. Socio-economic:** *Minimize negative socio-economic, and optimize positive socio-economic impacts for all users, to the extent possible, while following the Master Plan Framework design guidelines for the establishment of regional MPA network components.*

Once the basic features of a potential MPA are defined, such as boundaries and type, available information on current activities dependent upon the area may be analyzed to determine what types of activities might be affected positively or negatively by restrictions in the area. If particular boundaries or restrictions would negatively affect an activity, alternative boundaries and restrictions might be identified that would reduce negative impacts or increase positive impacts. If restrictions are likely to displace fishing into other areas, impacts on fish populations would be considered under design consideration 3 below, while any net costs to fishermen caused by displacement would be considered here. The different alternatives together with initial analyses of their anticipated negative and positive impacts should be presented as a package for consideration by the Blue Ribbon Task Force, the Department, and the Fish and Game Commission, as appropriate. See Steps 2.1.1, 2.3, 2.5.3 in the MPA Master Plan Framework.

**2. Existing Management:** *Incorporate existing state and federal fishery management areas, to the extent possible, when designing new MPAs or modifying existing ones.*

Once an area is identified as a potential MPA due to the presence of certain habitats or other features, a review of existing management in the area can be conducted to determine whether existing management measures such as seasonal or annual closures may be sufficient for achieving the goals and objectives for an area, consistent with the MLPA and the MPF. The requirements of the MLPA and the MPF should be used in evaluating such measures. These requirements include goals and objectives, monitoring plans, and adequate enforcement, among others. This review may identify opportunities for using existing closures, for instance, as the basis for the design of an MPA that meets all the requirements of the Act and the MPF, or it may identify ways in which the boundaries, restrictions, or other features of a potential MPA should be set to compliment existing management. In any event, this evaluation should be explicit, and should link to specific recommendations regarding proposed MPAs. See Steps 1.5.3, 2.1.1, 2.5.1, 2.5.2, and 2.5.4 in the MPA design process described in the MPF.

**3. Shifts in Fishing Effort:** *To the extent possible, site MPAs to prevent fishing effort shifts that would result in serial depletion.*

The evaluation of existing activities in a proposed MPA may identify fishing activities that may be displaced from the MPA by partial or total restrictions. To the extent possible, the effects of this displacement on fisheries in surrounding waters should be assessed. Key elements of such an assessment are the intensity of fishing within the proposed MPA, the status of target populations outside the MPA, the intensity of fishing for these target populations, existing

restrictions on fishing outside the MPA, and other matters. Demonstrating that there will be displacement does not itself demonstrate an impact on fisheries in surrounding waters, since existing fishery regulations may limit the incremental increase in fishing that may come with displacement. For instance, the displacement of fishing for species with low overall quotas will not necessarily increase fishing pressure on the fish population, although it may increase competition among fishermen. Similarly, where there are individual quotas such as trip limits, the impact of displaced fishing effort on fish populations and other fishermen is likely to be limited. Of course, the displacement of a large amount of fishing effort into an already heavily fished area will increase pressure on fish populations and competition among fishermen. If such impacts are documented, goals and objectives, boundaries, allowed activities may be adjusted. The reason for such adjustments should be documented.

The Initiative is conducting a review of the literature and empirical evidence regarding displacement of fishing effort. This review should be complete within the next several weeks.