

Memorandum

Date: March 13, 2008

To: MLPA North Central Coast Regional Stakeholder Group

From: John Ugoretz
Department of Fish and Game



Subject: Department Guidance for Final MPA Proposal Development

Purpose of Department of Fish and Game Guidance

Under the Marine Life Protection Act (MLPA) Initiative Memorandum of Understanding (MOU), the California Department of Fish and Game (Department) will provide the Fish and Game Commission (Commission) with information, analysis and comments on the alternative Marine Protected Area (MPA) proposals and on the recommendation for a preferred alternative to the Commission by the Blue Ribbon Task Force (BRTF). The MOU specifies that “the purpose of such information, analysis and comments is to provide advice to the Commission on the feasibility of aspects of the MPA proposals and on the prospects of the MPA proposals to achieve the goals of the MLPA.” Through this memo, the Department is providing final guidance to the MLPA North Central Coast Regional Stakeholder Group (NCCRSG) to clearly outline the types of issues and topics the Department will be commenting on to the Commission that supplement Department Feasibility Criteria and contemplate prospects for meeting the goals of the MLPA.

To date, the primary focus of the Department’s input to the NCCRSG and the BRTF has been informing them of the feasibility of siting alternatives relative to Department feasibility criteria. The Department has previously provided the NCCRSG two memos^{1,2} outlining the feasibility guidelines that will be used as the basis for advice to the Commission, as well as evaluations of draft proposals submitted in rounds one and two of the north central coast process. These evaluations were provided to stakeholders to offer examples of feasibility issues the Department will comment on, and to guide stakeholders in crafting MPA designs that are most likely to be successful.

As outlined in the MOU, the Department will also comment on the prospects of proposals to meet the goals of the MLPA. The information below provides guidance to the NCCRSG on related issues and observations.

¹ Ugoretz. CDFG memo. Statement of feasibility criteria for use in analyzing siting alternatives during the second phase of the Marine Life Protection Act Initiative. June 11, 2007.

² Ugoretz. CDFG memo. Department of Fish and Game update of feasibility criteria for use in analyzing siting alternatives during the second phase of the Marine Life Protection Act Initiative. February 11, 2008.

Existing MPAs

MLPA specifically calls for improving the existing array of MPAs in California. The Department will provide comments regarding the elimination or modification of existing MPAs that do not help meet the goals or requirements of the Act. Existing MPAs should be examined and the intended fate of each existing MPA should be clearly stated. Existing MPAs that are to be retained should be useful in meeting regional objectives and the goals of the MLPA, the SAT guidelines, as well as the requirements of the MLPA.

Existing MPAs that are retained for marine heritage purposes should be noted as such and modified to include clear and simple boundaries and take regulations. MPAs for the purpose of marine heritage are certainly in accordance with MLPA goals, but some existing MPAs may not meet this goal nor do they meet other MLPA goals or scientific guidelines. The Department will recommend elimination of any existing MPAs that do not directly address goals of the act or scientific guidance. Attached are Department recommendations for existing MPAs that are included in the current draft MPA proposals.

Ease of Understanding and Enforcement

MPAs that follow the Department feasibility guidelines will help ensure that MPAs are enforceable and easy for the public to understand. MPAs should have simple, readily determined boundaries (Figure 1), and clear and simple take regulations to ensure that enforceability and public understanding is enhanced. The Department guidelines, as well as the evaluations provided to the NCCRSR, will guide the Department's comments to the Commission. The Department will recommend modifications for MPAs that do not meet these guidelines.

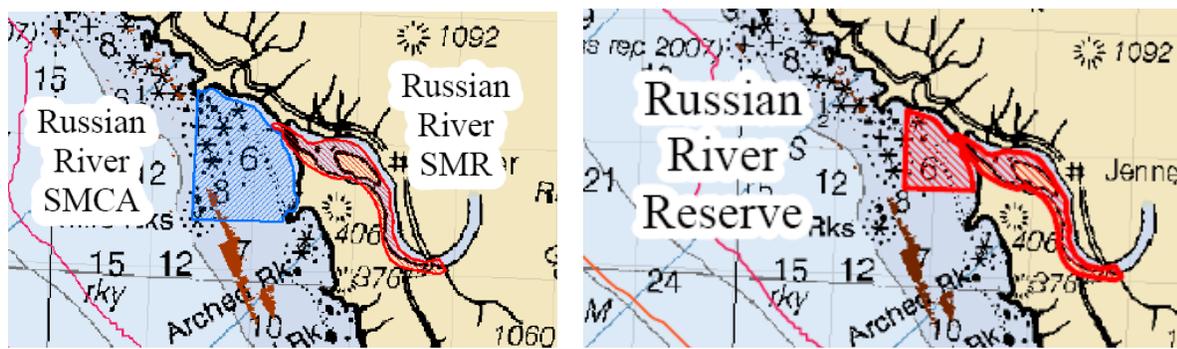


Figure 1. Example of two MPA clusters with easily determined boundaries using major headlands as onshore corners (left) and boundaries that are more difficult to determine (right).

Orientation of MPA Clusters

The Department will support individual MPAs and MPA clusters that meet the SAT guidelines, and fulfill both the guidelines set out in the Department's feasibility memos and the MLPA. As stated in the Department's Feasibility memos^{1,2}, the Department prefers MPA clusters to be oriented in an alongshore fashion (north/south) as compared to an inshore/offshore (east/west) orientation (Figure 2). Alongshore orientation often provides opportunities for a wider array of user groups, allows for scientific comparisons of different types of MPAs in similar habitats and depth zones, and does a better job of meeting the goals of the MLPA. As required in the MLPA, alongshore combinations can create State Marine Reserves that extend to the state water boundaries or deeper waters, which "encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions".

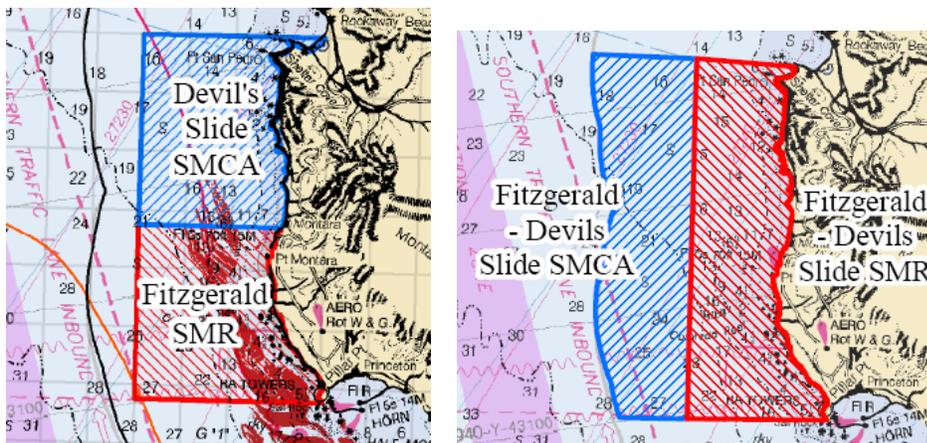


Figure 2. Example of north/south oriented MPA clusters (left) and east/west oriented MPA clusters (right).

MPAs in an alongshore orientation also support effective monitoring and adaptive management of adjacent MPAs. If a portion of a particular habitat remains available adjacent to the MPA cluster, additional research would be possible to test theories on spillover effects, and the effects of various methods of take. The Department recognizes that inshore/offshore oriented clusters may be appropriate for some areas, but encourages the NCCRSR to acknowledge the MLPA requirements, scientific value, and Department feasibility guidance in designing MPAs.

Recommendations to Improve Existing Proposals

The Department will comment on possible modifications to individual MPAs and MPA clusters that would increase public understanding of regulations, ease enforcement, and therefore make proposals more likely to achieve their goals and MLPA goals. The Department's comments will address various topics to simplify MPAs, including the

simplification of take regulations, clear and easily-identifiable boundaries, elimination or modification of existing MPAs, and clear MPA-specific goals and objectives. The Department will recommend modification of MPAs that have confusing or complex boundaries or take regulations. MPA regulations should include brief and easily understood regulations as well as boundaries that meet the feasibility guidelines provided by the Department.

Reasonable and Measurable Goals and Objectives

The MLPA states that “each MPA shall have identified goals and objectives”. The goals and objectives will serve to shape appropriate monitoring mechanisms that will reflect MPA effectiveness and inform adaptive management. The Department will comment on MPAs with proposed regulations that are inconsistent with the area’s goals or goals that appear inconsistent with the MLPA. RSG members should carefully consider goals and objectives in regard to the individual MPA, the MPA cluster, nearby MPAs and the network as a whole. The ability to monitor MPAs for their success in achieving goals should be strongly considered.

Avoiding the “Illusion of Protection”

A primary finding of the MLPA was that “...the array of MPAs creates the illusion of protection while falling far short of its potential to protect and conserve living marine life and habitat.” The Department will oppose proposed MPAs that allow virtually all forms of take that currently exist in an area. It is inconsistent with the intent of the MLPA to establish new MPAs or retain existing MPAs which do not have specific goals that are achievable with the proposed regulations.

The Department is encouraged by the attention the NCCRSG and BRTF have placed on our feasibility guidelines and input. We look forward to continued, direct interaction with these groups as the NCCRSG process nears completion. Department staff is available to provide assistance for refining proposed MPA boundaries and/or regulations to address any of the issues outlined here or in our other analyses.

cc: Secretary Mike Chrisman, California Resources Agency
President Richard Rogers, California Fish and Game Commission
Executive Director John Carlson, California Fish and Game Commission
MLPA Blue Ribbon Task Force
MLPA Initiative staff
MLPA Master Plan Science Advisory Team
MLPA Statewide Interests Group

Attachment: Department Recommendations for Existing MPAs Retained in Current Regional Stakeholder Group Draft MPA Proposals, March 11, 2008

EXISTING MPAs	NCCRSR Proposal (regulations and/or boundaries)	Department Recommendation: Regulations	Department Recommendation: Boundaries
Del Mar Landing SMP	Proposals 1 & 3 (regulations and boundaries) and Proposal 4 (boundaries)	Existing regulations are clear and enforceable	Change boundaries to due south from visible landmarks with southern offshore corners at 38° 44.200' N.
Salt Point SMCA	Proposal 4 (some of the regulations-recreational only)	Greatly simplify the regulations. Either make this a park that allows all recreational take or one that allows recreational abalone and pelagic finfish.	
Gerstle Cove SMCA	Proposals 2 & 4 (boundaries), Proposal 3 (both)	This area is generally perceived as a no-take reserve. Change regulations to match this perception.	Current boundaries are acceptable as they are clearly marked onshore.
Sonoma Coast SMCA	Proposal 3 (regulations)	Current regulations allow take of almost all desirable species, creating a "paper park". If this MPA is included, it needs to have clear objectives and simple regulations designed to achieve those objectives. An example would be allowing only pelagic finfish.	
Tomales Bay SMP	Proposal 2 (both)	Existing designation should be changed to SMRMA. Regulation regarding "light-weight hand carried boats" is awkward and difficult to enforce. The area presently allows all take except plants and algae, though restricts to hook and line. Need to clarify if this is take of finfish only and simplify language.	Current boundary could be improved by making due east/west and/or using very clear landmarks visible from both sides of bay.
Duxbury Reef SMCA	Proposal 3 is considering keeping the existing intertidal MPA.	Existing regulations are complex and allow almost all desirable species to be taken, creating a "paper park". Recommend changing regulations to prohibit most take but allowing certain activities compatible with the desired level of protection.	The Department does not recommend including "intertidal only" MPAs. If included, clear northern and southern boundaries must be established and an offshore distance of 300 feet seaward of mean lower low water should be used.
Farallon Islands SMCA	It is unclear how proposals will address existing closures (all)	Existing SMCA regulations include seasonal area closures and noise abatement restrictions and would be reclassified to a "Special Closure". As written, regulations are difficult to describe and may be improved by simplifying. Proposals must clearly state their intent with regards to the existing regulations.	Boundaries of special closures may vary, depending on desired objective. Generally, distances of 300 or 1,000 feet from mean lower low water are acceptable, though would be greatly improved if marked with buoys.