

California Marine Life Protection Act Initiative

Summary of Key Themes from Public Comments Received at Open Houses for the South Coast Project through July 20, 2009 July 29, 2009

On June 29 and 30 and July 1, 6, 7, 8, 9 and 13, 2009, the Marine Life Protection Act (MLPA) Initiative hosted a series of public open houses to receive public feedback on Round 2 draft and revised marine protected area (MPA) proposals for the MLPA South Coast Project. The eight open houses were held during the evenings in Carlsbad, San Diego, Laguna Beach, San Pedro, Marina del Rey, Oxnard, Santa Barbara and Avalon. Over 900 members of the public attended the open houses.

The goals of the open houses were to:

- Solicit public review and input on "Round 2" draft and revised MPA proposals
- Provide opportunity for SCRSG members to gain feedback on MPA proposals, which may include diverse perspectives
- Increase general public and stakeholder knowledge about the MLPA Initiative
- Communicate methods the public and stakeholders can use to become more engaged in the MLPA Initiative and the south coast project

The open houses involved a series of stations facilitating small group and one-on-one discussions between the public and members of the MLPA Initiative staff, MLPA South Coast Regional Stakeholder Group and MLPA Blue Ribbon Task Force. As part of the open house effort, written comments were submitted by members of the public addressing a range of subjects, including comments on the MLPA Initiative process, individual draft MPA proposals, proposed MPA designations and other key issues. Over 800 written comments were received and continue to be submitted electronically and by mail.

This document summarizes the key themes that have emerged from public input (through July 20, 2009) with specific examples of the themes. This is not a comprehensive list, but rather an overview of ideas that recurred throughout the open houses. This summary is being provided to the MLPA Blue Ribbon Task Force (BRTF) and South Coast Regional Stakeholder Group (SCRSG) to help inform the development of Round 3 MPA proposals.

Key Themes from the 2009 South Coast MLPA Initiative Public Open Houses

1. **Overarching theme of comments.** The complexity of the MLPA South Coast Study Region and, hence, the challenge of implementing the MLPA to achieve the goals of the act was a striking theme. Some of the elements of this challenge include multiple and sometimes divergent interests of user groups, site-specific needs of various user groups, multiple agencies of jurisdiction that require coordination, the linkage between MLPA and fisheries management, and potential socioeconomic impacts from implementing marine protected areas.
2. **Public access and safety for recreational kayak fishermen.** The majority of comments submitted pertained to the issue of public access and safety for recreational kayak fishermen. The primary message was that establishing state marine reserves (SMRs) in areas adjacent to popular launch sites and currently used fishing grounds would greatly reduce the number of people able to continue the sport. Most participants believe that the designation of a SMR would preclude public access and therefore force kayakers to put-in at alternative locations, some of which may be unsafe. The most commonly cited launch sites included La Jolla Shores, Dana Point, and Point Dume. Secondary to this, nearly all of the participants opposed any closure of areas they currently fish as this would require them to shift to different fishing grounds. They are also concerned that if kayakers have to paddle across an SMR to reach an area where they are allowed to fish, this distance could prove too great and thus decrease the number of kayakers willing to make the effort.

In addition, kayakers believe this unfairly restricts their access as other boat owners can transit through SMRs to fishable areas more easily. Some examples of comments received include:

- a. "I'm very concerned about Lapis 1 and in particular the area around La Jolla 2. This would shut down the shores where the launch ramp is and is the only access to open ocean." (Comment #15)
- b. "I support External Proposal A specifically because it does not close La Jolla Shores where there is a public boat launch and shelter from swell activity. This is the only safe launch site for kayak fisherman." (Comment #152)
- c. "I would like to show my support for revised External Proposal B. As a kayak angler that fishes La Jolla it will have the least impact on me as an angler. La Jolla is the only safe ocean launch site in San Diego and having it open to fishing is a must for a kayaker. It is simply unreasonable to ask a kayaker to launch at a site that is dangerous and further away and expect me to paddle 5 or more miles just to fish. The closing of La Jolla is Lapis 1 draft, Lapis 2 draft, Opal draft and Topaz draft are unacceptable to me and would cause me to either launch at a dangerous site or give up fishing in the State of California and spend my money in Mexico to fish." (Comment #46)
- d. "I am strongly opposed to the Lapis 1 proposal. My main reason is that it would restrict my ability to fish the La Jolla kelp beds. I am a recreational kayak fisherman and have become part of an amazing community of ocean-loving sportsmen. Each and every one of them is respectful of the ocean and the creatures in it. We may catch and keep one fish per month, if we're lucky. The rest we release and mainly we enjoy the sport." (Comment #3)
- e. "I am a 69 year old kayak fisherman. As such it is important to me to have access to fishing areas. I support Opal proposal because it allows me access out of Dana Point for fishing and lobster. I lobster along the long breakwater. Lapis 1 and Lapis 2 both eliminate any access to lobster for kayak out of Dana Point. It is also important to keep Doheny Beach open to fishing as it is the only protected kayak area from power boats inside the buoys. La Jolla is another area I fish and the launch area is important at La Jolla shores and being able to get out to the fishing area." (Comment #4)
- f. "La Jolla is a unique place, protected from the elements for kayakers. It is the ONLY open ocean launch in San Diego County for kayak fisherman without significant drawbacks. Closing La Jolla would unfairly close our access to the ocean, while boaters would still have access to some spots. In Orange County closures around Dana Point would have a similar effect. In short for kayak fishing access DO NOT EXPAND RESERVES IN LA JOLLA. We lose our equal access." (Comment #52)

3. Impacts to the local economy. Many participants believe if the number of recreational fishermen decreases, there will be a significant impact on the local economy. Some kayak fishermen commented that they are more environmentally friendly than other types of recreational fishermen. Spear fishermen made a similar comment. Some examples of these comments include:

- a. "I'm a 30 year old small business owner. I sell kayaks and specialize in fishing kayaks. Most of my business comes from kayak fishing. It's crucial for my clientele to have access to safe and easy ocean launches. La Jolla is the most important location to remain open and accessible. If La Jolla closes, it will start an economic snowball effect. I won't be able to support my family, I'll have to lay off my 3 employees and shut down my business. Please consider this as you choose the closures." (Comment #16)
- b. "I do not approve of any areas to be closed in the San Diego County area. I am a kayak fishing enthusiast. Areas to be closed are going to affect the economy. We are in a recession as is, and to cut out areas for recreational fishing will bring more of an economic

downfall than ever before. Many sport boats, lobster (commercial) and private sportfishing will be put out of business and families will be hurt.” (Comment #227)

- c. “As a general comment to the process I feel that kayak fisherman should be given special consideration as a very low impact recreational user. Over the past two years I have spent over \$4000 on kayaks & fishing gear & my motorboat has been sitting on a trailer.... I prefer kayak fishing as a low impact environmentally friendly means of communicating with nature, I routinely pick-up floating trash discarded by motorboat fisherman. In general kayak fisherman are very conservative in their take of fish. Many fish are released readily from kayaks and in general kayak fisherman respect the ocean & the resources to a greater extent than many other recreational users. The kayak fishing community is very strong and we have regular meetings and contests where we gather to share our passion and interests.” (Comment #9)
- d. “It would be nice if some incentives were built into the plan that favored kayak fishing. We use no fuel (i.e. less pollution). We do little if any damage to kelp beds. We are not aggressive on the water; you can't get too drunk on a kayak on the open ocean. We take far less fish than our sportfishing brethren. I am being lumped into the same group as the party boat captain with 50 poles in the water and that is unfair.” (Comment #228)
- e. “For 30 years before my husband died, freediving and spearfishing was our passion. We passed that passion on to our children and grandchildren. My husband and I were/are good stewards of the ocean and we passed our ethics and love of the ocean on to them.... we don't rape and pillage the fish. We take only what we need for the table for dinner.” (Comment #50)
- f. “Freedive spearfishermen are stewards of the resource, and ecologically responsible. My activities also support the local economy. 2009- Boat Depot San Diego, new 4 stroke outboard motor \$7,000, Archstone Apartments Corporation \$100/mo for boat storage (\$1,200.00), West Marine - yearly \$500.00, James and Joseph Chandlery, spearfishing gear \$500, Riffe International - wet suit \$500, Horizon Charters San Diego, dive charter to Mexico \$2,500, fuel x 40 trips diving per year \$1,200, food x 40 trips diving per year \$800. This is what I spend yearly to support local merchants by virtue of my diving activities.” (Comment # 183)

4. Ensuring sufficient representation of habitats. Participants in specific subregions submitted a consistent message—that proposals, overall were quite similar, that few elements from External MPA Proposal C were incorporated, and that important habitats were not sufficiently protected by proposed MPA designation. Some of the areas cited as not having enough protection included the lagoons and estuaries of San Diego County, the City of Laguna Beach, and the northern portion of Santa Barbara County. Some examples of these comments include:

- a. “The overall process, as I understand it, is about protection of the ocean environment. Somehow it seems to have become diverted to a discussion of fishing and fish. Fish are a part of the ocean environment, but a small part. We need reserves that will protect and enhance regions of rich and diverse marine life - like Refugio and Tajiguas.” (Comment #746)
- b. "Protecting areas is important to us ecologically and economically. This process seems to focus too much on consumptive use rather than the benefits of protected areas. It is good that stakeholders have an opportunity to speak and express their opinions, but not when popular opinion threatens the outcome of the process. Sometimes popular opinion is wrong." (Comment #19)

- c. "I am concerned about how the MPA process has already moved away from its original guiding principles of protecting marine life and marine habitat as a result of round after round of compromise with those with extractive interests....[those] who are unwilling to put the good of the public, of the environment, and of the future generations ahead of their own personal profit or enjoyment should not be allowed to drive this process." (Comment #795)
- d. "Why isn't my right to see a lovely protected area considered as important as a recreational fisherman's right to fish?" (Comment #404)
- e. "I feel there needs to be a stronger conservationist interest being represented within the RSG. I see no proposals that suit me as a San Diego local, surfer and conservationist. I could not, as of yet, even select an option." (Comment #47)
- f. "I would like to see the entire 7 miles of the Laguna Beach coast designated as a no-take reserve. It would facilitate enforcement. Ultimately the increased number of fish would benefit the fishers.... When Yellowstone was designated a national park, the hunters were as hysterical as the fishers are today with the reserve proposals. There's a lesson to be taken from this." (Comment #413)

5. Creative suggestions and potential solutions for boundary adjustments and use designations.

Some participants addressed both why particular MPAs were unacceptable from their perspective and then provided specific changes that could be made that would result in something they could live with. These creative and insightful comments may illuminate potential pathways towards achieving cross-interest support. Some examples include:

- a. "By shifting the red area of the proposed La Jolla SMR south approximately 1 mile, the same type and quantity of habitat would be included in the SMR, and kayakers would not be so adversely affected. Another option would be to allow the take of yellowtail and seabass in the northern portion of the La Jolla 2 SMR, by changing the designation to a park." (Comment #807)
- b. "Cut the no take zone in half and allow fishing in the northern quadrant. Eliminating this area completely would wipe out us local kayak fishermen." (Comment #296)
- c. "I urge the adoption of a Marine Reserve or closure in the area off the shoreline of Del Mar as an alternative to closures off the shorelines of La Jolla and Pt. Loma. The Del Mar area provides biodiversity and habitat and special protection that meets scientific goals of MPLA and is supported by the proposals Lapis 2, Opal, Topaz." (Comment #36)
- d. "All proposals contain SMRs in Laguna Beach that are either too small or do not capture the highest quality and most critical habitat. Laguna SMR needs to be larger. Borders from Abalone Point in Irvine Cove (N. Laguna) to Mussel Point in Three Arch Bay (S. Laguna) all the way out to 3 miles. Captures significant habitat and allows simpler education and enforcement." (Comment #19)
- e. "Please leave open all areas in front of campgrounds around Catalina. If you don't own a boat, you won't camp, you won't spend the money to go to Catalina, thus hurting an already bad economy." (Comment #100)
- f. "Opal- why the Ocean Beach SMCA? Difficult to locate and police vs. the Sunset Cliffs SMR. Topaz - Same comment as for Opal. Users won't know where they are. If the area must be protected one larger SMCA or SMR would be better." (Comment #174)
- g. "Lapis 2 and External A: -Cardine Hill Trail should be left open for recreational fishing. - Shift Point Vicente SMR north boundary south to Long Point. -Shift Portuguese Bend east to compensate for lost area." (Comment #574)

- h. "Lapis 2 - Upper Newport Bay should be a Marine Reserve - (is already a Marine Sanctuary) Topaz Draft - Catalina Island - "Long Point" should be a State Marine Reserve only leave Laguna and La Jolla open." (Comment #603)
- i. "Pt Dume SMR--Use Trancas Point to Decker Canyon instead. This is a few miles NW of Point Dume known as 'Lechvze Reef'. It is a 'Larger Habitat' than the Dume area but inaccessible to fishermen because of steep cliffs and large surf. Add Zuma Beach and you have a complete eco-system. 2. Deer Creek to Point Mugu Naval Base. This is a huge complete eco-system. Point Mugu Naval Base has the larges under water canyon in So. Ca. Much larger than Dume Canyon. Couple with the shoreline reefs all the way to Deer Creek. Add the large outer reef of Deer Creek and you have a diverse system. These are two huge habitats that will protect marine life without denying California fishermen the accessible area known as Point Dume/Paradise Cove." (Comment #641)
- j. "Lapis 1 - As a kayak angler, the proposed Pt. Dume SMR is a nightmare. However if you can move the boundary line West to a line directly South off of Little Dume Pt. then I will support Lapis 1." (Comment #707)
- k. "Refugio is a popular vacation spot and has very heavy pressure from recreational fishing. this unique spot merits a State Marine Reserve. Because recreational fishing is a big part of the camping experience, recreational line fishing from shore should be allowed. But spear-fishing, fishing from kayaks, and all commercial fishing should be prohibited." (Comment #746)
- l. "Naples Reef is very important for UCSB scientific research and education - needs a high degree of protection which should also yield "seed stock" for the adjacent waters. Devereux Slough is part of the University Land & Water Reserve System - adjacent ocean waters should be consistent with that." (Comment #784)
- m. "As a freedive spearfisherman I would gladly accept a large portion of the Carp reef designated as an SMR in exchange for a smaller area of the Coal Oil Point (SMR) to allow recreational take of pelagic finfish and lobster. My proposal would result in an increase in total area designated as SMRs while eliminating the exclusion of recreational divers to one of the most valued dive locations in Santa Barbara County (Devereux)." (Comment #793)
- n. "I want to see estuaries, marshes and sloughs connected to MPAs. Examples are Malibu; Goleta Slough; San Diego Bay & Sweetwater Marsh. I want to see swaths of ecosystem transitions protected in this way. Maybe fewer areas that are much larger would be more ecologically effective." (Comment #404)
- o. "I recommend that all plans include a state marine conservation area off Bolsa Chica state beach and Huntington Beach off Brookehurst where the least tern preserve is, for the purpose of protecting the foraging areas of the least tern off Bolsa Chica." (Comment #476)

6. Lack of clarity regarding the substantive focus and role of the MLPA relative to other marine resource management efforts. Several participants suggested changing current management strategies (i.e., increase size limits or decrease bag limits) instead of designating MPAs. There was confusion about the regulations that accompany an SMR. Other participants lamented the fact that water quality was not being addressed. Still others believe there is not adequate funding to continue the designation process or that it is being misplaced. Some examples include:

- a. "I would like to see you put limits on when I can fish, or what I can fish, or the size of the fish instead of not being able to fish at all." (Comment #38)
- b. "I disagree with all of southern California, from Del Mar & south, being closed. I would like to see slot limits placed for specific species rather than closures." (Comment #237)

- c. "I do have concern with each SMR in each proposal, can you please be very specific and clear about transporting our catch through a SMR? It seems as each RSG member and DFG Officer had a different answer." (Comment #625)
- d. "Water quality is the primary problem in Southern California. Too bad MLPA does not address this." (Comment #23)
- e. "Also, due to lack of state funding, I am very upset that we are moving forward. We can't educate our kids, but we can implement an ill conceived plan that we cannot possibly enforce." (Comment #229)
- f. "I thank you for including the public although I believe the money used for this should be used elsewhere to better benefit our ocean. Water quality should be top priority. Each winter I read about San Diego sewage leaking into the ocean. I swim and kayak on trash. How can we not pollute the ocean? Furthermore, a plan for funding implementation should come before all of this. What is the scope of funding?" (Comment #184)