California Department of Parks and Recreation Evaluation of Round 3 MLPA North Coast Regional Stakeholder Group MPA Proposal October 22, 2010

California State Parks has evaluated the Round 3 marine protected area (MPA) proposal submitted by the MLPA North Coast Regional Stakeholder Group (NCRSG) to the MLPA Blue Ribbon Task Force (BRTF). This evaluation was conducted by California State Park Natural Resources staff in coordination with staff from the two State Parks districts located in the North Coast Region. Evaluation was based on the California State Park Guidance¹ document which was distributed to the NCRSG on March 25, 2010 and in accord with the goals and objectives of the Marine Life Protection Act (MLPA).

In reviewing the proposed MPAs, the primary considerations in evaluation were: consistency of the designation with the purpose of the adjacent State Park unit; recognizable boundaries for management and enforcement; proposals for existing State Park underwater units; and clearly stated goals.

MPAs adjacent to park units should provide opportunities and venues for the public to learn about California's exceptional marine resources and protect a diversity of representative marine habitats including intertidal species.

Seven MPAs in the proposal are sited adjacent to a total of five State Park units. These include two state marine reserves (SMR), two state marine conservation areas (SMCA), one SMP, and two state marine recreational management areas (SMRMA). Three existing marine managed areas, MacKerricher SMCA, Russian Gulch SMCA, and Van Damme SMCA, are being proposed for removal.

The following is an evaluation of the proposed MPAs, including issues or conflicts with State Parks guidance.

Pyramid Point SMCA

This MPA is adjacent to Pelican State Beach, a small (nine acre) access point located about ½ mile from the Oregon border. Pelican State Beach is the northernmost public beach access on the California Coast and is used for activities such as shore angling and beachcombing. Being a state beach, this unit's purpose is primarily for recreation, as described in Public Resource Code

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¹Document R.1, California State Parks Guidelines for Creating Marine Managed Areas. MLPA North Coast Regional Stakeholder Group Meeting, March 23, 2010.

§5019.56 ². The proposed SMCA will allow the recreational take of surf and night smelt by net. In addition, to accommodate traditional tribal gathering, the SMCA will provide for recreational uses including: finfish by hook & line, marine invertebrates (clams, mussels, bivalves, and sea urchins) by hand, and marine aquatic plants (except sea palm) by hand. These additions are consistent with public use of this beach and present no conflicts with State Parks unit purpose.

Ten-Mile SMR

This marine reserve is adjacent to a very small portion of MacKerricher State Park at its northernmost extent and is not in conflict with the unit's purpose or any known existing public uses. Though there is a small State Parks public access point located there, its small size and remoteness does not provide a quality venue for public educational programs.

Ten-Mile SMCA

The proposed SMCA is sited adjacent to Inglenook Fen-Ten Mile Dunes Natural Preserve located in MacKerricher State Park. Public access is limited to a couple parking lots; the area is remote and must be hiked into. As a result, recreational use is low in this part of the park, and opportunity is less for regular educational programs. The allowed uses for this SMCA include commercial and recreational extraction of Dungeness crab. Secondary allowed recreational uses, meant to accommodate tribal gathering, include the take of several finfish species by hook and line along with other uses. This presents minimal conflict with State Parks unit purpose because the beach's remoteness results in a low recreational take of marine species in that part of the park. However, there is a problem with the south boundary of the SMCA; it is not aligned with a landmark. This problem may be minimal though in terms of enforcing the regulations for shore-based recreation, since the common recreational pursuits are allowed in the SMCA.

Ten Mile Estuary SMRMA

This MPA is being proposed as a SMRMA in order to allow recreational waterfowl hunting. The portion of this MPA downstream from the Highway 1 Bridge is bordered by MacKerricher State Park (figure 1). State Parks considers the SMRMA designation for the area downstream of Highway 1 Bridge to be inappropriate, conflicting with the purposes and management of the adjacent park and potentially in conflict with Title 14 of the California Code of Regulations (Sec. 4313).

² PRC §5019.56 "State recreation units may be classified as one of the following types...State Beaches...designed to provide swimming, boating, fishing, and other beach-oriented recreational activities."

CCR §4313 states:, "no person shall...discharge across, in, or into any portion of any [state park] unit any weapon, firearm..."

State Parks' primary concern is public safety. The river is narrow (approximately 100 yards across) and if hunting is to be allowed there, the probability of a hunter firing into the state park is high, making the combined public uses risky. In addition, recreational users may be at risk since an access trail runs parallel to the river from the highway to the beach.

Moreover, a SMRMA designation prohibits "any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated..."³. In the case of this proposed designation, existing and future recreational, interpretation, educational activities associated with the area would almost certainly be compromised.

For these reasons, State Parks recommends changing the designation of this MPA to a SMR, as stated in the MPA regulations.

Point Cabrillo SMR

This marine reserve is located adjacent to Point Cabrillo State Historic Park and its boundaries include a State Park underwater lease meant to protect the historic wreck site of the Frolic, which sank offshore in the 1850s. The reserve will not affect extractive recreation substantially, since the park is not a popular destination for shore-based diving or shore angling. The offshore marine habitat is a good representation of shallow rocky substrate and this designation is consistent with State Parks Underwater Plan. The present educational & interpretive program focuses only on the historic lighthouse site.

Big River Estuary SMP

This marine park is surrounded by Mendocino Woodlands State Park, including a boat access point on the north side of the river. Allowed recreational uses in this MPA include take of Dungeness crab and shore fishing for surf perch. State Parks finds no conflict with its proposed designation or allowed uses.

Navarro River Estuary SMRMA

This MPA is bordered on both sides of the river by Navarro River Redwoods State Park, includes the island which is part of the Park, and is situated within 100 yards of a campground (figure 2). The river itself is approximately 100 yards wide. This MPA is being proposed as a SMRMA to allow recreational waterfowl hunting. However, State Parks considers the designation to be inappropriate conflicting with the purposes and management of Navarro River Redwoods State

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³ MMAIA §36710(e)

Park and potentially in conflict with Title 14 of the California Code of Regulations, § 4313.

CCR § 4313 states, "no person shall...discharge across, in, or into any portion of any [state park] unit any weapon, firearm..."

State Parks' primary concern is public safety. In this area, the narrow river (approximately 100 yards across) increases the probability of a hunter firing into the surrounding state park near an existing campground.

Moreover, a SMRMA designation prohibits "any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated..." In the case of this proposed designation, existing and future recreational, interpretation, educational activities associated with the area would conflict with the prohibitions.

For these reasons, State Parks recommends changing the designation of this MPA to a SMCA, as stated in the MPA regulations.

MacKerricher SMCA, Russian Gulch SMCA, and Van Damme SMCA

The MLPA North Coast Regional Stakeholder Group has proposed to remove all existing underwater units, including MacKerricher SMCA, Russian Gulch SMCA, and Van Damme SMCA from the Round 3 NCRSG MPA Proposal. All three of these units include underwater leases from the California State Lands Commission. Two of these SMCAs have been publicly vetted and are included in the General Plan of those park units. These underwater units were established to extend State Parks authority to underwater lands adjacent to the park, develop agreements with appropriate agencies in order to manage the level of marine resource harvesting, protection of both geological and living marine resources from the effects of oil exploration and extraction, and protection of the underwater habitats from boat anchors within the coves. The establishment of these underwater units has been a part of the ongoing State Parks Underwater Program⁴ in effect since 1968. Although these units are small and admittedly are not considered part of the MPA backbone, they do fulfill Goal 3 objectives in that they provide educational opportunities and venues, easy access recreational opportunities, and areas for near-shore research (Table 2).

In summarizing this evaluation of the Round 3 NCRSG MPA Proposal, State Parks has noted:

⁴ Document R.1, California State Parks Guidelines for Creating Marine Managed Areas. MLPA North Coast Regional Stakeholder Group Meeting, March 23, 2010.

- Ten Mile Estuary and Navarro River Estuary SMRMAs are in conflict with management activities, public recreation, and education in the adjacent parks, and with CCR Sec 4313. State Parks recommends changing the designations to SMR for Ten Mile Estuary and SMCA for Navarro River Estuary.
- 2. Educational opportunities have lessened, especially with the proposed removal of existing State Parks underwater units. In a few cases proposed MPAs that are adjacent to park units are sited far from existing infrastructure for educational or interpretive programs.
- 3. The proposed removal of MacKerricher SMCA, Russian Gulch SMCA, and Van Damme SMCA are in conflict with State Parks Underwater Plan, as well as the General Plan of both MacKerricher State and Van Damme State Park. State Parks recommends to the BRTF that these three underwater units be retained at their present designation.
- 4. It is found that only one MPA offers rocky intertidal habitat at Point Cabrillo SMR. However, apart from habitat protection there is no established public access to these tidepools for the purpose of interpretation.
- Overall, State Parks finds no major conflicts with Pyramid Point SMCA, Ten Mile SMR, Ten Mile SMCA, Point Cabrillo SMR, or Big River SMP (if it retains that designation) in terms of allowed uses.

The following table includes California State Parks evaluation of the Round 3 MPA proposal in matrix form. There are seven categories related to State Parks guidance in statement form which are characterized by "yes" or "no" in the case of each proposed MPA. Each category is described:

- Provide special protection for intertidal species and habitats: does this MPA protect rocky intertidal habitats that may be visited and appreciated by parks visitors?
- Provide important venues for special marine interpretation and education programs: do the terrestrial parks adjacent to a proposed MPA have existing interpretation infrastructure and education programs already in place?
- <u>Facilitate law enforcement needed to protect and perpetuate important natural and cultural resource values:</u> does the boundary placement and regulations of the proposed MPA make it relatively easy to enforce? Are the regulations clear and understandable by both the public and park rangers? Is there access for enforcement to most of the MPA?
- MPA designation is consistent with the park unit General Plan or purpose: does the designation of a proposed MPA either reduce natural resource protection or prohibit a recreational activity important to the adjacent park unit, as established in its General Plan?
- MPA boundary is feasible: is the boundary of the proposed MPA clear and recognizable from the ground? Is it anchored on a landmark or park boundary?
- Minimal effect on popular recreational activities: does the proposed MPA maintain popular recreational activities in adjacent parks for which public access has been provided?
- <u>Stated goals for MPAs:</u> does the proposed MPA have clearly defined goals that are related to its designation, placement, and regulations?

Table 1

Proposed MPA	Adjacent State Park Unit(s)	Provide special protection for intertidal species and habitats.	Provide important venues for special marine interpretation and education programs	Facilitate law enforcement needed to protect and perpetuate important natural and cultural resource values.	MPA designation is consistent with the park unit General Plan or purpose.	MPA boundary is feasible	Minimal effect on popular recreational activities	Stated goals f
Pyramid Point SMCA	Pelican State Beach	no	no	yes	no	yes	yes	yes
Ten Mile SMR	MacKerricher State Park	no	no	no	yes	yes	yes	yes
Ten Mile SMCA	MacKerricher State Park	no	no	no	yes	no	yes	yes
Ten Mile Estuary SMRMA	MacKerricher State Park	N/A	no	no	no	yes	no	yes
Point Cabrillo SMR	Point Cabrillo Light Station State Historic Park	yes	yes	yes	yes	yes	yes	yes
Big River SMP *	Mendocino Headlands State Park	N/A	yes	yes	yes	yes	yes	yes
varro River Estuary SMRMA	Navarro River Redwoods State Park	N/A	yes	no	no	yes	no	yes

^{*} If designated as an SMRMA then the MPA would conflict with enforcement, the terrestrial state park unit, interpretive and recreational activities.

Table 2

MMA proposed for removal Adjacent State State Park Resource Management Details MLPA Related Features						
Prepaga to tomoral	Park Unit(s)					
MacKerricher SMCA	MacKerricher State Park	Underwater unit was established in 1970 to protect the diverse marine features and resources. The 454 acre SMCA has been leased from State Lands Commission since 1980. Management objectives include ecosystem and sensitive species protection, management of recreation and commercial extraction levels consistent with resource protection, and protection from offshore petroleum development. Protection of intertidal life from adverse impacts resulting from recreational and commercial extraction is an especially important component of management.	Protected marine habitats and features inclurocky intertidal, sea stacks, shallow rock, shallow sand, sand beach, and kelp. Goal 3 objectives are met for education (Stat Park & Audubon environmental programs & interpretation) and recreation (shore fishing; abalone diving occurs where surf conditions allow).			
Russian Gulch SMCA	Russian Gulch State Park	Underwater unit was established in 1970 to protect the diverse marine features and resources. The 54 acre SMCA has been leased from State Lands Commission since 1980. Management objectives include ecosystem protection, management of recreation and commercial extraction levels consistent with resource protection, and protection from offshore petroleum development. Underwater recreation is common- the main cove being protected and suitable for novice divers.	Protected marine habitats and features inclurocky intertidal, shallow rock, and kelp. Underwater topography is complex with a stedropoff from shore. Goal 3 objectives are met for education (Stat Parks environmental programs & interpretation and recreation (abalone diving, spearfishing, and kaying occurs).			
Van Damme SMCA Van Damme State Park		Underwater unit was established in 1970 to protect the marine features and resources. The 20 acre SMCA has been leased from State Lands Commission since 1980. Management objectives include ecosystem and sensitive species protection, management of recreation and commercial extraction levels consistent with resource protection, protection of bottom substrate from boat anchors, and protection from offshore petroleum development. Underwater recreation is common and the main cove is protected and suitable for novice divers.	Park environmental programs & interpretation and recreation (abalone diving, spearfishing, and kayaking occurs).			