

California Marine Life Protection Act Initiative

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To: MLPA South Coast Regional Stakeholder Group (SCRSG)
From: MLPA I-Team
Subject: Response to Questions Raised at the November 2009 SCRSG Meeting
Date: January 12, 2009

This memorandum is to provide responses to questions raised during the November 18-19 MLPA South Coast Regional Stakeholder Group meeting in Ventura, and reported in the Key Outcomes Memorandum for that meeting. Questions requiring further guidance from the MLPA Master Plan Science Advisory Team are noted as such.

1. Will there be guidelines for protecting birds and mammals?

I-Team Response

The SAT evaluation of marine protected area (MPA) proposals includes an evaluation of marine birds and mammals in proposed MPAs based on the number of species and density of birds at roosting and nesting sites, and of marine mammal haul-out and pupping sites. SAT guidance and evaluation methods will be made available once they have been approved by the SAT.

2. How is the coastline measured (linear miles or actual coastline) and what are the units of measurement (nautical miles or statute miles)?

I-Team Response

Measurements are made and reported in statute miles, in order to be understood by the broader public; as much as possible, nautical miles are also provided. The coastline is measured both in linear miles and actual coastline:

- "Total Shoreline Length" comes from a geographic information system (GIS) feature known as the ESI Shoreline Type. This GIS feature is a line derived from NOAA's Environmental Sensitivity Index data set. It is a high resolution coastline file; therefore, it has numerous twists and turns resulting in a distance much longer than a linear measurement of the coast as a straight line distance between two points along the coast would report. When we report "Total Shoreline Length", we are reporting the total length of actual coastline based on the ESI Shoreline data layer that falls within the study region. The Total Shoreline Length is reported in statute miles.
- "Alongshore Span" is a simple measurement of distance between two points along the general direction of the shoreline, made in the mapping program ArcGIS and reported in statute miles. Alongshore Span appears in some of the general guidelines for how large MPAs should be and reflects this distance from one end of the MPA to the other along the coast. The SAT has

combined the Alongshore Span guidelines with the Offshore Extent guidelines to provide recommended minimum and preferred size guidelines (in terms of area) for MPAs.

3. **For the size/spacing analysis [*PowerPoint presentation*], what is the logic behind the decision to focus on "sustaining and rebuilding" populations for goal 2?**

I-Team Response

The size/spacing analysis considers Goal 2 of the MLPA in its entirety. Goal 2 was paraphrased in the interest of saving space on the presentation slide only.

4. **How is the condition of the habitat type (e.g. degraded) considered in the SAT guidelines? That is, are degraded habitats eligible for MPA designation?**

Status of Response

There is no prohibition against designating MPAs that include "degraded" habitat, however that may be defined. This first part of the question is still in review by the SAT.

5. **Where does California halibut *Paralichthys californicus*, fall on the scale of dispersal distance for both adult and larval stages?**

SAT Response

A SAT workgroup has been formed to address this question.

6. **Is the survivorship of larvae within an MPA reduced due to increased biomass and therefore increased numbers of predators?**

SAT Response

A SAT workgroup has been formed to address this question.

7. **How will spacing guidelines be applied between the Channel Islands reserves [*including the portions in federal waters*]?**

I-Team Response

The Marine Life Protection Act is applicable to state waters only, and reserve areas in federal waters are therefore not considered in the planning and design of MPAs under the authority of the MLPA.

The California Fish and Game Commission has directed the SCRSG to not redesign the northern Channel Islands and Santa Barbara Island MPA's in state waters. The northern Channel Islands state MPA's will be included in all MPA proposals and evaluations. This direction does not apply to special closures. See the MLPA I-Team memo dated December 30, 2008 regarding the California Fish and Game Commission's guidance.

SAT Response

This question is currently under review by the SAT for the southern Channel Islands. Formal guidance will be provided as soon as the review is complete.

8. **Shouldn't the level of protection (LOP) for urchin harvest be higher, since this activity helps to maintain kelp forests which are important ecologically? Given that otters are not currently found in the southern California kelp ecosystem, can humans be considered a keystone predator to urchin (purple and red) because human harvest helps to maintain kelp forest health; and, if so, how would that affect SAT evaluations on urchin harvest including LOP?**

SAT Response

The SAT is working with the I-Team to update the urchin LOP with information specific to southern California.

9. **How much scientific collection or “take” happens within the study region and what are the effects on marine ecosystems?**

Status of Response

This question is still under review by the I-Team.

10. **A request was made to definitively clarify whether State Parks, as part of its planning process, could effectively overturn or revise MPA designations made as part of the MLPA implementation effort.**

I-Team Response

No, the State Park and Recreation Commission cannot overturn regulations adopted by the California Fish and Game Commission and vice versa. The roles of each of these designating agencies are spelled out in the Marine Managed Areas Improvement Act (MMAIA), which provides guidance as to what each designating agency can and cannot do with respect to MPAs. Section 36725(b) of the MMAIA states, “... 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.”

The State Park and Recreation Commission is the only entity with the authority to designate state marine parks. To further enhance coordination between agencies and help avoid conflict or confusion, State Parks is a member of the I-Team and attends all SCRSG meetings.

11. **How will the impacts of sea otters be included in the evaluation?**

I-Team Response

Trophic interactions between species are not specifically included in any SAT evaluations; therefore, impacts of sea otters will not be a component of the SAT evaluations.

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12. Suggestion that salmon, striped bass, marlin and tuna be noted as southern California [recreational] fisheries.

I-Team Response

Striped marlin and tuna are major recreational target species for southern California, but catches occur primarily in federal and Mexican waters; their importance to recreational fisheries has been noted in revisions to the regional profile.

Salmon and striped bass are minor target species for southern California and are not specifically noted in the regional profile section on recreational fisheries, which was intended to provide a general overview of major fisheries and target species. However, Table 5.6-1 in the regional profile has been updated to include recent catch statistics for striped bass and salmon.

13. [Will information be] Included on areas of grunion fishing in MPA planning?

I-Team Response

Grunion spawning sites have been added to regional profile maps and will be added to MarineMap and the regional profile. Catch and effort data for grunion fishing is not available.

14. [Will] information on cowcod conservation areas [be considered] and [will it be] considered that all rockfish are protected in these areas?

I-Team Response

The regional profile contains information on the cowcod conservation areas (CCAs) in section 3.2.2 and map 8.2-2, and are a data layer within MarineMap that can be overlaid with proposed MPAs.

From the regional profile:

“The Cowcod Conservation Areas are closed to all commercial and recreational fishing for groundfish except: 1) "other flatfish" is permitted as specified at §§ 660.382 to 660.384; 2) recreational fishing is permitted shoreward of the 20 fm depth contour for minor nearshore rockfish, cabezon, all greenlings of the genus *Hexagrammos*, lingcod, and California scorpionfish; and 3) commercial fishing for rockfish and lingcod with limited entry fixed gear and open access non-trawl gear is permitted shoreward of the 20 fm depth contour.”

The CCAs cover state waters around Santa Barbara and San Nicolas Islands. The portions of both the CCAs and rockfish conservation areas (RCAs) that occur in state waters will be reflected in the socioeconomic evaluations of MPA proposals, to reflect the portion of fishing grounds in the study region already closed to groundfish fishing prior to new MPAs. In addition, the *full area* within the CCAs and the RCAs will be recognized in the socioeconomic evaluation of MPA proposals to reflect the portion of *total* fishing grounds already closed to groundfish fishing prior to new MPAs.

The CCAs and RCAs are fishery management regulations and are not considered permanent closures; they will not be included in the SAT evaluation of habitat representation and replication, unless an MPA is proposed which overlaps the CCA in the study region

15. What information on hooking mortality and bycatch is available for catch and release fisheries in the MLPA South Coast Study Region?

SAT Response

A SAT workgroup has been formed to address this question.

16. Is it possible to expand the socioeconomic survey to cover ports/harbors?

I-Team Response

The MLPA does not require a full socioeconomic analysis. Instead, the MLPA states that “the department and team...shall take into account relevant information from local communities.” However, the MLPA Blue Ribbon Task Force has recognized that information regarding potential, negative socioeconomic impacts is important to have for MPA planning; Ecotrust has been contracted to gather information for recreational and commercial fishing. While socioeconomic information for ports and harbors would be useful, the MLPA Initiative does not have the time and resources to conduct another data collection effort.

17. Is it possible to expand the socioeconomic survey to cover non-consumptive uses?

I-Team Response

The MLPA does not require a full socioeconomic analysis. Information on non-consumptive uses would be useful, but is beyond the scope of the MLPA Initiative budget. Information on location of uses is included in the Ocean Uses Atlas. Also, Chris LaFranchi, from Natural Equity and the Channel Islands National Marine Sanctuary, has gathered some information on private boaters in the northern portion of the study region.

18. How will cultural use areas (tribal and otherwise) be included in the process?

I-Team Response

Recognizing southern California as a culturally diverse region, the MLPA Initiative brings cultural and tribal information into the process in a number of ways: 1) the SCRSG contains members who are able to integrate cultural and tribal considerations into the planning process; 2) the regional profile includes information that speaks to tribal and cultural uses; and 3) specific 'Key Communicators' are actively involved in outreaching to the non-English speaking public for input.

Cultural Outreach

To assist SCRSG members with reaching a culturally diverse public, the Bilingual Outreach Work Team works to translate documents and develop specific outreach tools to inform cultural groups on the process and provide opportunities for involvement.

Tribal Outreach

To complement input offered by the two tribal SCRSG representatives, a South Coast Tribal Forum is scheduled for February 2009 to help ensure inclusive involvement and input of all tribes in the MLPA South Coast Study Region. This event, coupled with pre- and post-forum outreach efforts, aims to include important tribal information for consideration during the process.

MPA Designation

Although an SMP is the only MPA designation that specifically addresses cultural resources as an objective, both an SMCA and an SMR also may provide an increased level of protection for cultural resources, dependent upon the allowed uses. Through this MLPA process, cultural resource protection will be evaluated as a secondary benefit to any proposed MPA array.

The information gathered through the South Coast Tribal Forum and other outreach efforts may be used in potential future State Parks and California State Lands Commission efforts to designate state marine cultural preservation areas.

19. How were subsistence fishermen captured in the Ecotrust survey?

Ecotrust Response

Subsistence anglers and non-English speaking anglers were not specifically targeted in the Ecotrust online survey of recreational anglers. Ecotrust intends to work with the California Department of Fish and Game and the I-Team to include these groups in the survey data.

20. How were recreational fishermen in marinas captured in the Ecotrust survey?

Ecotrust Response

General outreach to the recreational fishing community was conducted through advertised informational public meetings and outreach to fishing clubs and organizations.

21. Can more clarification be provided on creation of the minimum size guidelines that were created (especially the offshore component, since state waters is three nautical miles, not three statute miles)?

SAT Response

A SAT workgroup has been formed to address this question.