



October 2009

Executive Director's Message

Nearly 18 months after our initial outreach in the region, we are in the final stages of the MLPA Initiative planning process in southern California. We have learned a tremendous amount over the past year and half – not only about marine habitats, ocean currents, human uses and levels of protection, but about ourselves and how we respond to bumps in the road with open minds and collaborative spirits.

The MLPA South Coast Regional Stakeholder Group (SCRSG), science advisory team and MLPA Initiative staff are busy preparing for next week's MLPA Blue Ribbon Task Force meeting. At this meeting, the task force will review the SCRSG's three marine protected area (MPA) proposals to arrive at a "preferred alternative." Just as it has been throughout the process, public comment will be an important component at this meeting. When preparing your comments, I encourage you to review the memo from task force Chair Reheis-Boyd, the "MLPA Guidelines for Public Comment," and the frequently asked questions detailed below. Your review of these documents will help ensure you are informed, prepared and able to maximize the effectiveness of your input to the task force. We look forward to seeing many of you next week!

~Ken Wiseman, Executive Director

Key Questions About the MPA Planning Process

Where are we in the south coast planning process? Is it too late to provide input?

Is there a minimum (or maximum) percentage of area that will be contained within MPAs?

Is it true that all human uses are restricted in MPAs?

Is it illegal to travel through or anchor in an MPA with catch on-board? What about if I am kayak fishing or spearfishing?

Is fishing permitted in MPAs?

Why prohibit all fishing when fishery management tools are working well? Why not allow catch-and-release or implement slot limits if added protection is needed?

What science exists to support MPAs?

Are economic costs to local communities considered in the planning process? If so, how?

How is California going to pay for the long-term monitoring, management and enforcement of the new MPAs?

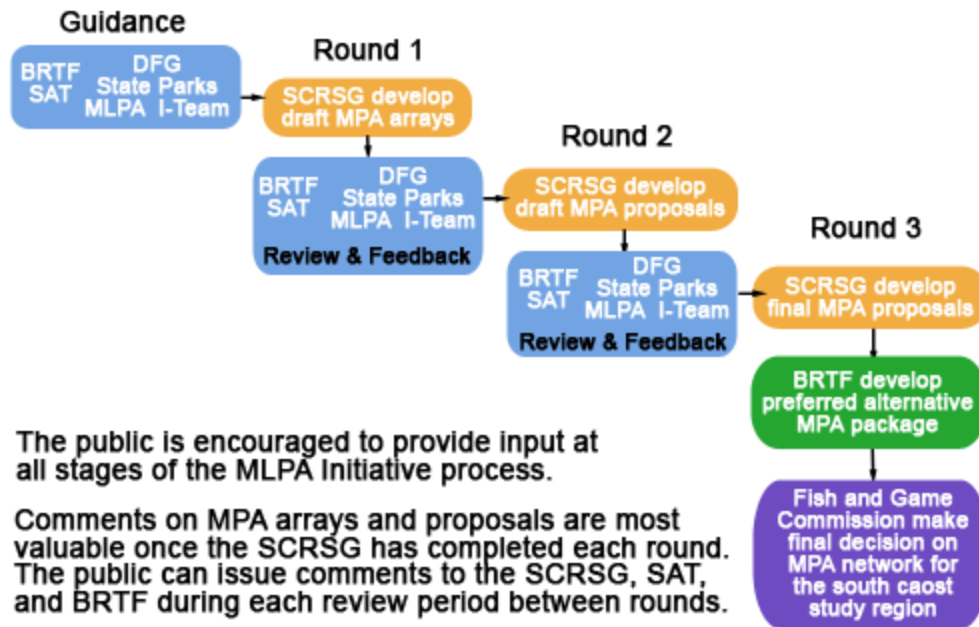
If an area is closed as an MPA, will it always be closed?

Who funds the MLPA Initiative and do they influence the outcome of the process?

Where are we in the south coast planning process? Is it too late to provide input?

The MLPA Initiative began the marine protected area (MPA) planning process in the south coast study region in June 2008 and is now in the final stages.

At its October 20–22 meeting, the MLPA Blue Ribbon Task Force (BRTF) will receive three MPA proposals developed by the south coast regional stakeholder group. The BRTF will review science evaluations conducted by the MLPA Master Plan Science Advisory Team (SAT) and staff analyses conducted by MLPA Initiative staff, the California Department of Fish and Game (DFG) and the California Department of Parks and Recreation (State Parks), along with public comments, and will select a “preferred alternative” MPA proposal. The preferred alternative, along with any other proposals the BRTF identifies, will be forwarded to the California Fish and Game Commission on December 9-10, 2009. The commission will then begin regulatory and environmental review processes that are expected to last several months.



The public has been instrumental in developing the MPA proposals by the regional stakeholder group and will continue to play an important role in the process. Time has been set aside for public comment at the BRTF meeting in October; anyone wishing to provide input at this meeting are strongly encouraged to refer to the guidelines for public comment and memo from BRTF Chair Reheis-Boyd in order to maximize the effectiveness of their comments. A 90-day public comment period will also be held as part of the commission’s regulatory process.

Is there a minimum (or maximum) percentage of area that will be designated as MPAs?

No. There is no total or specific area percentage designated to be set aside for MPAs in any study region. The MPA design process is based on the goals and objectives of the MLPA as well as a set of scientific guidelines, outlined in a master plan for MPAs, for achieving a sound network. These guidelines do not set a specific percentage to include in MPAs; rather, they provide a range of guidance for individual MPA size and distance between MPAs, and information on key habitats and species likely to benefit from MPAs.

As part of the planning process, the MLPA South Coast Regional Stakeholder Group (SCRSG) recommends the boundaries, classification type, goals and objectives and types of uses that should be allowed in the proposed MPAs. The RSG has been guided, among other things, by size and spacing criteria established by the science advisory team, but there are no absolute requirements for a predetermined percentage of area that must be contained within MPAs. For example, the central coast study region (Point Conception to Pigeon Point) includes MPAs encompassing approximately 18% of state waters within the study region. Of the area set aside in MPAs, approximately half is contained in state marine reserves (7.5% of the study region). The MPA network adopted by the California Fish and Game Commission for the north central coast study region represents approximately 20% of state waters within the region and about half is contained within state marine reserves (11% of the study region).

Is it true that all human uses are restricted in MPAs?

No, non-extractive human uses such as swimming, wading, boating, diving and surfing are generally allowed in MPAs. The MLPA relies upon the Marine Managed Area Improvement Act (MMAIA) to define the types of MPAs and uses that are allowed within those MPAs. The MMAIA indicates that, to the extent possible, marine protected areas should be open to the public for managed enjoyment and study. One of the goals of the MLPA is to improve the recreational, educational and study opportunities within MPAs, subject to minimal human disturbance. At its July 2009 meeting, the task force clarified that it is not the intent to prevent access to MPAs for non-extractive activities including swimming, wading, diving and boating. View a recent advice letter from the California Attorney General's office regarding marine protected areas and the MMAIA.

Is it legal to travel through or anchor in an MPA with catch on-board? What about if I am kayak fishing or spearfishing?

Yes, transit and anchoring are generally allowed. The relevant language is found in Title 14 Section 632 subsections (a)(7) and (8), which are cited below. A few areas may restrict or prohibit transit and anchoring to protect a particularly vulnerable habitat or species, though all have allowances for anchoring or transit in emergencies.

(7) Anchoring. Vessels shall be allowed to anchor in any marine protected area or marine managed area with catch onboard unless otherwise specified in subsection 632(b), areas and special regulations for use. Fishing gear shall not be deployed in the water while anchored in a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while anchored in a state marine recreational management area, state marine park or state marine conservation area. Anchoring regulations shall be consistent with federal law and allowances made for anchoring required by emergency or severe weather.

(8) Transit or Drifting. Vessels shall be allowed to transit through marine protected areas and marine managed areas with catch onboard. Fishing gear shall not be deployed in the water while transiting through a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while transiting through a state marine recreational management area, state marine park or state marine conservation area.

Kayaks may transit a state marine reserve (SMR) with catch on board, as long as gear is properly stowed. Similarly, individuals who have been spearfishing may transit an SMR with a speargun with or without catch, as long as the gun is not charged.

Is fishing is prohibited in MPAs?

No, not all MPAs exclude all types of fishing. The three types of MPAs that can be established through the MLPA are state marine conservation area (SMCA), state marine park (SMP), and state marine reserve (SMR). Each classification has different rules about allowable activities within its boundaries. In general, state marine reserves do not allow any type of extractive activities (including fishing or kelp harvesting), with the exception of scientific collecting under a permit. Marine parks do not allow any commercial extraction but may allow some forms of recreational fishing. Marine conservation areas may allow some combination of commercial and/or recreational extraction.

Why prohibit all fishing when fishery management tools are working well? Why not allow catch-and-release or implement slot limits if added protection is needed?

MPAs established under the MLPA are intended to complement existing fishery regulations and are not intended to replace existing or future regulations. MPAs address a broad array of ecosystem needs and are designed to allow both fished and unfished species to exist in a more natural setting.

The Marine Life Management Act (MLMA) is currently California's primary fishery management tool. The MLMA acknowledges that other conservation and management programs such as those being developed under the MLPA help facilitate long-term protection of fishery resources. The purpose of habitat protection under the MLMA is to advance the "primary fishery management goal" of sustainability, and so it may only provide for limited protection of a particular habitat. Conversely, although the MLPA considers fishery habitat, it also encompasses broader, ecosystem-based objectives that are not limited to only managing fisheries. Some goals of the MLPA simply cannot be achieved with traditional fisheries management. A lessons-learned evaluation of the MLMA is currently underway as a joint venture between the California Ocean Protection Council, California Fish and Game Commission, and DFG. This project is intended to evaluate the performance to date of the MLMA and provide recommendations to improve future MLMA efforts. Please visit the "MLMA Lessons Learned Project" website for more information.

What science exists to support MPAs?

Best readily-available science is the best data that is accessible in a format where it can be readily incorporated into the MPA planning process. Marine systems are highly complex and better information is constantly being generated by ongoing research. Recognizing this, and that complete information and knowledge will never exist to fully inform management decisions, under the MLPA the California State Legislature requires the use of best readily available science in decisions regarding the siting of new MPAs and any major modifications of existing MPAs (California Fish and Game Code §2855(a)).

In the south coast, the MLPA Initiative worked to identify readily-available science and information by hosting a data outreach workshop, undertaking joint fact-finding with stakeholders and members of the public, and working with the science advisory team to create a process for data submission and consideration. While additional information may surface later in the MPA planning process, a large amount of useful data already exists to help California redesign its system of MPAs to achieve the goals of the MLPA. Current information is based on decades of scientific research and data gathering on species distribution, spawning areas, life history characteristics and habitat relationships, not only in California but also around the world.

Scientific guidelines for MPA planning are provided in the text of the Marine Life Protection Act; further details are outlined in the California Marine Life Protection Act Master Plan for Marine Protected Areas, as adopted by the California Fish and Game Commission after substantial public input and scientific peer review. The methods and application of the guidelines in the master plan have been peer reviewed and found to be scientifically sound. The science guidance is reviewed, refined, updated and improved in each study region as the planning process proceeds.

In the MLPA South Coast Study Region, the SAT tailored the science guidelines and evaluations to the unique conditions of the study region, based upon the best, readily-available science. Results of the science evaluations are provided to the MLPA South Coast Regional Stakeholder Group and MLPA Blue Ribbon Task Force, who incorporate the results into their planning and decisions. After the MLPA planning process is completed, new science will continue to help improve California's network of MPAs by informing an adaptive management process.

A sampling of the abundant peer-reviewed scientific information on the design, management and effectiveness of MPAs is available on the MLPA website at <http://www.dfg.ca.gov/marine/mpa/science1.asp>. In addition, some of the spatial data layers made available to stakeholders for MPA planning can be viewed online using the MLPA Initiative's decision support system, MarineMap.

Are economic costs to local communities considered in the planning process? If so, how?

Yes. Early in the MLPA Initiative planning process, the BRTF and the California Fish and Game Commission indicated that the best, readily available socioeconomic science was insufficient to fully inform the process. While not required or mandated by MLPA, the MLPA Initiative funded Ecotrust to gather basic commercial and recreational fishing data in the south coast study region.

Over the past 18 months, Ecotrust has conducted an extensive survey process to compile knowledge from recreational and commercial fishermen in an effort to create a comprehensive picture of fishing patterns along California's south coast; this same method was used in the central coast and the north central coast study regions. These data were used by the SCRSG to refine boundaries and make choices between different areas while helping to minimize the socioeconomic impacts. Ecotrust data are also used by the BRTF to help inform their guidance to the SCRSG throughout the process.

In addition to the data collected by Ecotrust, information from the California Department of Fish and Game, including data from commercial landing receipts and logbooks and information from the California Recreational Fisheries Survey, is made available to stakeholders for reference. Baseline economic information about coastal communities is also included in the regional profile compiled for each study region. Supplemental socioeconomic information is brought into the MPA planning process through the

local knowledge of SCRSG members and through extensive public input received via written and verbal comments.

How is California going to pay for the long-term monitoring, management and enforcement of the new MPAs?

In a recent letter, Secretary for Natural Resource Mike Chrisman provides details related to this question:

"I share your concerns about whether California has the resources necessary to ensure effective enforcement, public outreach and education, and scientific research and monitoring. The truth of the matter is that we do not and never will have adequate funding to alone manage all of California's natural resources in the most effective manner, which makes public-private partnerships like the MLPA Initiative so important, not only for planning purposes, but also for long-term management.

"California already has numerous partners engaged in the long-term management of our natural resources, and those essential relationships will continue to be the foundation of our management strategy. In ocean resource management we will continue to work with our government and not-for-profit partners, such as local government agencies, the National Marine Sanctuary Program, the National Marine Protected Areas Center, and the National Park Service, to help ensure long-term stewardship for current and future generations.

"While I agree that there are questions we are still addressing about how we will fund various aspects of the program, moving forward is entirely consistent with the MLPA; the Governor and California State Legislature anticipated uncertainty when the MLPA was signed into law, directing that the state '... shall implement the program, to the extent funds are available.' This mandate has not been forgotten and we will continue to forge partnerships to ensure a robust program.

"Note also that there are currently over 60 MPAs along the California coast (outside of central California) that were not established with any coherent plan or based on sound scientific guidelines. Many of these MPAs even lack clearly defined purposes. As a result, the existing array of MPAs falls far short of its potential to protect and conserve living marine resources. The Legislature passed the MLPA noting that marine protected areas were one of many tools that may be used to sustain marine life. Modifying the existing collection of MPAs to ensure that they are designed according to clear, ecosystem-based goals and guidelines allows us to take greater advantage of the multiple benefits that can be derived from a system of marine protected areas. The intent of the MLPA is that protected areas become a part of a scientifically designed network that, along with other management, will provide for long-term resource sustainability."

If an area is closed as an MPA will it always be closed?

Not necessarily. The MLPA specifically requires monitoring, research and evaluation at selected sites to facilitate adaptive management of MPAs and ensure the system meets its goals and objectives. Within the MLPA master plan, it is recommended that the MPA network be evaluated approximately every five years. As MPAs are re-assessed for effectiveness, changes may be necessary, either to individual MPAs or the network as a whole. This may mean changing boundaries and/or allowances for extractive activities depending on how well MPAs are meeting goals. Just because an area is closed to one type of use or another does not mean that it will always be that way.

Who funds the MLPA Initiative and do they influence the outcome of the process?

The MLPA Initiative is funded both by state monies (the California Ocean Protection Council, California Natural Resources Agency, California Department of Fish and Game and California Department of Parks and Recreation) and by donations from five private foundations (the Annenberg Foundation, Campbell Foundation, Marisla Foundation, Gordon and Betty Moore Foundation, and David and Lucile Packard Foundation).

MLPA Initiative staff has no interaction with the five contributing foundations (though they do interact with the Resources Legacy Fund Foundation, which is the organization that acts as a fiscal agent for the MLPA Initiative). The five contributing foundations have committed financial support to the process without seeking a specific geographic outcome (i.e., where to place marine protected areas), just that there be an outcome within a specified time frame that includes an open and transparent public process and is based on the best, readily-available science.

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