

California Marine Life Protection Act Initiative

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To: Cindy Gustafson, Chair, MLPA Blue Ribbon Task Force
From: MLPA Initiative Staff
Subject: Potential actions at the October 25-26, 2010 BRTF meeting
Date: October 22, 2010
Cc: Members, MLPA Blue Ribbon Task Force
Members, MLPA North Coast Regional Stakeholder Group
Adrianna Shea, California Fish and Game Commission

Purpose of Memo

Per your request, MLPA Initiative staff has developed this memo to identify potential actions the Marine Life Protection Act (MLPA) Blue Ribbon Task Force (BRTF) may take at its October 25-26, 2010 meeting in Fortuna related to the Round 3 MLPA North Coast Regional Stakeholder Group (NCRSG) Marine Protected Area (MPA) Proposal, the NCRSG Special Closures Recommendation, and developing recommendations to send to the California Fish and Game Commission. The purpose of this memo is to help inform BRTF discussions at the upcoming meeting.

Background

The MLPA Initiative has used a three-round planning process for redesigning MPAs on the north coast of California. In preparation for the third round of that process, the BRTF adopted a motion on July 22, 2010 that acknowledged the efforts of the NCRSG, expressed support for the ongoing efforts of tribes and tribal communities to work with the California Department of Fish and Game (DFG) and the California State Legislature to gain a resolution to concerns regarding the MLPA, and provided additional guidance to the NCRSG in developing its Round 3 MPA proposal(s). The additional BRTF guidance was presented to the NCRSG at its July 29-30, 2010 meeting and is found in Attachment A.

The Round 3 guidance to the NCRSG was largely based on three key points: (1) the BRTF intent to support a north coast network component of MPAs that contributes to the goals of the MLPA, in part through meeting science and feasibility guidelines; (2) the importance of cross-interest support for the long-term implementation of MPAs, and (3) the BRTF's inability as an advisory body to change laws established by the California State Legislature or to change current interpretation of the California Fish and Game Commission's regulatory authority.

The BRTF has been advised that the California Fish and Game Commission does not have the authority to grant individuals or specific groups of people the right to take marine living, cultural, or geological resources from within MPAs for non-commercial purposes; the advice is that take regulations must equally apply to all non-commercial users. Hence, the BRTF guidance to the NCRSG was to (1) avoid areas where tribal traditional, non-commercial uses occur, to the extent possible, and (2) where avoidance is not possible, to consider using SMCA shoreline "ribbons" that accommodate traditional, tribal uses.

Outreach efforts with tribes and tribal communities played an important role in informing development of the Round 3 NCRSG MPA Proposal. MLPA Initiative and DFG staff engaged in outreach during Round 2 to north coast tribes and tribal communities. To help maintain confidentiality of participants in the outreach effort, input shared by tribes and tribal communities was aggregated into four summary documents that were initially presented at the July 29-30 NCRSG meeting and then again with revisions at the August 30-31 NCRSG meeting: (1) a list of proposed uses for each Round 2 draft MPA, (2) a list of proposed uses for proposed special closures, (3) a list of all proposed uses for the entire study region, and (4) a summary of general comments about the MLPA Initiative (the documents for each meeting may be found on the MLPA website at http://www.dfg.ca.gov/mlpa/meetings_n.asp).

During its August 30-31 meeting, the NCRSG indicated its intent to accommodate tribal uses in any Round 3 MPA proposal it developed; since the state has indicated that proposed regulations specific to tribes and tribal communities cannot be implemented at this time, the NCRSG approved a motion recommending a tribal use category within MPAs and that the following language to be included in the design considerations for each proposed MPA: "The NCRSG proposes that the following language be included in the MPA regulations: 'All California Indian Tribal traditional, non-commercial fishing, gathering, and harvesting for subsistence, ceremonial or stewardship purposes shall be uses that are exercised by the members of California Indian tribes and tribal communities.'" (see Attachment B)

On August 31, 2010 the NCRSG adopted a single MPA proposal and a special closures recommendation to be forwarded to the BRTF for consideration as a potential recommendation to the California Fish and Game Commission. The Round 3 NCRSG MPA Proposal and Round 3 NCRSG Special Closures Recommendation have been evaluated by the MLPA Master Plan Science Advisory Team (SAT), DFG, California Department of Parks and Recreation (California State Parks), and MLPA Initiative staff. The public has also had the opportunity to provide comments and suggestions on the work of the NCRSG.

The NCRSG also forwarded to the BRTF a recommendation for naming an MPA cluster after an NCRSG member who passed away in August and recommended an alternative to creating special closures at Green Rock and Flatiron Rock.

All of the above referenced motions and recommendations may be found on the MLPA website at http://www.dfg.ca.gov/mlpa/mpaproposals_nc.asp, as well as in your briefing binders.

Potential Actions of the BRTF

There are a number of potential actions the BRTF could take at its October 25-26 meeting given the recommendations of the NCRSG and subsequent evaluations by the SAT, DFG, California State Parks, and MLPA Initiative staff. To highlight the diverse range of potential actions, staff has developed draft motions for the BRTF to consider; these draft motions may serve as a starting place for deliberations at your meeting, but discussions with the SAT, NCRSG and MLPA Initiative staff, as well as public input, will be important to help inform your decisions. The potential motions listed here are not exhaustive or mutually exclusive.

Potential Draft Motion 1: Advancing the Round 3 NCRSG MPA Proposal

The BRTF appreciates the efforts of the NCRSG to create a collaborative proposal that strives to achieve the science and feasibility guidelines, while balancing the diverse interests and cultures represented on the north coast and with a focus on limiting potential negative impacts to ocean users. This single, "unified" MPA proposal is noteworthy in the MLPA Initiative's MPA planning process.

In recognition of the value in north coast community support and the effort invested to develop the Round 3 NCRSG MPA Proposal, the BRTF supports the overall proposal moving forward for consideration by the California Fish and Game Commission. The BRTF is therefore forwarding the Round 3 MLPA North Coast Regional Stakeholder Group MPA Proposal, with any changes recommended by the NCRSG, as "Round 3 NCRSG MPA Proposal Revised". This proposal will also be considered for the BRTF's preferred alternative under Potential Draft Motion 3, Option 3a.

Potential Draft Motion 2: Honoring Tribal Traditions

The BRTF agrees with the NCRSG that the State of California should honor traditional, cultural, non-commercial practices and heritage of California tribes and tribal communities, and supports the NCRSG's intent to accommodate traditional tribal uses when it becomes possible to limit uses within an MPA to only California tribal and tribal community members. In support of California's tribes and tribal communities, the BRTF is forwarding to the California Fish and Game Commission the NCRSG's motion regarding a tribal use category within marine protected areas. The BRTF urges the California Secretary for Natural Resources to work with the California Fish and Game Commission and California State Legislature to seek a solution that provides for tribal uses within MPAs, and to devise and implement a plan to protect traditional cultural practices and heritage of California tribes and tribal communities.

Potential Draft Motion 3: Adopting a Preferred Alternative MPA Proposal

It is the intent of the MLPA Blue Ribbon Task Force to recommend to the California Fish and Game Commission a preferred alternative MPA proposal for the MLPA North Coast Study Region that contributes to a statewide system of MPAs in achieving the six goals of the MLPA. The SAT evaluations indicate that in most cases the preferred science guidelines are not achieved within the Round 3 NCRSG MPA Proposal and, in a number of cases, the minimum science guidelines have not yet been achieved (see Attachment C). The DFG feasibility analysis indicates that the Round 3 NCRSG MPA Proposal will fall short of achieving its intended goals and objectives and, hence, not achieve the goals of the MLPA.

Therefore, the BRTF is forwarding a north coast preferred alternative MPA proposal that is the:

- Option 3a: Round 3 NCRSG MPA Proposal,
- Option 3b: Round 3 NCRSG MPA Proposal at Mod-High (modified uses),
- Option 3c: Round 3 NCRSG MPA Proposal at Mod-High with Nearshore Ribbons in All Open Coast MPAs,

- Option 3d: Round 3 NCRSG MPA Proposal at Mod-High with Nearshore Ribbons in SMCAs Only,
- Option 3e: Round 3 NCRSG MPA Proposal without SMRs, or
- Option 3f: Round 3NCRSG MPA Proposal at Mod-High with Additional MPA(s).

These six options for a preferred alternative MPA proposal, as well as the implications for selecting each, are described in more detail in Attachment D.

Potential Draft Motion 4: Adopting a Special Closures Recommendation

In concert with its Round 3 MPA proposal, the NCRSG forwarded a recommendation for seven special closures to provide geographically-specific protection to breeding seabird and marine mammal populations from human activities by closing access to areas immediately adjacent to some offshore rocks. Science and monitoring data indicate that special closures can be much smaller than MPAs and in some instances still offer protection from geographically-specific threats that are not necessarily addressed by MPAs, including disturbance. The SAT marine birds and marine mammals evaluations include consideration of the recommended special closures. The NCRSG also made a specific recommendation regarding outreach, enforcement and monitoring for two geographies, Green Rock and Flatiron Rock, as an alternative to being designated as special closures.

The BRTF is forwarding to the California Fish and Game Commission the Round 3 NCRSG Special Closure Recommendation with any changes recommended by the NCRSG, along with the NCRSG's alternative to special closure designation for Green Rock and Flatiron Rock to the California Fish and Game Commission.

California MLPA Blue Ribbon Task Force

**Motion Regarding Round 3 of the Marine Protected Area Planning Process
for the MLPA North Coast Study Region**

Adopted July 22, 2010

The MLPA Blue Ribbon Task Force (BRTF) continues to be extremely impressed by the tremendous efforts of the MLPA North Coast Regional Stakeholder Group (NCRSG) in creating several widely supported and well thought-out marine protected area proposals which strive to achieve the science guidelines within the MPA planning process. It is clear that the guidance given by the BRTF with respect to incorporating cross-interest support and understanding socio-economic impacts, as well as the unique needs of the local tribes and tribal communities, has been taken to heart. These achievements notwithstanding, it has also been illuminated during this meeting by the input from the MLPA Master Plan Science Advisory Team that the minimum science guidelines, especially with respect to the spacing and replication of MPA's within the MPA proposals, has not yet been achieved. With this in mind we provide the following guidance:

1. The NCRSG must consider all necessary means to improve the proposal(s)' compliance with the science guidelines. If the NCRSG's Round 3 proposal(s) do not meet the science guidelines to the extent possible, recognizing that in some areas habitat distribution precludes meeting the science guidelines, the BRTF may be forced to consider modifying the Round 3 proposal(s).
2. Continue to achieve strong cross-interest support and utilize local knowledge.
3. Adhere to previous guidance to avoid tribal traditional, non-commercial uses, to the extent possible.
4. Where avoidance is not possible, the use of state marine conservation areas may be considered as shoreline ribbons to acknowledge and accommodate tribal uses that are protective of the marine environment, recognizing that the BRTF has been advised that such uses will be available for all non-commercial users until relevant agency and/or legislative action is taken.
5. The NCRSG should state its intent on how traditional tribal uses should be acknowledged and accommodated within specific SMCAs.
6. The NCRSG is encouraged to take into consideration tribal proposals to implement avoidance with regard to specific tribal uses.

In addition, we want to express our strong support for efforts of tribes and tribal communities to work with the California Department of Fish and Game and the California State Legislature to gain a resolution to their concerns regarding the MLPA.

**MLPA North Coast Regional Stakeholder Group
Motion Regarding State of California Recognition of a
Traditional Tribal Use Category within
Marine Protected Areas under the Marine Life Protection Act
*Adopted August 31, 2010***

Motion

By this formal, approved motion, the MLPAL North Coast Regional Stakeholder Group (NCRSG) requests that the MLPA Blue Ribbon Task Force advise and strongly urge the California Department of Fish and Game (DFG) and the California Fish and Game Commission (F&GC) to formally adopt a special category of tribal uses within marine protected areas (MPAs) in order to protect and preserve the traditional cultural practices and heritage of California Indian tribes and tribal communities, and to develop co-management arrangements between tribes and tribal communities and the State of California.

The NCRSG proposes that the following language be included in the MPA regulations:
“All California Indian Tribal traditional, non-commercial fishing, gathering, and harvesting for subsistence, ceremonial or stewardship purposes shall be uses that are exercised by the members of California Indian tribes and tribal communities.”

California Marine Life Protection Act Initiative

Summary of Findings in Habitat Replication, MPA Size and MPA Spacing Analyses for the Round 3 NCRSG MPA Proposal

October 22, 2010

Introduction

The Marine Life Protection Act (MLPA) North Coast Regional Stakeholder Group (NCRSG) developed a single marine protected area (MPA) proposal for Round 3 of the MLPA Initiative's MPA planning process. The MPA proposal has been evaluated by the MLPA Master Plan Science Advisory Team (SAT), California Department of Fish and Game (DFG), California Department of Parks and Recreation (California State Parks) and MLPA Initiative staff, and is currently under consideration by the MLPA Blue Ribbon Task Force (BRTF).

This summary document was developed by MLPA Initiative staff to assist the BRTF in its review of the Round 3 NCRSG MPA Proposal. It summarizes key findings in the SAT evaluations for habitat replication, MPA size and MPA spacing, and identifies where science guidelines were met and not met. The summarized information is meant to complement and does not replace the SAT evaluations.

MLPA Initiative staff acknowledges the important achievement of the NCRSG in developing a single proposal and, as noted in the SAT evaluations, the proposal meets many of the science guidelines identified in the *California Marine Life Protection Act Master Plan for Marine Protected Areas* and additional guidance from the SAT.

More information on the Round 3 NCRSG MPA Proposal and associated evaluations are currently available on the MLPA website at http://www.dfg.ca.gov/mlpa/meeting_102510.asp and will also be available at http://www.dfg.ca.gov/mlpa/mpaproposals_nc.asp the week of October 25, 2010. The evaluations include the SAT's complete evaluation for habitat representation, habitat replication, MPA size and MPA spacing. For more details about the methods used in SAT analyses and evaluations, including explanations of levels of protection, see the *Draft Methods Used to Evaluate Marine Protected Area Proposals in the MLPA North Coast Study Region* available on the MLPA website at <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=38990>.

Overview of SAT Evaluations

The SAT evaluations for habitat replication, MPA size and MPA spacing are conducted in two ways in an effort to provide the maximum amount of information; these two evaluations include:

1. **SAT standard evaluation (NCP)**, which only considers individual MPAs or MPA "clusters" that are at least a minimum size of nine square statute miles and at or above moderate-high level of protection (LOP); and
2. **SAT supplemental evaluation (SUP)**, requested by the BRTF during Round 2 deliberations, which considers individual MPAs or MPA "clusters" at or above moderate-

high LOP, and MPAs below moderate-high protection if the proposed uses below moderate-high protection are intended to accommodate tribal uses only¹.

Summary

The following summary, developed by staff, highlights the key findings for habitat replication, MPA size and MPA spacing for both the SAT standard evaluation and the SAT supplemental evaluation. For more details about the findings, see tables 1 – 3.

Habitat Replication

- *SAT Standard Evaluation.* Six (6) of twelve (12) key habitats are not replicated in the northern bioregion (beaches, hard 0-30 meters, kelp, estuary, coastal marsh, and eelgrass). All the habitats are replicated in the southern bioregion, although hard and soft 100-3000 meters (m) habitats are replicated in only one MPA that falls on the bioregional divide.
- *SAT Supplemental Evaluation.* Two (2) of twelve (12) habitats are not replicated in the northern bioregion (hard 0-30m and kelp). All the habitats are replicated in the southern bioregion.

MPA Size

- *SAT Standard Evaluation.* Six (6) of the eleven (11) MPAs/MPA clusters are within minimum size range (9-18 square statute miles) and no MPAs are in the preferred size range (18-36 square statute miles).
- *SAT Supplemental Evaluation.* Eight (8) of the eleven (11) MPAs/MPA clusters are within minimum size range and two (2) MPAs/MPA clusters are in the preferred size range.

MPA Spacing

- *SAT Standard Evaluation.* Ten (10) of twelve (12) key habitats have at least one spacing gap that exceeds either maximum spacing guidelines (beaches, rocky shores, hard 0-30m, soft 0-30m, soft 30-100m, estuary, marsh and eelgrass) or minimum possible spacing for rare habitats (kelp, soft 100-3000)². The three estuarine habitats have multiple spacing gaps. There is no spacing gap for hard 30-100m. Hard 100-3000m is available in only one location and this habitat is replicated in an MPA, achieving the minimum possible spacing.

¹ The California Fish and Game Commission indicates that it does not have the statutory authority to allow exclusive rights to any one group. Rather, any proposed non-commercial uses intended to accommodate tribal uses in marine waters must be identified by species and gear type and must apply to all non-commercial (termed "recreational") users.

² Habitat spacing guidelines cannot be met for three open coast habitats: kelp (115 mi minimum gap), hard 100-3000m (110 mi minimum gap), and soft 100-3000m (95 mi minimum gap), although minimum possible spacing for each of these three habitats can be reduced.

- *SAT Supplemental Evaluation.* Seven (7) of twelve (12) key habitats have a spacing gap that exceeds either maximum spacing guidelines (beaches, hard 0-30m, soft 0-30m, estuary, marsh and eelgrass) or minimum possible spacing for rare habitats (kelp). The three estuarine habitats have multiple spacing gaps. There are a number of habitats that meet or approach guidelines (or minimum possible spacing), including rocky shores, hard 30-100m, hard 100-3000m, soft 30-100m and soft 100-3000m.

Note that several additional acronyms are used in tables 1– 3: SMCA (state marine conservation area), SMP (state marine park), SMR (state marine reserve), and SMRMA (state marine recreational management area).

Table 1: Detailed Summary of Habitat Replication Question: Did the Round 3 NCRSG MPA Proposal Follow Replication Guidelines for the Key Habitats in Each Bioregion? ^a

Key Habitats	Standard Evaluation (NCP)		Supplemental Evaluation (SUP)		Additional Information
	Northern	Southern	Northern	Southern	
Beaches	No (0 replicates)	Yes (1 replicate)	Yes (3 replicates)	Yes (3 replicates)	Both: Replication met in the southern bioregion NCP: Replication not met in northern bioregion, but South Cape Mendocino SMR close to meeting the required habitat threshold SUP: Replication met in northern bioregion
Rocky Shores	Yes (1 replicate)	Yes (2 replicates)	Yes (3 replicates)	Yes (4 replicates)	Both: Replication met in northern and southern bioregions
Kelp	No (0 replicates)	Yes (1 replicate)	No (0 replicates)	Yes (2 replicates)	Both: Replication met in the southern bioregion and replication not met in northern bioregion; only replicate available off of Crescent City.
Hard 0 - 30m	No (0 replicates)	Yes (1 replicate)	No (0 replicates)	Yes (2 replicates)	Both: Replication met in the southern bioregion and replication not met in northern bioregion; only replicates available near major centers (Crescent City, Sister's Rocks or Patrick's Point)
Hard 30 - 100m	Yes (3.5 replicates)	Yes (2.5 replicates)	Yes (3.5 replicates)	Yes (2.5 replicates)	Both: Replication met in northern and southern bioregions
Hard 100 - 3000m	Minimum gap possible (0.5 replicate)	Minimum gap possible (0.5 replicate)	Minimum gap possible (0.5 replicate)	Minimum gap possible (0.5 replicate)	Both: Replication met. Hard 100-3000m is rare and exists in only one location. Habitat is replicated in an MPA that falls on bioregional divide.

*California Marine Life Protection Act Initiative
Summary of Findings in Habitat Replication, MPA Size and
MPA Spacing Analyses for the Round 3 NCRSG MPA Proposal
October 22, 2010*

Key Habitats	Standard Evaluation (NCP)		Supplemental Evaluation (SUP)		Additional Information
	Northern	Southern	Northern	Southern	
Soft 0 - 30m	Yes (1 replicate)	Yes (2 replicates)	Yes (4 replicates)	Yes (4 replicates)	Both: Replication met in northern and southern bioregions
Soft 30 - 100m	Yes (1.5 replicates)	Yes (1.5 replicates)	Yes (3.5 replicates)	Yes (3.5 replicates)	Both: Replication met in northern and southern bioregion
Soft 100 - 3000m	Yes (1.5 replicates)	Yes (0.5 replicate)	Yes (1.5 replicates)	Yes (2.5 replicates)	Both: Replication met in northern bioregion NCP: Replication met in the southern bioregion; SAT considers replicates that fall on the bioregion divide SUP: Replication met in the southern bioregion
Estuary	No (0 replicates)	Yes (1 replicate)	Yes (1 replicate)	Yes (1 replicate)	Both: Replication met for southern bioregion NCP: Replication not met in the northern bioregion; only replicate is found in an MPA below moderate-high LOP SUP: Replication met in the northern bioregion
Marsh	No (0 replicates)	Yes (1 replicate)	Yes (1 replicate)	Yes (1 replicate)	Same as Estuary
Known eelgrass locations	No (0 replicates)	Yes (1 replicate)	Yes (1 replicate)	Yes (1 replicate)	Same as Estuary

^a Replication of habitats is evaluated by the SAT for each bioregion and the entire MLPA North Coast Study Region (NCSR). The information provided in this table summarizes the number of replicates for each key habitat, by bioregion, for the Round 3 NCRSG MPA Proposal; the findings are presented for both the SAT standard evaluation and the SAT supplemental evaluation. More details about this evaluation can be found in the SAT's complete evaluation summary, "Evaluation of the Round 3 MLPA North Coast Regional Stakeholder Group MPA Proposal: Habitat Representation, Habitat Replication, MPA Size, and MPA Spacing Analyses", particularly Figures 3.1 - 3.4, which can be found on the MLPA website at <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=42555>.

Table 2: Detailed Summary of MPA Size Question: Did the Round 3 NCRSG MPA Proposal Follow the Size Guidelines?^a

Size Range	Standard Evaluation (NCP)	Supplemental Evaluation (SUP)	Additional Information ^b (including list of MPAs and MPA clusters)
Below Minimum (0 - 9 square statute miles)	N/A (1 MPA)	N/A (1 MPA)	Both: Point Cabrillo SMR, which was not intended to contribute to science guidelines
Within Minimum (9- 18 square statute miles)	Yes (6 MPAs/clusters)	Yes (8 MPAs/clusters)	NCP: Size guidelines met with 6 MPAs within minimum size range: Point St. George Reef Offshore SMCA, Reading Rock SMR, South Cape Mendocino SMR, Mattole Canyon SMR, Sea Lion Gulch SMR, Ten Mile SMR SUP: Size guidelines met with 8 MPAs/MPA clusters within minimum size range: <u>Pyramid Point SMCA</u> , Point St. George Reef Offshore SMCA, <u>Samoa SMCA</u> , South Cape Mendocino SMR, Mattole Canyon SMR, Sea Lion Gulch SMR, <u>Big Flat SMCA</u> , Ten Mile SMR/ <u>SMCA cluster</u>
Preferred (18- 36 square statute miles)	No (0 clusters)	Yes (2 MPAs/clusters)	NCP: Size guidelines not met with zero MPAs in the preferred size range SUP: Size guidelines met with 2 MPAs or MPA clusters in the preferred size range: Vizcaino SMCA and Reading Rock cluster

^a The information provided summarizes MPA sizes of those individual MPAs and MPA clusters included in the Round 3 NCRSG MPA Proposal for both the SAT standard evaluation and the SAT supplemental evaluation. The information reports the number of MPAs and MPA clusters that fall within the three size ranges, including: below minimum size range (0 - 9 square statute miles), within minimum size range (9 - 18 square statute miles), and preferred size range (18 - 36 square statute miles). For more details from the full SAT evaluations, please refer to the SAT's summary, "Evaluation of the Round 3 MLPA North Coast Regional Stakeholder Group MPA Proposal: Habitat Representation, Habitat Replication, MPA Size, and MPA Spacing Analyses", particularly Figure 4.1 and Table 4.2.

^b MPAs that are underlined in the table were included only in the SAT supplemental evaluation.

Table 3: Detailed Summary of Spacing Question: Did the Round 3 NCRSG MPA Proposal Follow the Spacing Guidelines for Key Habitats?^a

Key Habitats	Standard Evaluation (NCP)	Supplemental Evaluation (SUP)	Additional Information ^b
Beaches	No (2 spacing gaps)	No (1 spacing gap)	Both: 95 mi gap between Ten Mile and Bodega Head SMCA*, gap increased based on change at Stewarts Point SMR/SMCA cluster* NCP: Spacing guidelines not met with two gaps. Ten Mile SMR is only beach replicate; 174 mi gap north to Oregon (see "both" for second gap) SUP: Spacing guidelines not met with one spacing gap (see "both"); addressed Round 2 spacing gap by including Samoa SMCA and Big Flat SMCA and removes the gap found in the NCP

*California Marine Life Protection Act Initiative
Summary of Findings in Habitat Replication, MPA Size and
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October 22, 2010*

Key Habitats	Standard Evaluation (NCP)	Supplemental Evaluation (SUP)	Additional Information^b
Rocky Shores	No (1 spacing gap)	Yes	NCP: Spacing guidelines not met with one 109 mi gap between Oregon border and South Cape Mendocino SMR SUP: Spacing guidelines met. Addressed Round 2 spacing gap by shifting Reading Rock cluster south. Pyramid Point SMCA and Reading Rock SMCA remove the gap found in NCP
Kelp	No (1 spacing gap)	No (1 spacing gap)	NCP: Spacing guidelines not met with one 174 mi gap between Oregon border and Ten Mile SMR SUP: Spacing guidelines not met with one 160 mile gap from Oregon border to Vizcaino SMCA; minimum gap possible is 115 miles
Hard 0 - 30m	No (1 spacing gap)	No (1 spacing gap)	NCP: Spacing guidelines not met with one 174 mi gap between Oregon border and Ten Mile SMR SUP: Spacing guidelines not met with one 160 mile gap from Oregon border to Vizcaino SMCA
Hard 30 - 100m	Yes	Yes	Both: Spacing guidelines met; Reading Rock SMR and South Cape Mendocino SMR are both important for maintaining less than 62 mile gap for this habitat
Hard 100 - 3000m	Minimum gap possible	Minimum gap possible	Both: Close to minimum gap possible with 116 miles between Oregon border and Mattole Canyon SMR and 97 mi gap south from Mattole Canyon SMR to Bodega Head SMCA*; also, Sea Lion Gulch SMR is close to meeting the habitat threshold and could potentially reduce second gap to 91 miles
Soft 0 - 30m	No (2 spacing gaps)	No (1 spacing gap)	Both: 96 mile gap from Ten Mile to Bodega Head SMCA* NCP: Spacing guidelines not met with two gaps; 109 mi gap between Oregon border and South Cape Mendocino SMR (see "both" for second gap) SUP: Spacing guidelines not met (see "both")
Soft 30 - 100m	No (2 minimal spacing gaps)	No (1 minimal spacing gap)	Both: Approach spacing guidelines with 64 mi gap between Ten Mile SMR and Stewarts Point cluster* NCP: Approaches spacing guidelines with 67 mi gap between Reading Rock SMR and Mattole Canyon SMR SUP: Approaches spacing guidelines (see "both")
Soft 100 - 3000m	No (1 spacing gap)	Minimum gap possible	Both: Minimum gap possible of 102 mi between Point St. George Reef Offshore SMCA and Mattole Canyon SMR.; Round 2 spacing gap addressed by adding MPA at Point St. George Reef NCP: Spacing guidelines not met with one 121 mi gap between Mattole Canyon SMR and Stewarts Point cluster* SUP: Spacing guidelines met (see "both")

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Summary of Findings in Habitat Replication, MPA Size and
MPA Spacing Analyses for the Round 3 NCRSG MPA Proposal
October 22, 2010*

Key Habitats	Standard Evaluation (NCP)	Supplemental Evaluation (SUP)	Additional Information^b
Estuary	No (2 spacing gaps)	No (3 spacing gaps)	Both: Spacing guidelines not met with 89 mile gap between Ten Mile Estuary SMRMA to Russian River SMRMA* NCP: Spacing guidelines not met with two gaps; 181 mile gap from Chetco River in Oregon to Ten Mile Estuary SMRMA (see “both” for second) SUP: Spacing guidelines not met with three gaps; 89 mile gap from Chetco River in Oregon to South Humboldt Bay SMRMA and 92 mile gap from South Humboldt Bay SMRMA to Ten Mile Estuary SMRMA (see “both” for third). One replicate available to reduce the gap by 10 miles at Eel River.
Marsh	No (2 spacing gaps)	No (3 spacing gaps)	Same as Estuary
Known eelgrass locations	No (2 spacing gaps)	No (3 spacing gaps)	Both: Spacing guidelines not met with 103 mile gap between Ten Mile Estuary SMRMA and Estero Americano SMRMA* NCP: Spacing guidelines not met with two gaps; 181 miles between the Chetco River in Oregon to Ten Mile Estuary SMRMA (see “both” for second) SUP: Spacing guidelines not met with three gaps; 89 mile gap between Chetco River in Oregon and South Humboldt Bay SMRMA and 92 mile gap from South Humboldt Bay SMRMA to Ten Mile Estuary SMRMA (see “both” for third). Two replicates exist to reduce gaps; one available at Smith River (would reduce gap north of Humboldt Bay by 8 miles) and another at Eel River (could reduce gap south of Humboldt Bay by 10 miles).

^a The information provided summarizes the spacing between protected habitats found in the Round 3 NCRSG MPA Proposal for both the SAT standard evaluation and the SAT supplemental evaluation. The spacing guidelines recommend that habitats be replicated in MPAs placed at a maximum of 31-62 statute miles from each other. Therefore, the gaps reported in this table identify where habitat spacing between MPAs exceeds SAT maximum spacing guideline of 62 miles or minimum possible spacing for rare habitats. The information includes a number of gaps for each habitat, details for where those gaps exist and the distance between gaps. For more details from the full SAT evaluations, please refer to the SAT’s summary, “Evaluation of the Round 3 MLPA North Coast Regional Stakeholder Group MPA Proposal: Habitat Representation, Habitat Replication, MPA Size, and MPA Spacing Analyses”, particularly Table 5.3.

^b MPAs notated with an asterisks (*) are located in the MLPA North Central Coast Study Region.

California Marine Life Protection Act Initiative

MLPA Blue Ribbon Task Force Options for Potential Draft Motion 3: Adopting a Preferred Alternative MPA Proposal

October 22, 2010

There are a number of potential actions the MLPA Blue Ribbon Task Force (BRTF) could take at its October 25-26, 2010 meeting. Staff developed four draft motions for the BRTF to consider; the third motion is related to adopting a preferred alternative marine protected area (MPA) proposal for the MLPA North Coast Study Region, which has six options:

- Option 3a: Round 3 NCRSG MPA Proposal,
- Option 3b: Round 3 NCRSG MPA Proposal at Mod-High (modified uses),
- Option 3c: Round 3 NCRSG MPA Proposal at Mod-High with Nearshore Ribbons in All Open Coast MPAs,
- Option 3d: Round 3 NCRSG MPA Proposal at Mod-High with Nearshore Ribbons in SMCAs Only,
- Option 3e: Round 3 NCRSG MPA Proposal without SMRs, and
- Option 3f: Round 3 NCRSG MPA Proposal at Mod-High with Additional MPA(s).

The six potential options are described in more detail in this document and are intended to help inform BRTF discussions at the upcoming meeting.

Option 3a: Round 3 NCRSG MPA Proposal

The MLPA North Coast Regional Stakeholder Group MPA Proposal with any changes proposed by the NCRSG, and an accompanying statement that any proposed recreational uses intended to accommodate tribal uses be restricted to only tribes and tribal communities when administrative or legislative action is taken that allows only tribes and tribal communities to engage in traditional tribal uses within MPAs and SMRMAs.

Option 3a Implications: While this option maintains the NCRSG's proposed MPA boundaries and proposed allowed uses, it does not address unmet science guidelines or feasibility concerns expressed by DFG. This option accommodates traditional tribal uses by allowing all non-commercial (recreational) users in specified state marine conservation areas (SMCAs), state marine recreational management areas (SMRMAs) and a state marine park (SMP) to take particular species with specific gear types intended to accommodate tribal uses. In addition, there are proposed MPAs that do not include proposed allowed uses intended to accommodate tribes and tribal communities; however, the NCRSG intended to allow tribes and tribal communities to continue their traditional uses within those MPAs once administrative or legislative action is taken that allows only those uses to be prescribed within MPAs.

Option 3b: Round 3 NCRSG MPA Proposal at Mod-High (modified uses)

The MLPA North Coast Regional Stakeholder Group MPA Proposal modified to:

- for any MPA or SMRMA with proposed uses intended to accommodate tribal uses, only include those allowed uses with a moderate-high or high level of protection; all

proposed uses to accommodate tribes and tribal communities with a moderate, moderate-low or low level of protection would not be included; and

- include an accompanying statement indicating that traditional tribal uses are intended within the MPAs and SMRMAs when there is a legislative or administrative change that allows only tribes and tribal communities to engage in traditional tribal uses within MPAs and SMRMAs.

Option 3b Implications: This option addresses some of the science guidelines not met and some DFG feasibility concerns in the NCRSG MPA Proposal, while maintaining the NCRSG's configuration of proposed MPAs and SMRMAs. This option also partially accommodates traditional tribal gathering by retaining non-commercial (recreational) take of species and gear types that are assigned a moderate-high or high level of protection. In adopting this option, the BRTF would recognize that the MPA proposal does not immediately accommodate all traditional tribal uses, address all unmet science guidelines, or address all feasibility concerns expressed by DFG.

Option 3c: Round 3 NCRSG MPA Proposal at Mod-High with “Nearshore Ribbons” in All Open Coast MPAs

The MLPA North Coast Regional Stakeholder Group MPA Proposal modified to include:

- with the exception of the Reading Rock and Ten Mile clusters, replacing all individual MPAs that extend from offshore to shore with MPA clusters that include a “nearshore ribbon” SMCA from the mean high tide line to approximately 1000 feet offshore with proposed uses at all levels of protection intended to accommodate tribes and tribal communities; and
- adjusting the Reading Rock cluster such that the SMCA is designed as a ribbon that extends from the mean high tide line to approximately 1000 feet offshore with proposed uses at all levels of protection intended to accommodate tribes and tribal communities; and
- for offshore SMCAs, retaining only species/gear types that have a moderate-high or high level of protection and removing any shore-based activity; and
- if necessary, adjusting MPA cluster boundaries to ensure that the offshore SMCAs meet preferred or minimum size guidelines at moderate-high or high level of protection; and
- for estuarine MPAs or SMRMAs with proposed uses intended to accommodate tribal uses, retaining only species/gear types that have a moderate-high or high level of protection for those uses intended to accommodate tribes and tribal communities; and
- an accompanying statement that traditional tribal uses are intended within the offshore MPAs when there is a legislative or administrative change that allows traditional tribal uses for tribes and tribal communities only within MPAs and SMRMAs; and
- an accompanying statement that proposed recreational uses intended to accommodate traditional tribal uses be restricted to only tribes and tribal communities when administrative or legislative action is taken that allows only tribes and tribal communities to engage in traditional tribal uses within MPAs and SMRMAs.

Option 3c Implications: This option addresses some unmet science guidelines and some feasibility concerns expressed by DFG, while generally maintaining the location of MPAs proposed by the NCRSG. However, this option may require expansion of some MPA cluster boundaries to ensure meeting minimum science guidelines for some offshore MPAs and does not meet science guidelines for any nearshore habitats except at Ten Mile SMR, creating additional unmet science guidelines for nearshore habitats that had been previously met in SMRs. This option partially accommodates traditional tribal uses by allowing for all non-commercial (recreational) users in “nearshore ribbon” SMCAs to take particular species with specific gear types from shore; in offshore SMCAs, some tribal uses would be accommodated if they have a moderate-high or high level of protection as assigned by the SAT.

Option 3d: Round 3 NCRSG MPA Proposal at Mod-High with “Nearshore Ribbons” in SMCAs Only

The MLPA North Coast Regional Stakeholder Group MPA Proposal, modified to include:

- with the exception of the Reading Rock and Ten Mile clusters, creating “nearshore ribbon” SMCAs with a shoreward boundary from the mean high tide line to approximately 1000 feet offshore only in SMCAs with proposed uses at all levels of protection intended to accommodate tribes and tribal communities; and
- adjusting the Reading Rock cluster such that the SMCA is designed as a ribbon that extends from the mean high tide line to approximately 1000 feet offshore with proposed uses at all levels of protection intended to accommodate tribes and tribal communities; and
- for offshore SMCAs, retaining only species/gear types that have a moderate-high or high level of protection and removing any shore-based activity; and
- if necessary, adjusting MPA cluster boundaries to ensure that the offshore SMCAs meet preferred or minimum size guidelines at moderate-high or high level of protection; and
- for estuarine MPAs and SMRMAs with proposed uses intended to accommodate tribes, retaining only species/gear types that have a moderate-high or high level of protection for those uses intended to accommodate tribes and tribal communities; and
- an accompanying statement that proposed recreational uses intended to accommodate traditional tribal uses be restricted to only tribes and tribal communities when administrative or legislative action is taken that allows only tribes and tribal communities to engage in traditional tribal uses within MPAs and SMRMAs.

This option would NOT create “nearshore ribbons” in SMRs; those would remain intact as proposed by the NCRSG.

Option 3d Implications: While this option largely maintains the location of MPAs proposed by the NCRSG, addresses some of the feasibility concerns expressed by DFG, and partially accommodates tribal uses, it does not address unmet science guidelines for

nearshore habitats and may require expansion of MPA boundaries to ensure meeting minimum science guidelines for the offshore SMCAs. This option partially accommodates traditional tribal uses by allowing all non-commercial (recreational) users in "nearshore ribbon" SMCAs to take particular species with specific gear types intended to accommodate tribal uses; for those proposed uses intended to accommodate tribes and tribal communities, only those assigned a moderate-high or high level of protection would be accommodated in the offshore SMCAs.

Option 3e: Round 3 NCRSG MPA Proposal without SMRs

The MLPA North Coast Regional Stakeholder Group MPA Proposal, amended to convert all SMRs (with the exception of Ten Mile SMR) into SMCAs to accommodate tribal uses for particular species and gear types for all non-commercial (recreational) users, with an accompanying statement that the converted areas are intended to be SMRs when there is a legislative or administrative change that allows only tribes and tribal communities to engage in traditional, tribal uses within MPAs and SMRMAs.

Option 3e Implications: This option accommodates traditional tribal uses by allowing for all non-commercial (recreational) users in all SMCAs to take particular species with specific gear types intended to accommodate tribal uses. While this option maintains the NCRSG's overall proposed MPA boundaries and accommodates tribal uses, nearly all very high, high and moderate-high level of protection MPAs become moderate-low or low level of protection MPAs, creating additional missed science guidelines for all key habitats. This option also does not address feasibility concerns expressed by DFG and does not meet the requirements of the MLPA and master plan for MPAs which call for an improved marine reserve component in the statewide system of MPAs.

Option 3f: Round 3 NCRSG MPA Proposal at Mod-High with Additional MPA(s)

The NCRSG MPA Proposal, modified to:

- for any MPA or SMRMA with proposed uses intended to accommodate tribal uses, only include those allowed uses with a moderate-high or high level of protection; all proposed uses to accommodate tribes and tribal communities with a moderate, moderate-low or low level of protection would not be included; and
- add MPA(s) to capture missing habitats, looking to rounds 1 and 2 for MPA boundaries proposed by community groups or the NCRSG as a starting point, and
- include an accompanying statement that traditional tribal uses are intended within the MPAs and SMRMAs when there is a legislative or administrative change that allows only tribes and tribal communities to engage in traditional tribal uses within MPAs and SMRMAs.

Option 3f Implications: This option addresses missed science guidelines for most key habitats and addresses many feasibility concerns expressed by DFG, while maintaining the NCRSG's proposed MPA boundaries. This option partially accommodates traditional tribal

gathering by allowing for all non-commercial (recreational) users in all SMCAs to take particular species with specific gear types that are assigned a level of protection of moderate-high or high. In adopting this option, the BRTF recognizes that the MPA proposal does not immediately accommodate all traditional tribal uses. MPA(s) added to capture missing habitats may also result in increased potential socioeconomic impacts for commercial and recreational fisheries.