

CALIFORNIA MARINE LIFE PROTECTION ACT INITIATIVE

MASTER PLAN FRAMEWORK

California Department of Fish & Game



**Adopted by the California Fish and Game Commission
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Executive Summary

Section 1. Introduction

In 1999, the legislature approved and the governor signed the Marine Life Protection Act (MLPA; FGC Section 2851-2863). The MLPA requires that the Department of Fish and Game (Department) prepare and present to the Fish and Game Commission (Commission) a master plan that will guide the adoption and implementation of a Marine Life Protection Program, which includes a statewide network of marine protected areas (MPAs). Other recent related legislation includes the Marine Life Management Act of 1998 (MLMA), Marine Managed Areas Improvement Act of 2000 (MMAIA), and California Ocean Protection Act of 2004 (COPA).

This legislation continues a long tradition of legislation addressing the conservation of California's diverse coastal and marine wildlife and habitats. Since World War II especially, pressures on these resources have grown as fishing effort and ability have increased and as coastal development has transformed coastal habitats and generated pollutants. In the last 35 years, both federal and state government programs have made an effort to address, if not solve, all of these problems. Marine and coastal wildlife populations also are affected by environmental factors, such as short and long-term shifts in oceanographic conditions, the total effect of which are not clearly understood.

Since passage of the MLMA in 1998, restrictions on commercial and recreational fishing have grown as fishery managers have sought to maintain sustainable fisheries in the face of uncertainty and of declining fish populations. The MLMA reflects shifts in the goals of fishery management away from a single-species focus on maximum yields toward sustainable yields and an ecosystem perspective.

The MLPA reflects prevailing scientific views regarding the role of MPAs in conserving biological diversity, protecting habitats, aiding in the recovery of depleted fisheries, and promoting recreation, study, and education. There remains disagreement whether MPAs, particularly no-take marine reserves, provide direct benefits to fisheries. These scientific viewpoints are discussed in more detail in this document.

In August 2004, the California Resources Agency, California Department of Fish and Game, and Resources Legacy Fund Foundation launched an effort to implement the MLPA, after two unsuccessful earlier attempts. The MLPA Initiative established an MLPA Blue Ribbon Task Force, together with a Master Plan Science Advisory Team (science team) and stakeholder advisory groups, to oversee the completion of several objectives. The first of these objectives is this master plan framework, which includes guidance, based on the MLPA, for the development of alternative proposals of MPAs statewide, beginning in an initial central coast study region. The task force will forward both the master plan framework and, by March 2006, the package of alternative MPA proposals for central coast study region to the Department for its consideration and subsequent submission to the Commission for its consideration and action. The following framework is expected to be an evolving document, which will be modified based on lessons learned in various regional processes and through monitoring and evaluation of MPAs throughout the State.

Section 2. Process for Designing Alternative Marine Protected Area Network Proposals

Rather than attempting to design a single network for the entire state at one time, the MLPA Initiative envisions the assembly of a statewide network by 2011 from a series of regional processes, beginning with an area along the central coast. This master plan framework will guide that process. It describes a series of activities, most of which will be undertaken by a regional stakeholder group and a sub-team of the statewide science team.

The overall aim of this five-step process is developing alternative MPA proposals for consideration by the Department, selection of a preferred alternative by the Department, and adoption of a proposal by the Commission. These five steps are:

1. Regional planning, starting with the identification of a study region moving through the preparation of a regional profile and additional advice, designing regional goals and objectives, analyzing existing MPAs and other management and ending with the identification of alternative approaches to networks and potential MPA sites;
2. MPA planning, in which proposals for potential MPAs are developed, after evaluation of existing and new MPAs and other management activities,
3. Assembling alternative proposals, in which MPAs developed in the previous stage are assembled into alternatives, which are evaluated generally and a feasibility analysis is conducted;
4. Evaluating the proposals, in which the MLPA Blue Ribbon Task Force evaluates the proposals and forwards a package to the Department, which sponsors a peer review and develops initial regulatory documents and forwards these along with a preferred alternative to the Commission;
5. Commission action on MPA proposals, which includes preparing regulatory analyses (including California Environmental Quality Act review), public testimony, and action by the Commission.

It is expected that the Master Plan Framework and the process described above will be reviewed upon completion and that changes will be made based on lessons learned. This adaptive use of the framework will help facilitate future regional processes and statewide implementation.

Section 3. Considerations in the Design of MPAs

Achieving the MLPA's goals and objectives to improve a statewide network of MPAs will require consideration of a number of issues, each of which is discussed in this section.

Goals of the Marine Life Protection Program

The MLPA identifies a set of goals for the Marine Life Protection Program including: conservation of biological diversity and the health of marine ecosystems; recovery of wildlife populations; improving recreational and educational opportunities consistent with biodiversity conservation; protection of representative and unique habitats for their intrinsic value; ensuring that MPAs have defined objectives, effective management and enforcement, and are designed on sound science; and ensuring MPAs are managed, to the extent possible as a network.

The MLPA notes that a variety of levels of protection may be included in MPAs and that the above program shall include several elements. These are: an “improved marine life reserve component”; specified objectives and management and enforcement measures; provisions for monitoring and adaptive management; provisions for educating the public and encouraging public participation; a process for the establishment, modification, or abolishment of existing or future new MPAs.

Each regional preferred alternative submitted by the Department to the Commission must include recommended no-take areas that encompass a representative variety of marine habitat types and communities across a range of depths and conditions and avoid activities that upset the natural functions within reserves. Collectively the regional alternatives must include replicates of similar types of habitats in each biogeographical region to the extent possible.

MPA Networks

The MLPA calls for improving and managing the state’s MPAs as a network, to the extent possible. The MLPA itself does not define a network. However, there are two common approaches to MPA networks: MPAs linked biologically and/or oceanographically, and MPAs linked through administrative function. Biological and oceanographic linkages are described in more detail in this section. At a minimum, the statewide network should function at an administrative level which reflects a consistent approach to design, funding and management.

Science Advisory Team Guidance on MPA Network Design

Explained in more detail below, the science team for the MLPA Initiative developed guidance regarding the design of MPA networks. This guidance, which is expressed in ranges for some aspects such as size and spacing of MPAs, should be the starting point for regional discussions of alternative MPAs. Although this guidance is not prescriptive, any significant deviation from it should be consistent with both regional goals and objectives and the requirements of the MLPA. The following guidelines are linked to specific objectives and not all guidelines will necessarily be achieved by each MPA:

- The diversity of species and habitats to be protected, and the diversity of human uses of marine environments, prevents a single optimum network design in all environments.
- To protect the diversity of species that live in different habitats and those that move among different habitats over their lifetime, every ‘key’ marine habitat should be represented in the MPA network.
- To protect the diversity of species that live at different depths and to accommodate the movement of individuals to and from shallow nursery or spawning grounds to adult habitats offshore, MPAs should extend from the intertidal zone to deep waters offshore.
- To best protect adult populations, based on adult neighborhood sizes and movement patterns, MPAs should have an alongshore extent of at least 5-10 km (3-6 m or 2.5-5.4 nm) of coastline, and preferably 10-20 km (6-12.5 m or 5.4-11 nm). Larger MPAs would be required to fully protect marine birds, mammals, and migratory fish.

- To facilitate dispersal among MPAs for important bottom-dwelling fish and invertebrate groups, based on currently known scales of larval dispersal, MPAs should be placed within 50-100 km (31-62 m or 27-54 nm) of each other.
- To provide analytical power for management comparisons and to buffer against catastrophic loss of an MPA, at least 3-5 replicate MPAs should be designed for each habitat type within each biogeographical region.
- To lessen negative impact while maintaining value, placement of MPAs should take into account local resource use and stakeholder activities.
- Placement of MPAs should take into account the adjacent terrestrial environment and associated human activities.
- To facilitate adaptive management of the MPA network into the future, and the use of MPAs as natural scientific laboratories, the network design should account for the need to evaluate and monitor biological changes within MPAs.

Consideration of Habitats in the Design of MPAs

The MLPA calls for protecting representative types of habitat in different depth zones and environmental conditions. The science team generally confirmed that all but one of the habitats identified in the MLPA occur within state waters: rocky reefs, intertidal zones, sandy or soft ocean bottoms, underwater pinnacles, kelp forests, submarine canyons, and seagrass beds. They noted that seamounts do not occur within state waters. The science team also noted that rocky reefs, intertidal zones, and kelp forests are actually broad categories that include several types of habitat.

The science team identified five depth zones which reflect changes in species composition: intertidal, intertidal to 30 meters, 30 meters to 100 meters, 100 meters to 200 meters, and deeper than 200 meters. The science team also called for special delineation of estuaries as a critical California coastal habitat. Finally, the science team recommended expanding the habitat definitions to include ocean circulation features, principally upwelling centers, freshwater plumes from rivers, and larval retention areas.

Species Likely to Benefit from MPAs

The MLPA requires the identification of species likely to benefit from MPAs. Identifying these species may also assist in identifying habitat areas that can contribute to achieving the goals of the MLPA. The Department prepared a list of such species, which appears in Appendix G. The Department will work with the science team in refining this list for each region. This will include identifying species on the list that are in direct need of consideration when designing MPAs, as opposed to those that may benefit but are not in immediate need of additional protection.

Geographical Regions

The MLPA requires that representative habitats be included, to the extent possible, in more than one marine reserve in each biogeographical region. The MLPA identifies the following three biogeographical regions:

- The area extending south from Point Conception,
- The area between Point Conception and Point Arena, and
- The area extending north from Point Arena.

The MLPA also authorizes a master plan science team to modify these regions. A variety of options for the possible definition of biogeographical regions are presented:

- 1) The three biogeographical regions defined in the MLPA;
- 2) The two *biogeographic provinces* recognized by many scientists with a boundary at Point Conception;
- 3) The four *marine regions* identified by the Master Plan Team convened by the Department in 2000, with boundaries at Pt. Conception, Pt. Año Nuevo, and Pt. Arena; and
- 4) The biogeographical regions recognized by scientists who have identified borders based on species distributional patterns or on abundance and diversity data with boundaries at Pt. Conception, Monterey Bay and/or San Francisco Bay, and Cape Mendocino.

Accepting the strong scientific consensus of a major biogeographical break at Point Conception, the Blue Ribbon Task Force confirms that two biogeographical regions exist along the California coast for purposes of implementing the Marine Life Protection Act. The more refined information on other breaks will be useful in designating study regions and in designing a statewide network of MPAs.

Types of MPAs

The MLPA recognizes the role of different types of MPAs in achieving the objectives of the Marine Life Protection Program. Three types of MPAs are defined by the Marine Managed Areas Improvement Act: state marine reserve, state marine park, and state marine conservation area. Each designation provides authority for different levels of restriction on human uses and includes various objectives. The MLPA sets other requirements for the use of state marine reserves. These differences are briefly described below and their potential use in zoning of areas is discussed.

Setting Goals and Objectives for MPAs

The MLPA requires that all MPAs have clearly identified goals and objectives and suggests several possible objectives. The MPA design process will begin with setting regional goals and objectives that are consistent with the MLPA, then identifying goals and objectives for individual MPAs. Once set, goals and objectives will influence crucial decisions regarding size, location and boundaries, as well as management measures and the focus of monitoring and evaluation programs. The goals and objectives of other complementary programs will be consulted, such as the Nearshore Fishery Management Plan adopted under the Marine Life Management Act and the Abalone Recovery and Management Plan.

Enforcement and Public Awareness Considerations in Setting Boundaries

Public acceptance and understanding of and compliance with MPA regulations can be increased if certain criteria are considered in the design of MPAs. First, boundaries should be clear, well-marked where possible, recognizable, measurable and enforceable. Ease of access to MPAs may influence the level of enforcement activity required to ensure compliance and protection. Siting MPAs where there are other special management programs such as national marine sanctuaries may enhance enforceability.

Information Supporting the Design of MPAs

The MLPA calls for the use of the “best readily available science” in designing and managing MPAs. Baseline data needs will be identified in regional profiles and MPA management plans, and the framework offers several examples of these types of information. The MLPA also calls for soliciting information from local communities and interested parties regarding the marine environment, the history of fishing, water pollution, and the socioeconomic and environmental impacts of MPA alternatives. Considerations in evaluating the economic value of marine ecosystems and the economic effects of specific MPAs are described.

Other Programs and Activities Other than Fishing

Current and anticipated human activities that may affect representative habitats and focal species in each region and at each MPA site should be described. Where non-fishing activities may have a significant impact, a proposal for an MPA may include recommendations to appropriate agencies for reducing the impacts of those activities. Such recommendations generally should be referred also to the California Ocean Protection Council established under the California Ocean Protection Act of 2004.

Section 4: Management

The MLPA requires that California’s MPAs have effective management measures. The initial focus for meeting this requirement is the preparation of a regional management plan, a suggested outline of which is found in Appendix K. Besides generally guiding day-to-day management of MPAs, a management plan also distills the reason for key elements of MPAs that should be monitored, evaluated, and revised in response to new information and experience. A management plan should describe the allocation of responsibility to various government agencies, non-governmental organizations and industry groups. Where possible, management of MPAs should rely on collaboration among groups, including volunteer efforts. Finally, advisory committees formed for the purpose of designing MPAs in a region may serve important purposes in the implementation of MPAs. Likewise, a statewide MPA advisory committee that can assist with implementation should be considered. Much of the material required for a management plan will be developed during the regional design of MPAs.

Section 5: Enforcement

The MLPA identifies enforcement as one of the chief deficiencies in California’s existing MPAs. Therefore, the MLPA requires that the Marine Life Protection Program provides for adequate

enforcement and includes enforcement measures for all MPAs, and that the master plan include recommendations for improving enforcement.

A general discussion of the capacities of the Department's enforcement program as well as the programs of other state and federal agencies, with which the Department may collaborate is included. A set of enforcement program objectives, including cooperative efforts, community involvement, education and operations is identified.

Section 6: Monitoring and Adaptive Management of MPAs

Like the Marine Life Management Act, the MLPA calls for adaptive management. The MLPA requires that the master plan include recommendations for monitoring and evaluation in selected areas for adaptive management. The MLPA also requires that all MPAs have measurable goals and objectives.

A process for developing monitoring and evaluation programs in different regions is described. A communications plan that will help ensure that results of monitoring are provided to decision makers and the public in terms that they can understand and act upon should be developed. A comprehensive review of monitoring results and performance should be conducted every three to five years. If monitoring results are not consistent with the goals and objectives of an individual MPA, the region, and overall network, recommendations should be developed for altering the MPAs and their management.

General considerations in identifying indicators as part of a monitoring and evaluation program, and specific examples of indicators for biophysical, socioeconomic and governance objectives are discussed. Collaborative monitoring efforts with fishermen and other groups are encouraged.

Section 7. Financing

The MLPA requires that the master plan include recommendations for funding MPA management activities and for implementing the Marine Life Protection Program. The inclusion of financing considerations in management plans for regional MPAs is discussed and examples of various sources of funding are provided. The MLPA Initiative will produce a long-term funding strategy for implementing the MLPA by the end of 2005.

Appendices

A separate volume includes appendices with more extensive information on a number of issues raised.

Section 1. Introduction

The rich natural heritage of California has supported commercial and recreational fisheries, which have provided consumers with a healthy source of high-quality protein, recreational anglers with enjoyable experiences, and many coastal communities with sources of employment and revenues. California's nearshore waters are among the top destinations for recreational scuba divers from around the world. Whether watching the flight of birds or the graceful forms of dolphins and whales, people also have increasingly sought enjoyment from observing marine wildlife. The dramatic growth of marine aquaria along the coast also serves as evidence of growing public interest in ocean wildlife, while California's century-long renown as a leader in marine science has only grown. California enjoys beautiful and productive marine resources.

In 1999, the State of California adopted the Marine Life Protection Act (MLPA, FGC Section 2851-2863), one in a long history of statutes and regulations designed to protect California's ocean and estuarine waters and the species and habitats found within them. The Department of Fish and Game (Department) is required to prepare and present to the Fish and Game Commission (Commission) a master plan that will guide the adoption and implementation of the Marine Life Protection Program (FGC Section 2855).

Another relevant law, the Marine Managed Areas Improvement Act (Public Resources Code, Sections 36600 et seq.), was adopted in 2000. The two measures, taken together, represent a declaration that California intends to protect its oceans and the marine species that live there and provide direction on how to proceed.

In 2004 the legislature approved and the Governor signed the California Ocean Protection Act (Public Resources Code, Sections 35500 et seq.). One purpose of this law is to coordinate activities of state agencies that are charged with the protection and conservation of coastal waters and ocean ecosystems, in order to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations. The legislation identifies the following objectives:

- (a) Provide a set of guiding principles for all state agencies to follow, consistent with existing law, in protecting the state's coastal and ocean resources.
- (b) Encourage cooperative management with federal agencies, to protect and conserve representative coastal and ocean habitats and the ecological processes that support those habitats.
- (c) Improve coordination and management of state efforts to protect and conserve the ocean by establishing a cabinet level oversight body responsible for identifying more efficient methods of protecting the ocean at less cost to taxpayers.
- (d) Use California's private and charitable resources more effectively in developing ocean protection and conservation strategies.
- (e) Provide for public access to the ocean and ocean resources, including to marine protected areas, for recreational use, and aesthetic, educational, and scientific purposes, consistent with the sustainable long-term conservation of those resources.

Related to this legislation, on October 18, 2004, Governor Arnold Schwarzenegger released an ocean action plan, *Protecting Our Ocean: California's Action Strategy*, with four primary goals:

- Increase the abundance and diversity of species in California's oceans, bays, estuaries and coastal wetlands.
- Make water in these bodies cleaner.
- Provide a marine and estuarine environment that Californians can productively and safely enjoy.
- Support ocean dependent economic activities.

Part of this ocean action plan is full implementation of the MLPA. Among other policies, the ocean action plan also addresses the relationship between California's management activities and the Department of Defense as follows:

- Coordinate California ocean and coastal management activities that impact military facilities/operations with the Department of Defense, as well as requesting the Department of Defense to coordinate their activities and operational needs with the State of California to the extent possible without compromising national security objectives.

Early Years

From its very first days as a state in 1850, California has adopted statutes and regulations dealing with the ocean, fisheries, and protection of resources, commerce and industry. In an historic sense, California's history of involvement (as with most other states) has been through early steps to regulate fishing and define health and safety requirements for those who earn a living on the waters, and to protect outstanding areas and features along the California coast and in state waters.

In the early decades of statehood, California's policy toward natural resources reflected the desire of government at all levels to promote economic expansion by bringing natural resources into production (McEvoy 1986). Even so, lawmakers in California, as elsewhere, became concerned that the expansion of fishing might well threaten the long-term economic health of the fishing industry. In 1852, the California State Legislature passed its first fishing statute to regulate the Sacramento River salmon fishery, and continued to pass more regulations over the next several decades. In 1870, the legislature responded to the concerns of sport fishermen by establishing a State Board of Fish Commissioners, which later became the Commission. In this and other ways, California led the nation. By the end of the 19th century, the California State Legislature had adopted a body of fisheries management law that was a model for its time.

At the same time, the courts repeatedly upheld the importance of the state's role in protecting its resources. In 1894, for instance, the California State Supreme Court found that "The wild game within a state belongs to the people in their collective, sovereign capacity; it is not the subject of private ownership, except in so far as the people may elect to make it so; and they may, if they see fit, absolutely prohibit the taking of it, or any traffic or commerce in it, if deemed necessary for its protection or preservation, or the public good."

Californians often feel strongly about both available fisheries and regulations on access. Some assert that article 1, section 25, of the California Constitution gives the public a “right to fish.” It states “The people shall have the right to fish upon and from the public lands of the State and in the waters thereof...provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.”

However, this “right to fish” is not absolute. In 1918, the California Supreme Court considered whether a law providing for the licensing of fishermen was unconstitutional because it violated article 1, section 25. The court rejected the argument, finding that the provision authorizing the legislature to fix the seasons and conditions under which fish are taken was intended to leave the matter under the legislature’s discretion [*Paladini v. Superior Court* (1918) 178 Cal. 369]. As recently as 1995, a court reaffirmed the qualified, not fundamental, right to fish and that the language of the State Constitution was not intended to curtail the ability of the legislature (or the Commission through legislated authority) to regulate fishing [*California Gillnetters Association v. Department of Fish and Game* (1995) 39 Cal.App.4th 1145].

Also, section 25 must be read in connection with article 4, section 20 (formerly section 25½), which states that the California State Legislature may enact appropriate laws for protection of fish and game, and may delegate to the Commission such powers relating to protection and propagation of fish and game [*Ex parte Parra* (1914) 24 Cal.App. 339, 340]. In that respect, the California Supreme Court found it “most apparent” that the purpose of (now) article 4, section 20 “was to clothe the Legislature with ample power to adequately protect the fish and game of the state.” Further, the California Supreme Court has long declared that the power to regulate fishing has always existed as an aspect of the inherent power of the legislature to regulate the terms under which a public resource may be taken by private citizens [*In re Phoedovius* (1918) 177 Cal. 238, 245-246; *People v. Monterey Fish Products Company* (1925) 195 Cal. 548, 563]. This regulatory power clearly includes the regulation of fishing within MPAs [Section 2860, FGC].

Like other economic activities, from agriculture to manufacturing, fishing began expanding rapidly in the first few decades of the 1900s. In 1912, the legislature responded by authorizing staff for the Commission, which found itself with greater and greater responsibilities for managing industrial fisheries, in particular. In 1927, the legislature created a Department of Natural Resources, within which it housed a Division of Fish and Game.

Post World War II

After World War II, the marine policies of California and other state and federal governments were based largely on several assumptions that reflected the progressive thinking of the time. First, the abundance of marine wildlife was thought to be nearly without practical limits. Second, scientists and fishery managers believed that we possessed enough knowledge to exploit marine populations at very high levels over long periods of time without jeopardizing them. Third, the value of marine wildlife was principally as a commodity to be processed and traded. Finally, the chief challenge in commercial fisheries management was to expand domestic fishing fleets in order to exploit the assumed riches of the sea.

In 1945, the legislature granted the Commission discretionary authority over recreational fisheries. In 1947, the legislature instituted a tax on sardine landings that was used to fund research into causes for the decline in sardine abundance. These activities led to the inauguration of one of the world's longest series of fisheries research cruises, the California Cooperative Oceanic Fisheries Investigations, CalCOFI, a cooperative venture of the California Department of Fish and Game, Scripps Institution of Oceanography and the National Marine Fisheries Service.

Several factors combined to challenge these assumptions. Changing fishing technologies and expanding fleets increased harvests. Poor forestry practices resulted in sediment loading to coastal watersheds that impeded spawning. Development decreased wetlands, reducing their important capacities in marine life cycles and in filtering run off.

In the face of disturbing declines in a number of fisheries, state and federal fisheries agencies around the country began an intensive review of prevailing policies in the mid-1960s. In 1967, the California State Legislature passed the California Marine Resources Conservation and Development Act to develop a long-range plan for conservation and development of marine and coastal resources (1967 California Statutes Ch. 1,642). In the same year, Governor Ronald Reagan imposed an emergency two-year moratorium on commercial sardine fishing (1967 California Statutes Ch. 278).

During the 1960s, recreational fishermen convinced the legislature to remove certain species of fish from commercial exploitation, such as calico bass and striped marlin. Beginning in the 1970s, traditional views of marine fish populations as commodities began shifting more rapidly. Marine wildlife and ecosystems were increasingly valued for themselves and for uses such as tourism, education, and scientific research. Recognition of the need to balance the capacity of fishing fleets with the often limited and uncertain productive capacity of marine species grew. Rather than seeking to extract the maximum yield from marine species, fisheries managers began seeking levels that would be sustainable into the distant future.

Changes also occurred in marine recreational activities. Catch and release programs became important in some fisheries. The value of the experience of fishing was recognized as being greater than just the monetary value of fishing to local businesses. Non-consumptive recreation, including surfing, diving, sightseeing, and other activities, increased dramatically. Additionally, the public became more interested in the value of healthy marine environments for both recreational use and the intrinsic value of the ocean itself.

California's Marine Heritage

For 1,100 miles, the spectacular mass of California's lands meets the Pacific Ocean. In many areas, mountains plunge into the oceans. Elsewhere, ancient shorelines stand as terraces above the surf. Streams and rivers break through the coastal mountains and lowlands and, in some places, flow into bays and lagoons rimmed with wetlands. Offshore, islands and rocks break the surface.

This is what we can easily see. But beneath the surface of the water offshore, California's dramatic geological formations continue. Unlike the Atlantic or Gulf coasts, California's shallow continental shelf is quite narrow, generally no wider than 5 miles. At its broadest point off San Francisco, the shelf extends 30 miles offshore before plunging from 600 feet to the abyssal region at 6,000 feet. Beyond state waters, peaks called seamounts rise from the depths and are generally recognized as areas where prey species aggregate, attracting a variety of marine life.

Whether near or far from shore, the ocean bottom may be rocky, sandy, or silty. It may be flat or formed of rocky reefs. In areas along the coast, great canyons cut into the continental shelf quite close to shore. For example, the Monterey submarine canyon, which is larger than the Grand Canyon of the Colorado, begins within miles of the shoreline. There, as in other submarine canyons, marine life normally found far offshore occurs close to land in the deep waters. Off southern California, the ocean bottom appears like a piece of crumpled paper, with basins, troughs, canyons, peaks, and cliffs alternating in a checkerboard pattern.

Ocean currents introduce other dimensions to California's coastal waters. For much of the year, the California Current brings colder northern waters southward along the shore as far as southern California. There, where the coastline juts eastward, the California Current moves offshore. In the gap between the California Current and the mainland, the Southern California Countercurrent flows into the Santa Barbara Channel. Around Point Conception, these two currents meet, creating a rich transition zone. Closer to shore and deeper, the California Undercurrent also carries warmer water northward.

Seasonal changes in wind direction commonly create seasonal patterns for these currents. Beginning in March, for instance, northwesterly winds combine with the rotation of the Earth to drive surface waters offshore, triggering the upwelling of cold, nutrient-rich water from the depths. Fueled by sunlight and these nutrients, single-celled algae bloom and create a rich soup that fuels a blossoming of marine life, attracting larger animals from seabirds and swordfish to humpback and blue whales.

By September, as the northwesterly winds die down, the cold water sinks again and warmer waters return to the coast. This oceanic period lasts into October, when the predominant winds move to the southwesterly direction. These winds drive a surface current, called the Davidson Current, which flows north of Point Conception and inside the California Current, generally lasting through February.

Laid over this general pattern are both short-term and long-term changes. Local winds, topography, tidal motions, and discharge from rivers create their own currents in nearshore

waters. Less frequently, a massive change in atmospheric pressure off Australia floods the eastern Pacific with warm water, which suppresses the normal pattern of upwelling. These short-term climatic changes, called El Niño, reduce the productivity of coastal waters, causing some fisheries and seabird and marine mammal populations to decline and others to increase. For instance, warm waters that flow north in an El Niño carry the larva of California sheephead and lobster from the heart of their geographical range in Mexico into the waters off California.

Other oceanographic changes last for a decade or more and these natural fluctuations can have significant impacts on the health and composition of marine life. In these regime shifts, water temperatures rise or fall significantly, causing dramatic changes in the distribution and abundance of marine life. The collapse of the California sardine fishery occurred when heavy commercial fishing continued on sardine populations that were greatly reduced by a cooling of offshore waters in the late 1940s and early 1950s. In response to the decline in sardines, California law severely curtailed the catch. In 1977, waters off California began warming and remained relatively warm. The warmer water temperatures were favorable for sardines, whose abundance greatly increased. But the warmer waters also reduced the productivity of other fish, including many rockfishes, lingcod, sablefish, and those flatfishes that favor cold water for successful reproduction.

Currents and other bodies of water may differ dramatically in temperature and chemistry, as well as speed and direction. These factors all influence the kinds of marine life found in different bodies of water. In general terms, geography, oceanography, and biology combine to divide California marine fisheries and other marine life into two major regions north and south of Point Conception. Within each region, other differences emerge. Conservation and use of California's marine life depends partly upon recognizing these differences.

Marine Life of California

The waters off California are host to hundreds of species of fish and marine plants and algae. Thousands of species of marine invertebrates inhabit the sea floor from tidepools along the shoreline to muddy plains thousands of feet deep. Dozens of species of coastal and offshore birds spend some part of the year in California's waters, as do 35 species of marine mammals.

This great variety of marine life reflects the different responses of groups of animals and plants to changing environmental conditions over long periods of time. In successfully meeting their needs for growth, survival, and reproduction, individual species have developed a set of characteristics that biologists call life history traits. These traits include age at maturity, maximum age, maximum size, growth rate, natural mortality rate, and feeding and reproductive strategies.

Differences among species can be dramatic. For instance, California market squid mature within 12 months and die soon after spawning, whereas widow rockfish do not mature until age five at the earliest and may live as long as 59 years. This has profound consequences for managing fisheries so that they are sustainable.

Reproductive strategies also vary. Queenfish, for instance, may spawn 24 times in a season, ultimately releasing their body weight in eggs into the open water, where most will be eaten

whether or not they are fertilized. In contrast, species such as olive rockfish spawn just once a year, releasing up to 500,000 larvae, which have been fertilized and developed internally. Other species, including sharks and surfperches, bear a small number of fully functional and live young each year.

Amid the variety, the life histories of fish tend to fall into several larger categories. For instance, fish species that have low rates of mortality as adults, such as many species of sharks, bluefin tuna, and billfish, also mature late and reproduce in smaller numbers. Organisms that have high rates of mortality as adults, such as anchovies and squid, mature early, and reproduce in large numbers. Some species spend the first several months of their lives floating as planktonic larvae in ocean currents. Climate and oceanographic changes influence the abundance of these species more than does the number of spawning adults. Many mollusks and some sharks produce eggs which are physically attached to the substrate until hatching. For these species, local conditions and predation play a major role in abundance.

Species differ also in their movements. For instance, during winter Dover sole move into deeper water where they reproduce, then move back into shallower water in the summer to feed. Pacific whiting migrate from their summer feeding grounds off Oregon and Washington to their winter spawning grounds off southern California and Baja California. By contrast, gopher rockfish, which can live to 30 years, venture less than a mile from their home range.

Individual plants and animals are part of larger communities that are linked in many ways. One of the clearest of relationships concerns what eats what, also known as the food web. Generally, this begins with herbivores, which consume plants that have manufactured food through photosynthesis. These herbivores may be as small as the larva of an anchovy or as large as a basking shark. The smaller herbivores pass along much of the food value of the plants when they are eaten by primary carnivores, which in turn may be consumed by higher level carnivores. Humans enter the food web at a variety of levels, removing not only higher level carnivores, but herbivores, and even the lowest level algae.

These relationships among wildlife populations differ considerably among different habitats and communities. A decrease in the abundance of some species, habitat alteration, or climate changes, for instance, can affect species that feed upon them. Conversely, an increase in predator species may reduce the abundance of prey species. Healthy habitat can also play an important role in the abundance of marine wildlife. A large percentage of the state's coastal wetlands have been destroyed or degraded, causing incalculable losses in coastal wildlife. Pollution of coastal waters can expose marine animals to toxic chemicals and can foster changes in plant communities that wildlife depends upon. A decrease in the abundance of some species, due to habitat alteration, pollution, fishing, or climate changes, can produce a ripple effect throughout the marine environment. Considering these interrelationships when managing fisheries requires an ecosystem perspective. In addition, it is important to consider existing risk-averse fishery management regulations that have, for example, restored species such as sardine to "fully recovered" status, and integrate these considerations into the ecosystem management context.

Factors Affecting Marine Wildlife Populations

The abundance and diversity of populations of marine wildlife are influenced by a wide range of natural and human-caused factors, including short-term and long-term shifts in oceanographic conditions and numerous human activities, which may have direct or indirect effects (Parrish and Tegner 2001; Sheehan and Tasto 2001; NRC 1995). The impact of each factor varies with distance from shore and with individual species.

Some types of natural phenomena, such as El Niño and La Niña fluctuations, in which especially warm or especially cool waters respectively dominate, may have transitory impacts on marine wildlife and their habitats, while other natural phenomena, such as longer-term shifts in oceanographic conditions, may affect the abundance of some types of marine wildlife over much longer periods (Parrish and Tegner 2001). Increasingly, fisheries managers are attempting to adjust to these natural phenomena.

As in other coastal states, the development and growth of California's population and economy, especially since World War II, introduced additional stresses to coastal ecosystems. Coastal development transformed coastal watersheds, wetlands, and estuaries, and placed greater demands on coastal ecosystems. These stresses include chemical pollution and eutrophication (input of excessive nutrients into the environment), alteration of physical habitat, and the invasion of exotic species (NRC 1995). Intake structures for "once-through" cooling systems at electrical power plants kill marine life, and the thermal discharges from these facilities contribute the largest volume of effluent into California's coastal ocean. Chemical pollution and eutrophication can alter the abundance and biodiversity of wildlife in coastal environments, especially bays and estuaries (NRC 1995). Pollution ranges from toxic chemicals to partially treated sewage, and the sources of potential pollution range from point sources, such as sewage treatment plants, to non-point sources, such as runoff from agricultural and urban lands (Sheehan and Tasto 2001). Similarly, estuarine and shoreline habitats have been especially affected by residential, commercial and industrial development (Sheehan and Tasto 2001).

The degree of impact from these stresses on water quality and habitats varies markedly along the state's coastline. Storm-water runoff is a particular problem in major urban areas, while some waters of the central coast are most affected by agricultural runoff (Sheehan and Tasto 2001). San Francisco Bay's waters are affected both by industrial discharges and by dairy farm runoff. In some areas, particularly bays and estuaries, waters are so impaired that certain uses are prohibited or restricted. Many north coastal streams are impaired due to sedimentation, habitat modification, altered temperature and eutrophication. Timber harvest activities in north coast watersheds are a particular concern.

In the last 35 years, both federal and state governments have carried out regulatory and other programs to reduce these threats to coastal ecosystems. At the federal level, the Clean Water Act launched an enormous effort to reduce the flow of sewage and industrial pollutants into coastal waters (Sheehan and Tasto 2001). Since 1990, the federal government, in cooperation with state governments, has encouraged efforts to reduce the flow of non-point source pollution. In July 2000, California was the first state in the nation to receive full federal approval of its Coastal Non-point Source Pollution Control Program by the U.S. Environmental

Protection Agency and the National Oceanic and Atmospheric Administration (the lead federal agencies that administer the Clean Water Act and Coastal Zone Management Act, respectively). Storm water runoff from large and medium sized urban areas is now regulated as a point source under the National Pollutant Discharge Elimination System Program. The Governor's ocean action plan outlines many other such programs.

Passage and implementation of the state coastal legislation in the 1970s slowed the rate of loss of sensitive coastal habitats, and in some areas, efforts are underway to restore converted wetlands. In the last several years, the state has devoted more resources to addressing coastal water quality and habitat, including major state bonds. Nonetheless, future population and economic growth will continue to stress on coastal ecosystems.

The Marine Life Management Act

Like these other factors, fishing can have impacts on marine fish populations and other wildlife and has likely been having these effects since humans began to harvest marine species (NRC 1995, Jackson, et al. 2001). California has long sought to manage fisheries in its waters for long-term sustainability. In 1998 the California State Legislature responded to the shifts in understanding and public values as well as declines in some fisheries and nearshore ecosystems by adopting the Marine Life Management Act (MLMA).

Before the MLMA, the responsibility for managing most of California's marine resources harvested by commercial fisheries within state waters lay with the State Legislature, while the Department and the Commission managed the recreational fisheries and those commercial fisheries with catch quotas that changed periodically. Management of commercial fisheries under this division of responsibility was complicated, piecemeal, and often untimely, with necessary regulatory changes only occurring after much political deliberation and approval by both the California State Assembly and California State Senate.

The MLMA transferred permanent management authority to the Commission for the nearshore finfish fishery, the white seabass fishery, emerging fisheries, and other fisheries for which the Commission had some management authority prior to January 1, 1999. As importantly, the MLMA broadened the focus of fisheries management to include consideration of the ecosystem - the entire community of organisms (both fished and unfished) and the environment and habitats that those species depend on.

Recent Developments

The Marine Life Protection Act (MLPA) was enacted in 1999. (See Appendix A for text of the MLPA, as amended.) In doing so, the California State Legislature recognized the benefits of setting aside some areas under special protection and of ensuring that these marine protected areas (MPAs) were developed in a systematic manner, with clear goals and objectives, and management plans and programs for monitoring and evaluating their effectiveness. Rather

than focusing on one use or value for marine protected areas, the MLPA recognized a wide range of values, including the conservation of biological diversity¹.

Between the MLPA's passage in 1999 and the creation of the MLPA Initiative in 2004, there were two other efforts at implementation. Both attempts suffered from a lack of adequate resources. The first attempt did not ensure a robust multi-stakeholder involvement. Both attempts failed to provide sufficient information needed by stakeholders, particularly regarding the potential socioeconomic impacts of potential MPAs (See Appendix C for a more detailed description of MLPA implementation).

The first attempt became problematic when the Department and the MLPA Master Plan Team developed a set of initial proposals for a statewide network of MPAs without significant stakeholder input, even though the intent was to revise these initial proposals based on public comment as required by the MLPA. The second attempt was more inclusive of stakeholders, but suffered from a lack of staff and funding. After these unsuccessful attempts, state legislators and the Department realized that this complex and controversial process required significant resources and time to implement and evaluate successfully.

Since passage of the MLPA in 1999, the Pacific Fishery Management Council established several major recreational and commercial fishery closures to protect lingcod and certain populations of rockfish that were declared overfished² by the National Marine Fisheries Service. The closures, which remain in effect today, are generally based on depth and affect certain types of bottom-fishing gear. The closures have changed in both their total area and season several times.

The primary closures are the Cowcod Conservation Areas in southern California, which are almost entirely in federal waters, and the Rockfish Conservation Area, which is statewide and encompasses portions of state and federal waters. The total area included in State waters within the Cowcod Conservation Area is approximately 135 square nautical miles or 3.5% of all State waters. Within this area certain types of trapping and surface fishing are allowed, as well as some trawling.

While portions of the Rockfish Conservation Area are open seasonally to bottom fishing gears which impact groundfish, and the whole area is open to surface fishing, certain depth zones in certain parts of the state are closed to groundfish take year-round. The area within State waters which is closed to groundfish take year-round is about 190 square nautical miles or 4% of all State waters. These figures are based on the 2005 fishing regulations, which may change.

¹ Biological diversity or "biodiversity" is defined by Public Resources Code Section 12220(b) as: a component and measure of ecosystem health and function. It is the number and genetic richness of different individuals found within the population of a species, of populations found within a species range, of different species found within a natural community or ecosystem, and of different communities and ecosystems found within a region.

² The Federal definition of "overfished" generally describes any stock or stock complex determined to be below its overfish/rebuilding threshold (the default proxy of which is 25% of its estimated unfished biomass). Note that stocks may become overfished for a variety of reasons, including non-fishing impacts.

Such fishery conservation measures are similar to certain types of limited-take MPAs and can function as *de facto* MPAs. One important distinction between these closures and MPAs is that the former, while potentially of long-term duration, change based on assessments of specific stocks. Once the goal of rebuilding overfished populations is achieved, such closures may be abolished or greatly reduced. In contrast, MPAs are likely to be abolished if they fail to achieve such objectives as biodiversity conservation and habitat protection.

A significant increase in the total amount of state waters included in MPAs occurred in 2003 when the Commission established a system of 12 new MPAs (10 state marine reserves and 2 state marine conservation areas) around the Santa Barbara Channel Islands. The establishment of the 10 Channel Islands state marine reserves increased the area of state waters in marine reserves from 0.2% to 2.5%. This occurred after an initial year of discussion in the Commission, an approximately two and a half year stakeholder-based process, and another 1.5 years of public regulatory process. Monitoring of the new MPAs, and of the effect they are having on local fishing patterns, is now occurring. The details of the Channel Islands monitoring program are available at www.dfg.ca.gov/mrd/channel_islands.

Marine Protected Areas Generally

California is able to take advantage of several decades of experience and study regarding MPAs elsewhere in the United States and abroad, as well as within its own waters. While most of this experience is with no-take reserves, it can be applied generally to other MPAs. In 2001, for instance, a committee of the National Academy of Sciences released its report *Marine Protected Areas: Tools for Sustaining Ocean Ecosystems*. Like other reports of the National Academy of Sciences, this report can be considered an authoritative general review of the science of marine protected areas (OMB 2004). Many of their conclusions, while directed to marine reserves, may have applicability to other MPAs. Among other things, this expert panel concluded:

- A growing body of literature documents the effectiveness of marine reserves for conserving habitats, fostering the recovery of overexploited species, and maintaining marine communities.
- Networks of marine reserves, where the goal is to protect all components of the ecosystem through spatially defined closures, should be included as an essential element of ecosystem-based management.
- Choosing a location for a marine reserve or protected area requires an understanding of probable socioeconomic impacts as well as the environmental criteria for siting.
- It is essential to involve all potential stakeholders at the outset to develop plans for MPAs that enlist the support of the community and serve local conservation needs.
- Marine reserves and protected areas must be monitored and evaluated to determine if goals are being met and to provide information for refining the design of current and future MPAs and reserves.

- Sufficient scientific information exists on the habitat requirements and life-history traits of many species to support implementation of marine reserves and protected areas to improve management.

Since the National Academy of Sciences report, a vigorous discussion among scientists and decision makers has explored the benefits and costs of MPAs, particularly marine reserves (Nowlis and Friedlander 2004; Hilborn et al. 2004; SSC 2004; NFCC 2004; FAO 2004). Many of these discussions have focused upon the use of marine reserves as a fisheries management tool and on the effect of marine reserve designation on fishing operations, fisheries management, and fish populations outside reserves. There has been virtually no discussion of the value and design of other types of MPAs, such as marine parks and marine conservation areas.

Recent literature supports the potential value of marine reserves for protecting habitat and biodiversity within reserve boundaries (Nowlis and Friedlander 2004; Hilborn et al. 2004; FAO 2004). This same literature cites several potential benefits of marine reserves to fisheries management, including buffering against uncertainty, reducing collateral ecological impacts (e.g., bycatch and habitat damage), managing multi-species fisheries, and improving knowledge. Empirical evidence for increased fish catches outside marine reserves is sparse, although there are strong reasons to believe that if designed properly, marine reserves can contribute to fisheries management in some circumstances (Nowlis and Friedlander 2004; Hilborn et al. 2004). Without experience gained from the establishment of additional marine reserves, assessing the appropriateness of marine reserves for fisheries enhancement purposes will remain difficult.

At the same time, potential problems with marine reserves have been cited, including possible shifts in fishing effort, disruption of stock assessment research, and socioeconomic impacts (Hilborn et al. 2004; FAO 2004; SSC 2004). Empirical evidence for these potential impacts is sparse, as well. These authors urge care in the design of marine reserves so as to minimize losses to fisheries and to increase the opportunity to obtain empirical information on marine reserves by careful experimental design (Hilborn et al. 2004; SSC 2004). These studies also note that for certain species, especially species with highly mobile adults, marine reserves are unlikely to benefit fisheries (Nowlis and Friedlander 2004; Hilborn et al.; SSC 2004; NFCC 2004). When designing marine reserves or other MPAs with a goal of enhancing fisheries, the target species and potential impacts must be considered.

It is important to remember that a primary purpose of the MLPA is to develop a plan and implement a program that will protect and restore marine biodiversity and ecosystems. The MLPA recognizes that MPAs may be a tool to accomplish those purposes, but they are not the only tool. Implementation of the MLPA must consider and respect other efforts, including traditional fishery management, water quality controls and coastal development management, in order to avoid duplication and conflicts in the state's efforts to protect California's ocean environment.

MLPA Initiative Process

In August 2004, a new effort was launched to implement the MLPA. Combining public and private sources of support, the MLPA Initiative has four key objectives to achieve by December 2006, when the initiative expires:

- the development of a draft master plan framework;
- the development of alternative proposals for an MPA network in a central coast study region;
- recommendations on funding sources for MPA implementation and management; and
- recommendations to increase the coordination between state and federal agencies with authority to manage ocean resources.

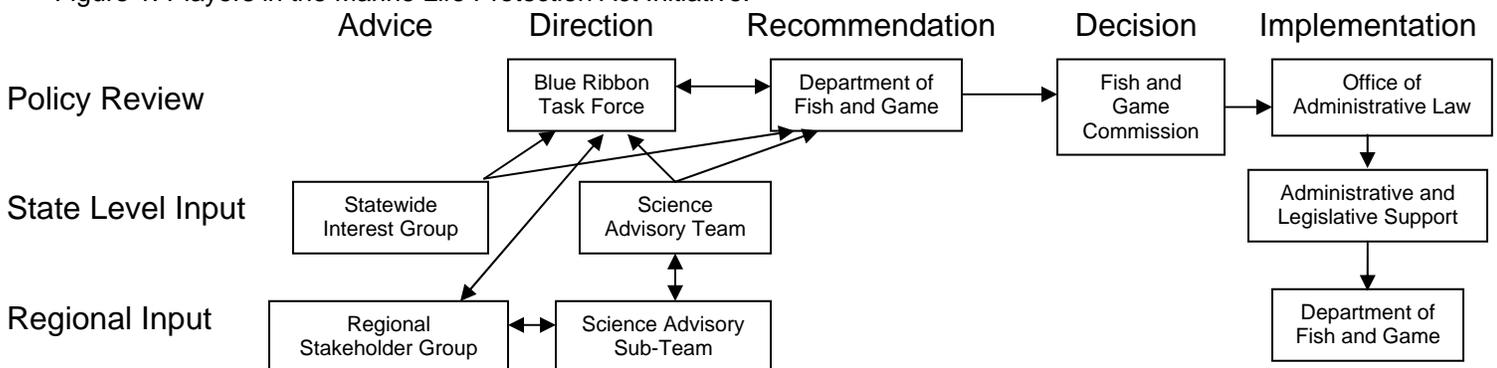
The first two of these products will be provided to the Department for its consideration and submission to the Commission, which will take action through their normal process. These products are intended to provide a strong foundation for completing the statewide network of MPAs by 2011.

The MLPA Initiative process includes the following groups and organizations:

- MLPA Blue Ribbon Task Force (an oversight body)
- MLPA Initiative staff
- Science Advisory Team (an expansion of the former Master Plan Team with additional expertise)
- Science Advisory Sub-Team for the central coast region
- MLPA Statewide Interests Group for providing advice on the initiative process,
- Regional stakeholder group for the central coast region
- Peer review group
- Department staff
- Commission

Figure 1 portrays the links among the various players in the initiative process. See Appendix D for a description of stakeholder participation strategies.

Figure 1. Players in the Marine Life Protection Act Initiative.



Note: input is solicited from the interested public and stakeholders at each step, until adoption of regulations by the Commission.

Roles in the Marine Life Protection Act Initiative

Organizational Partners

The Commission is the ultimate decision-making authority for implementation of the MLPA. Specifically, the Commission will make all final decisions on the master plan, the proposed regional marine protected area proposals, and supporting CEQA documentation, all after completing its own process of public reviews. The principal mission of the other partners is to support the Commission in making sound policy decisions required by the MLPA. Although the Commission will not be involved in the day-to-day work of the Initiative, the Initiative will include regular opportunities for informational meetings and strategic consultation with the Commission.

The California Resources Agency provides general oversight and public leadership for the initiative and implementation of the MLPA. Besides providing policy direction for coordinating funding and staffing, the agency made critical decisions in shaping the initiative. The secretary of the California Resources Agency selected the chair and other members of the MLPA Blue Ribbon Task Force. The secretary convened and charged the members of the task force with meeting the objectives identified in the task force description below. The California Resources Agency will also seek adequate current and future funding for agency and Department personnel committed to the initiative and for completing future phases of the MLPA.

The Department serves as the lead agency for the design and implementation of the MLPA master plan and a statewide network of marine protected areas. The Department will continue its traditional support of the Resources Agency and the Commission. In consultation with the Agency secretary, the Commission president, and the task force chair, the director of the Department will select the members of the science team. Through the initiative's Steering Committee (described below), the Department assisted the development of the draft master plan framework and proposals for marine protected areas along the central coast, and is ultimately responsible for presenting a final draft master plan and alternatives for marine protected areas in each region, including preferred alternatives for each region, to the Commission. The Department will also provide biological, enforcement and other relevant information, participate in meetings as appropriate, review working documents, and act as lead agency under the California Environmental Quality Act, among other activities.

The MLPA Blue Ribbon Task Force is composed of distinguished, knowledgeable and highly credible public leaders selected by the secretary of the California Resources Agency. The charge to the task force is to oversee the preparation of the draft master plan framework, and the development of alternative proposals for marine protected areas in an area along the central coast for the Department to present to the Commission; to prepare a comprehensive strategy for long-term funding of planning, management and enforcement of marine protected areas; and to develop recommendations for improved coordination of managing marine protected areas with federal agencies involved in ocean management. The task force will also work to resolve policy disputes and provide direction in the face of uncertainty, while meeting the objectives of the MLPA. The chair of the task force selected the executive director, senior MLPA project manager, operations & communications manager, and central coast MLPA project manager to the initiative; worked with the director of the Department to convene and

direct the science team; and serves as the principal link between the task force and initiative staff. At least one member of the task force serves as liaison to the central coast project.

The Resources Legacy Fund Foundation uses its best efforts to obtain, coordinate and administer philanthropic investments to supplement public funding for the Initiative, provides strategic advice to the California Resources Agency on public-private funding, and supports the operations & communications manager in managing private contracts for staffing the initiative.

Other state and federal agencies play a variety of roles in the initiative. For instance, federal agencies such as NOAA Fisheries, the National Ocean Service, and the National Marine Sanctuaries Program may be sources of valuable information and may have programs that the MLPA Initiative should take into account in designing regional MPAs. State agencies may play a similar role. The California Coastal Commission may review some aspects of establishing MPAs, such as coastal zone access and facilities development.

Committees and Teams

The director of the Department, in consultation with the chair of the task force, the secretary of the agency, and the president of the Commission, convened the Science Advisory Team (science team). The science team includes the members required by the MLPA, including staff from the Department, the Department of Parks and Recreation, the State Water Resources Control Board, one member appointed from a list provided by Sea Grant, and an expanded group of scientists knowledgeable in marine ecology, fisheries science, marine protected areas, economics and the social sciences. The role of the science team is to assist the task force in developing the draft master plan framework by reviewing supporting and draft documents, addressing scientific issues, and framing and referring policy challenges to the task force. The science team reports to the task force and the director of the Department, and will be supported by the senior MLPA project manager.

A sub-team of the science team serves the central coast project. The Science Advisory Sub-Team for the central coast region is composed of members of the science team, and works with the central coast project manager and central coast stakeholder group to develop alternative marine protected area proposals by reviewing supporting and draft documents, addressing scientific issues and information provided by the central coast stakeholder group, and framing and referring policy challenges to the task force. At least one member of the science sub-team attends each central coast stakeholder group meeting.

The Central Coast MLPA Regional Stakeholder Group includes key, affected members of the central coast region who are able and willing to provide information that will assist in the development of the proposed alternative networks of marine protected areas along the central coast. The director of the Department and the central coast liaison of the task force solicited nominations, and selected from the nominees a representative group that will meet regularly over the course of the central coast process to provide input to the central coast project manager, provide information and other input for framing key scientific questions to be addressed by the science advisory sub-team, and work as a group to develop alternative

proposals for MPAs. The Department will provide enforcement staff support to the group for information and input on enforcement issues.

The MLPA Statewide Interests Group is composed of members from key interest groups who advise the task force and staff on the overall process to develop a draft master plan framework and network of marine protected areas along the California coast. The group does not vote or otherwise take formal positions on any procedural or substantive issues, but instead alerts the task force and staff to issues and opportunities that may improve public involvement in the process.

The MLPA Steering Committee is chaired by the task force's executive director, and includes the task force's senior project manager, operations & communications manager, and central coast project manager, and the Department's policy advisor, statewide technical advisor, MPA mandate coordinator, and central coast regional coordinator. The committee is responsible for coordinating all work necessary to achieve each of the objectives of the initiative.

Master Plan Framework

The MLPA calls for the development of a master plan by the Department, and its adoption by the Commission³. The MLPA Initiative has divided the master plan into two principal parts: a section providing guidance in the application of the MLPA to the development of a statewide MPA network (the master plan framework), and a section describing the preferred alternatives for MPA proposals. The MLPA Initiative envisions a focus on portions of the state in a series of regional processes, beginning with the central coast. The requirement for a full master plan and implementing regulations will be met when the Commission adopts the final portion of the plan and all regions of the coast have been completed.

It is important to emphasize that the physical, biological, social and economic conditions in each region of the state will affect the specific application of the MLPA and the framework recommended in this document. For example, California coastal waters, especially those in southern California, are critical for our nation's military both for training and testing as well as operations. The United States Department of Defense controls two of the Channel Islands and has installations along significant portions of the coastline. Many of the operational ocean areas are significantly restricted to public access. Based on inputs from the Department of Defense, the designation of MPAs in specified operational areas of the military is not consistent with military readiness. Therefore, in assessing the overall MLPA network, the beneficial effects of military operational areas (as well as other *de facto* MPAs such as long-term closures implemented through fishing regulations), with respect to habitat conservation goals will be considered in the needs assessment.

The central coast effort will provide concrete experience in applying the master plan framework and this more specific guidance to a specific area. It is expected that this experience will lead to recommendations to adjust the framework regarding specific topics. In this way, the master plan framework will serve as the foundation for an evolution of practice that adapts to new information as well as serve as a blueprint for developing a statewide MPA network.

³ The Fish and Game Code requires the Department to provide a draft master plan to the Commission by January 2005 and the Commission to adopt a final master plan with regulations by December 2005 [Section 2859, FGC].

Section 2. Process for Designing Alternative Marine Protected Area Network Proposals

For practical reasons, the review and improvement of the existing array of MPAs and insuring California's MPAs function as a network mandated by the MLPA cannot be established in a single step. The resources and effort required to design and evaluate MPAs along the state's entire 1,100-mile coast at the same time are beyond the capacity of both governmental and non-governmental resources. In addition, ecological, social and economic conditions differ widely among many regions.

A sound master plan framework based on the requirements of the MLPA should enable application of the MLPA to differing conditions while maintaining a statewide perspective. For these and other reasons, this master plan framework envisions that the statewide network will be assembled through the establishment of MPAs in each of several study regions along the coast by 2011. Once established, management, research, education, and monitoring in each regional can be coordinated statewide.

The master plan framework will be first applied in developing alternative proposals in the central coast study region. Critical to understanding this process are several concepts and definitions. First, the "central coast study region" is the general area under consideration for the design of MPAs. By no means will the entire area be designated an MPA. Rather, after review of the circumstances within the region, including existing MPAs and the setting of regional goals and objectives, alternatives for the region will be developed.

Equally important, this study region will likely include a smaller area than the "biogeographical regions" defined in the MLPA. It is the biogeographical regions that are the basis for determining the number of marine reserves as required by the MLPA for replicates of similar habitats within marine reserves.

Within the study region, existing regulations (including existing MPAs), the status of the resources and habitats, and the requirements of the MLPA will be considered. Regional goals and objectives will then be developed, followed by potential goals and objectives for individual MPAs. At this point, possible boundaries and regulations will be identified for individual MPAs in the region, including alternative designs and potential changes to or removal of existing MPAs.

This variety of approaches to configuring MPAs within the region will then be assembled into alternative proposals. It is these alternatives that will be considered by the task force, and recommended, in some form, to the Department. The Department will ensure these alternatives are feasible, select a preferred alternative, and formally present them to the Commission.

The Blue Ribbon Task Force MPA Design Process

The MPA design process is composed of five general activities:

1. **Regional MPA planning**, which starts with the identification of a study region along the coast that constitutes a logical locale based on a variety of scientific and socioeconomic criteria for studying where MPAs might appropriately be placed. A regional stakeholder group will then be established for the selected region. This step ends with the identification of regional goals and objectives, an evaluation of existing MPAs and other management measures, and initial discussion of potential MPA locations.
2. **Individual MPA planning**, in which the regional stakeholder group, in consultation with a sub-team of the science team, develops proposals for potential MPAs. This includes recommendations for changes to existing MPAs and other management activities in the region.
3. **Assembling alternative MPA proposals**, which involves assembly of the MPAs developed in the previous stage into full proposals. This stage also includes an initial evaluation of the proposals, including socioeconomic effects, a feasibility study to determine whether proposals can be implemented, and preparation of a general management plan for MPAs in the region.
4. **Evaluating alternative MPA proposals**, which begins with initial evaluation by the task force. The task force then forwards the package of alternative proposals to the Department, which reviews the proposals, sponsors a peer review and selects a preferred alternative.
5. **Fish and Game Commission consideration and action on MPA proposals**, which includes public hearings, consideration of testimony and action on the proposals.

Figure 2 illustrates these five general activities and the major elements of each. Table 1 provides a summary of the activities and elements of the activities, together with a list of the lead actors and the groups to be consulted. A more detailed description of each activity follows in the text.

The ultimate goal of these activities is compliance with the MLPA, and specific elements listed here provide general guidance only. In each regional process, the specific elements undertaken must be selected and adjusted based both on the specifics of that region and adaptations suggested from prior experiences implementing the MLPA.

Once complete, the process used in the central coast study region and the master plan framework will be reviewed. Changes will be made to the framework and process based on lessons learned. This review will include the steps and guidelines presented in the framework, the regional stakeholder group process and composition, and other features of the process relevant to replicating the process statewide. It is expected that these changes and adaptive use of the framework will facilitate future regional processes and statewide implementation.

Figure 2. Process for MPA Planning in Study Regions.

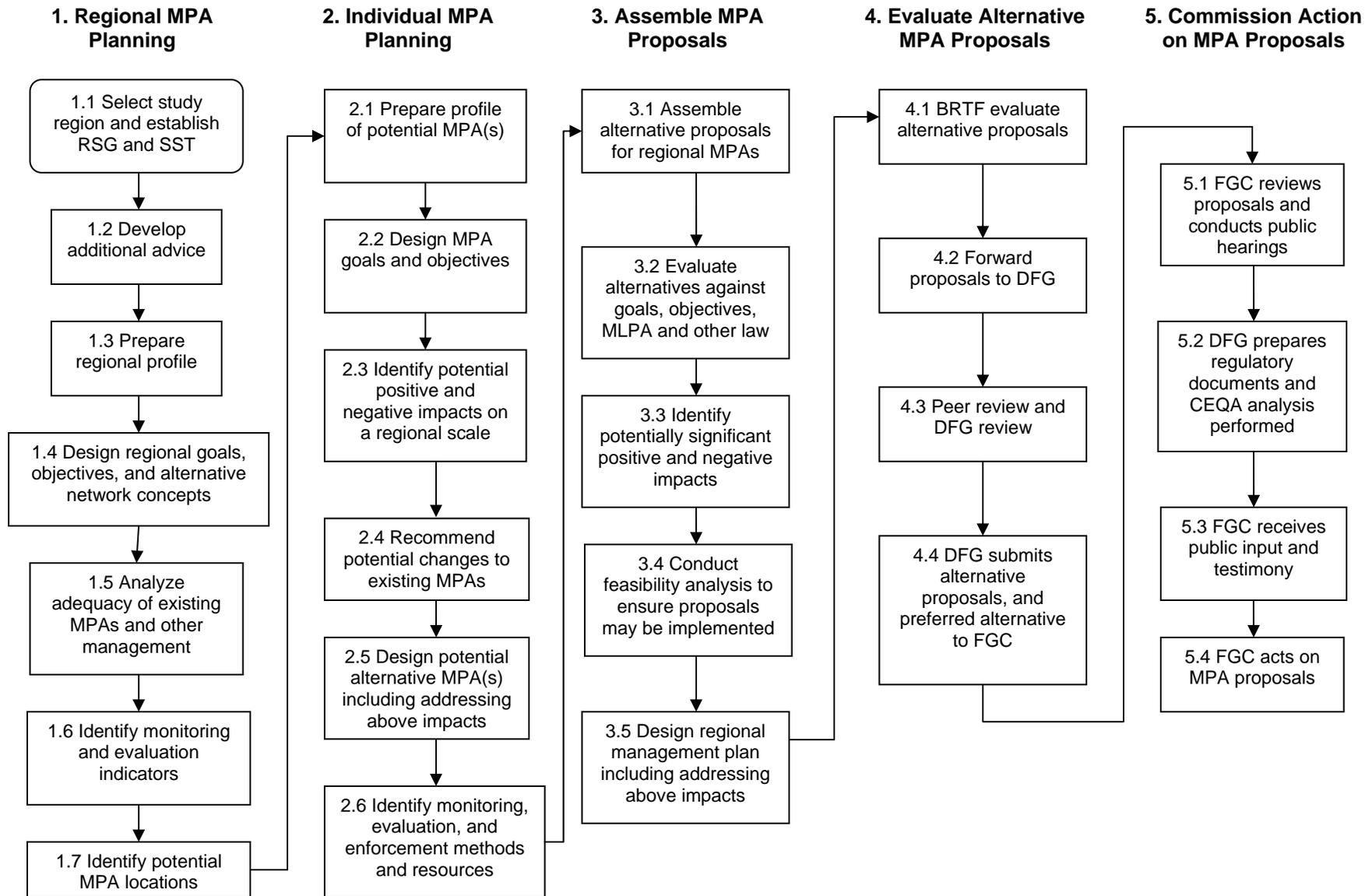


Table 1: Process for MPA Planning in Study Regions.

Key to acronyms: BRTF = Blue Ribbon Task Force; CEQA = California Environmental Quality Act; DFG = Department of Fish and Game; FGC = Fish and Game Commission; MLPAI = MLPA Initiative including the Department; RSG = Regional Stakeholder Group; SAT = Science Advisory Team; SST = Science Advisory sub-team.

| | TASK | LEAD ACTORS | SUGGEST/COMMENT |
|------------------------------|--|--------------------|------------------------|
| REGIONAL MPA PLANNING | | | |
| 1.1 | <i>Establish regional process</i> | | |
| 1.1.1 | Select a study region | BRTF | |
| 1.1.2 | Convene regional stakeholder group (RSG) | DFG | Stakeholders |
| 1.1.3 | Select science advisory sub-team (SST) | SAT | |
| 1.1.4 | Develop work plan and budget for regional effort | BRTF/Department | |
| | | | |
| 1.2 | <i>Develop additional advice</i> | | |
| 1.2.1 | Identify issues requiring additional advice for designing MPAs in the study region | RSG/SST/MLPAI | Stakeholders/SAT |
| 1.2.2 | Collect and prepare additional advice for designing MPAs in the study region | MLPAI/SST | RSG/Stakeholders |
| 1.2.3 | Review additional advice for designing MPAs in the study region | BRTF/FGC/SAT | RSG/Stakeholders |
| 1.2.4 | Adopt additional advice for designing MPAs in the study region | BRTF | |
| | | | |
| 1.3 | <i>Prepare regional profile</i> | | |
| 1.3.1 | Assemble regional information on biological, oceanographic, socioeconomic, and governance aspects of the region | MLPAI | Stakeholders |
| 1.3.2 | Review regional information and consider comments from stakeholders | RSG/SST | Stakeholders |
| 1.3.3 | Assess needs for additional information and ability to collect that information while meeting the goals of the MLPA. | RSG/SST | SAT/DFG |
| 1.3.4 | Evaluate general distribution of representative and unique habitats | RSG/SST | Stakeholders |
| 1.3.5 | Identify extent of habitat to be included in MPAs within study region | RSG/SST | Stakeholders |
| 1.3.6 | Evaluate wildlife populations, habitats, and uses of concerns | RSG/SST | Stakeholders |
| 1.3.7 | Evaluate fishing and non-fishing activities affecting populations, and habitats | RSG/SST | Stakeholders |
| 1.3.8 | Identify a list of key or critical species and document their regional distribution | RSG/SST | Stakeholders |
| 1.3.9 | Develop, review, and adopt regional profile based on the above | RSG/SST/SAT/ BRTF | Stakeholders |
| | | | |
| 1.4 | <i>Design regional ecological and socioeconomic goals and objectives and alternative network concepts</i> | | |

| | TASK | LEAD ACTORS | SUGGEST/COMMENT |
|--------------------------------|---|--------------------|------------------------|
| 1.4.1 | Design regional goals and objectives and alternative network concepts consistent with the MLPA and other relevant state law | RSG/SST | Stakeholders |
| 1.4.2 | Review regional goals and objectives and alternative network concepts | BRTF/FGC/SAT | Stakeholders |
| 1.4.3 | Approve regional goals and objectives and alternative network concepts | BRTF | |
| | | | |
| 1.5 | Analyze adequacy of existing MPAs and management | | |
| 1.5.1 | Evaluate existing MPAs against goals and objectives | RSG/SST | Stakeholders |
| 1.5.3 | Evaluate existing fishing and non-fishing management activities against the MLPA, regional goals and objectives, and other relevant state law | RSG/SST | Stakeholders |
| 1.5.4 | Identify inadequacies if any in existing MPAs and management | RSG/SST | Stakeholders |
| | | | |
| 1.6 | Identify monitoring and evaluation indicators | SST/SAT | DFG |
| | | | |
| 1.7 | Identify potential MPAs | RSG/SST | Stakeholders |
| 1.7.1 | Based on regional profile, goals, objectives and alternative network concepts, identify potential modifications to existing MPAs or new MPA locations | RSG/SST | Stakeholders |
| 1.7.2 | After science team review, select potential modifications to existing MPAs or potential new MPAs for further evaluation | SAT/RSG | Stakeholders |
| | | | |
| INDIVIDUAL MPA PLANNING | | | |
| 2.1 | Prepare profile of potential MPAs | | |
| 2.1.1 | Assemble and review information on biological, oceanographic, socioeconomic, and governance aspects of potential MPAs | MLPAI/RSG/SST | Stakeholders |
| 2.1.2 | Evaluate distribution of representative and unique habitats | RSG/SST | Stakeholders |
| 2.1.3 | Evaluate wildlife populations, habitats, and uses of concerns | RSG/SST | Stakeholders |
| 2.1.4 | Evaluate activities affecting populations, and habitats at each potential MPA site | RSG/SST | Stakeholders |
| 2.1.5 | Identify species likely to benefit or not to benefit from MPAs | RSG/SST | Stakeholders |
| 2.1.6 | Identify extent of habitat to be included in MPAs | RSG/SST | Stakeholders |
| 2.1.7 | Design, review, and adopt MPA profiles | RSG/SST | Stakeholders |
| | | | |
| 2.2 | Design MPA goals and objectives (ecological and socioeconomic) for each potential MPA | | |
| 2.2.1 | Identify goals and objectives for the potential MPA | RSG/SST | Stakeholders |

| | TASK | LEAD ACTORS | SUGGEST/COMMENT |
|---|--|--------------------|----------------------------|
| 2.2.2 | Review and request revision of goals and objectives for the potential MPA | SAT/BRTF | Stakeholders |
| 2.2.3 | Approve goals and objectives for the potential site and forward to FGC for review | BRTF | |
| | | | |
| 2.3 | Identify potential positive and negative impacts (ecological and socioeconomic) of the MPA on a regional scale | <i>RSG/SST</i> | <i>DFG/Stakeholder/SAT</i> |
| | | | |
| 2.4 | Recommend potential changes to existing MPAs | RSG/SST | DFG/SAT/Stakeholders |
| 2.4.1 | Evaluate existing MPAs against the goals and objectives and recommend potential changes | RSG/SST | Stakeholders |
| 2.4.2 | Prepare rationale for the recommendation | RSG/SST | Stakeholders |
| | | | |
| 2.5 | Design Potential Alternative MPAs | | |
| 2.5.1 | Evaluate potential modifications to existing MPAs or new MPAs for meeting goals and objectives of the site, of the MLPA, and of other relevant state law | RSG/SST | Stakeholders |
| 2.5.2 | Design boundaries, management and enforcement measures for MPAs, as well as monitoring and budgets | RSG/SST | Stakeholders |
| 2.5.3 | Identify likely socioeconomic impacts of the MPAs | RSG/SST | Stakeholders |
| 2.5.4 | Identify recommended measures by other authorities regarding activities other than fishing that adversely impact the resources of the proposed MPA | RSG/SST | Stakeholders |
| | | | |
| 2.6 | Identify monitoring, evaluation, and enforcement methods and resources | SST/SAT/DFG | DFG |
| | | | |
| ASSEMBLE ALTERNATIVE REGIONAL MPAS | | | |
| 3.1 | Assemble MPA proposals into alternative proposals for the region | RSG/SST | Stakeholders |
| | | | |
| 3.2 | Evaluate these alternatives against regional goals and objectives, the MLPA, and other relevant state law | RSG/SST | Stakeholders |
| | | | |
| 3.3 | Identify potentially significant positive and negative impacts (ecological and socioeconomic) | RSG/SST | Stakeholders |
| | | | |
| 3.4 | Conduct feasibility analysis to ensure proposals may be implemented | DFG | RSG/BRTF |

| | TASK | LEAD ACTORS | SUGGEST/COMMENT |
|-----|--|--------------------|------------------------|
| 3.4 | <i>Design general management plan for MPAs in the region, including monitoring, enforcement, and financing, periodic review of effectiveness</i> | RSG/SST | Stakeholders |

| EVALUATE ALTERNATIVE MPA PROPOSALS | | | |
|--|---|------|-----------------------|
| 4.1 | <i>Evaluate alternative MPA proposals against the MLPA and other relevant state law</i> | BRTF | Stakeholders |
| 4.2 | <i>Forward alternative proposals to the Department for consideration and submission to FGC</i> | BRTF | |
| 4.3 | <i>Conduct peer review and review proposals and relevant documents, amending as warranted</i> | DFG | BRTF |
| 4.4 | <i>Department submission of alternative proposals, preferred alternative and other documents to FGC</i> | DFG | |
| COMMISSION CONSIDERATION AND ACTION | | | |
| 5.1 | <i>FGC review of alternative proposals and public testimony</i> | FGC | Stakeholders/DFG/BRTF |
| 5.2 | <i>If FGC requests, the Department prepares regulatory documents, and a CEQA analysis is performed</i> | DFG | |
| 5.3 | <i>FGC accepts public testimony on alternative MPA proposals and supporting documents</i> | FGC | Stakeholders |
| 5.4 | <i>FGC acts on MPA proposals</i> | FGC | |

The text below describes in greater detail the process for MPA planning in a study region. It is important to note that some of the sub-activities described below may occur simultaneously or may be repeated, such as the design of individual MPAs within a region. Other important activities, such as applying socioeconomic analyses or taking monitoring into account in the design of MPAs, are elements of broader activities throughout the process.

Task 1: Regional MPA Planning

The objective of this task is to develop background information, goals and objectives, and possible MPA network concepts (i.e., how the proposed MPAs within a region may relate to the statewide network) for the study region. Among other products is a regional profile that summarizes available ecological and socioeconomic information. This profile serves as a

foundation for setting goals and objectives, developing alternative proposals, and identifying needs for additional information.

During the MLPA Initiative process, designing MPAs begins with identification of a study region. The study region will focus initial efforts to implement this framework in a discrete area. For the MLPA Initiative process, the MLPA Blue Ribbon Task Force (BRTF) will oversee all aspects of regional planning in the initial study region. In evaluating possible initial study region alternatives along the central coast from Point Conception to Point Arena, the MLPA Initiative used the following criteria, which may be useful in future evaluations:

- Biophysical boundaries. Species of plants and animals are not distributed continuously along the California coast. Many species form natural communities with borders that may assist in determining the central coast study region. Although the borders themselves may be fuzzy, the central coast clearly has two major zones, divided by the outflow from San Francisco Bay. A weaker, but important break occurs at Point Sur, where current gyres cause abrupt changes in the composition of the community of species.
- Is the area large enough for replicates? Options were reviewed to determine if they were large enough to replicate various habitat types in more than one MPA within the entire region.
- Relative amount of habitat mapped. High-resolution mapping allows determination of bottom type on a finer scale than hard versus soft, and can distinguish relief, complexity, and rugosity, for example, of hard bottom structures. This criterion, rated as either high, moderately-high, moderate, or low, was based on the amount of available, high-resolution, fine-scale, habitat mapping data relative to the potential study region.
- Human activity boundaries. The diversity and intensity of human activities in coastal waters are discontinuous as well. As an example, recreational fishing is more prevalent south of Point Conception than north. The waters around Monterey are among the most popular sites for scuba diving in the United States. Government jurisdictions add another layer of complexity that should also be considered. Several sub-categories were considered within this criterion:
 - Recreational fishing
 - Commercial fishing
 - Scuba diving
 - County jurisdictions
 - Military/security uses
 - State/federal jurisdiction
- Progress of past MLPA and other public discussion groups. Input from outside groups' prior or ongoing discussions was considered. These groups may provide important information that will assist the regional process.

- Potential state, federal and private partners with financial or in-kind services. Potential partners were considered. The assistance provided by these partners can enhance and facilitate regional processes.
- Scientific knowledge of, and research being conducted in, the region. Public and private entities, such as universities, state and federal agencies, public waste dischargers (e.g., Southern California Coastal Water Research Project), and power generating companies (e.g., Pacific Gas and Electric's Diablo Canyon Power Plant) have conducted or are conducting research and monitoring studies in a variety of areas along the coast. Availability of region-specific information, including information on the distribution of habitats identified in the MLPA, should help determine the final study region.
- Availability of first-hand knowledge of the area. Numerous scientists, fishermen, and other informed individuals collectively provide a wealth of knowledge within specific areas. The level and availability of this type of information should be considered.
- Number of existing MPAs. Availability of scientific data about existing MPAs and how they meet or do not meet both resource protection needs and the requirements of the MLPA are important in determining a study region.
- Existing fishery regulations in the region and how they meet or do not meet both resource protection needs and the requirements of the MLPA. Existing regulations create differences in the need for additional protection in certain areas.
- Number of complete Department fishing districts and management areas (related to existing fishery regulations). The selected study region should reflect a consideration of these areas.
- Range or area over which a resource user may be expected to have a working knowledge of the resources. Similar to the range over which resources are utilized by user groups, the geographic range of a user's working knowledge will vary with the resource or resources in question. This also applies to researchers, fishery managers, and other scientists within the region. The selected study region should not be so large as to preclude the ability of individual representatives to provide input on its entire geographic extent.
- Distance members of a regional stakeholder group would need to travel in order to participate in group meetings. Choosing too large a study region could impose logistical problems for those required to, or interested in, participating in the process. This criterion was rated from high to low based on the length of coastline (nautical miles) within the potential study region as follows:
 - High = greater than 200 miles
 - Moderate to high = 151-200 miles
 - Moderate = 100-150 miles
 - Low = less than 100 miles

- Availability of Department personnel. The same considerations relative to travel that apply to the regional stakeholder group would also apply to Department staff.

A list of potential study regions was prepared and input was taken from the public both at BRTF meetings and at three public workshops. Specific areas of agreement among the majority of comments were noted. In addition, specific areas of concern became apparent. From this, a set of three potential study regions was developed. The positive and negative aspects of each potential region were presented to the BRTF, which then selected the final study region of Pigeon Point to Point Conception based on the information provided. It is expected that the process detailed below or a modified version will be used in other regions of the state for the full implementation of the MLPA.

Activity 1.1: Establish regional process

Activity 1.1.1: Based upon advice from the science team, the Department, and stakeholders, the task force selects a geographical study region within which to evaluate and design MPAs.

Activity 1.1.2: Once the study region is identified, the director of the Department convenes a regional stakeholder group to participate in the evaluation of the region and existing management, regional goals and objectives and potential changes to existing MPAs and the design of any additional MPAs.

Activity 1.1.3: The science team identifies members who will serve on a science sub-team, which will work closely with the regional stakeholder group, and will serve as a link to the science team.

Activity 1.1.4: In collaboration with the regional stakeholder group and the science advisory sub-team, staff develop a work plan and budget for designing alternative MPA proposals in the study region.

Activity 1.2: Develop additional advice

Activity 1.2.1: The regional stakeholder group, the science advisory sub-team, and staff identify issues requiring additional advice for designing MPAs in the study region.

Activity 1.2.2: In consultation with the science advisory sub-team, staff prepares draft advice on these issues.

Activity 1.2.3: the task force, Commission and science team review additional advice for designing MPAs in the study region.

Activity 1.2.4: the task force adopts the additional advice.

Activity 1.3: Prepare regional profile

Activity 1.3.1: Staff assemble regional information on biological, oceanographic, socioeconomic and governance aspects and draw upon suggestions and information provided by local communities and other stakeholders. The profile will include governance aspects related to tribal uses in the region if applicable. See Appendix E for a description of social science tools and methods. The types of the information that might be included in a regional profile may be found in Appendix F.

Activity 1.3.2: The regional stakeholder group and the science sub-team review regional information and consider comments from stakeholders.

Activity 1.3.3: The regional stakeholder group and the science sub-team assess the needs for additional information and the ability to collect that information while meeting the goals of the MLPA. It should be noted that the MLPA requires the best readily available information and does not require the process to wait for significant new information to be gathered.

Activity 1.3.4: The regional stakeholder group and the science advisory sub-team evaluate the distribution of representative and unique habitats in the study region and identify any significant gaps in information. The stakeholder group and science sub-team shall use the classifications of representative habitat as recommended by the science team and adopted by the task force.

Activity 1.3.5: Drawing upon the list of habitats that are to be represented in marine reserves in a region, the regional stakeholder group and science advisory sub-team recommend the extent of habitat to be included in MPAs within the study region.

Activity 1.3.6: The regional stakeholder group and the science advisory sub-team identify and evaluate wildlife populations, habitats, and uses of areas in the study region that may be of concern for conservation or other reasons identified in the MLPA.

Activity 1.3.7: The regional stakeholder group and the science advisory sub-team identify fishing and non-fishing activities affecting marine wildlife and habitats in the study region.

Activity 1.3.8: Drawing upon the list of species likely to benefit from protection within MPAs described in Appendix G, the regional stakeholder group and science advisory sub-team develop a list of key or critical species and document their regional distribution.

Activity 1.3.9: The regional stakeholder group reviews and adopts a regional profile based upon the above activities and submits that profile for review by the science team.

Activity 1.4: Design regional ecological and socioeconomic goals and objectives and alternative network concepts

Activity 1.4.1: Drawing upon the regional profile and the goals and objectives of the MLPA, the regional stakeholder group and the science advisory sub-team design

recommended regional goals, objectives and alternative network concepts, consistent with the MLPA and other relevant state law. (See discussion of setting goals and objectives below.)

Activity 1.4.2: The regional goals, objectives, and alternative network concepts designed in the regional effort are reviewed by the science team, whose comments are forwarded to the task force. The task force reviews the proposed regional goals, objectives, and alternative network concepts and provides comments and suggestions to the regional stakeholder group for consideration in revision. The task force subsequently forwards its comments and suggestions, together with the proposed regional goals, objectives, and network concepts, to the Department

Activity 1.4.3: The task force approves the regional goals, objectives, and alternative network concepts, when satisfied that they meet the standards of the MLPA.

Activity 1.5: Analyze adequacy of existing MPAs and management activities

Activity 1.5.1: The regional stakeholder group and the science advisory sub-team evaluate existing MPAs in the study region against the regional goals and objectives and the MLPA. This preliminary analysis will include a review of existing studies within each MPA and a determination of whether the areas are meeting their original goals as well as whether they may achieve regional goals and MLPA requirements. A further review will occur in Activity 2.

Activity 1.5.3: The regional stakeholder group and the science advisory sub-team evaluate existing management of fishing and non-fishing activities against regional goals and objectives and the MLPA (e.g., Rockfish Conservation Areas or trawl fishery closures, etc.). Where this other management meets regional goals and objectives and the goals and objectives of the MLPA in all or part of the region, it should be incorporated into the final design.

Activity 1.5.4: The regional stakeholder group and the science advisory sub-team identify inadequacies in existing MPAs and management activities in meeting the goals and objectives of the study region and of the MLPA. (See Appendix H for a description of planning processes related to the MLPA.)

Activity 1.6: Identify monitoring and evaluation indicators.

The regional stakeholder group and the science advisory sub-team will identify potential monitoring and evaluation indicators used to evaluate progress toward achieving goals and objectives.

Activity 1.7: Identify potential new MPAs

Activity 1.7.1: Based on the regional profile, regional goals and objectives, and alternative network concepts developed above, the regional stakeholder group and the science advisory sub-team will identify potential modifications to existing MPAs or new locations within the study region within which individual MPAs may be sited.

Activity 1.7.2: Upon review by the science team, the regional stakeholder group selects modifications to existing MPAs and potential new MPAs for further evaluation in the next task.

Task 2: MPA Planning

The objectives of this task are to evaluate conditions in each potential MPA identified in the previous activity, to develop goals and objectives for potential MPAs, and to design boundaries and other management measures for potential MPAs. The intent is for the sum of individual MPAs to meet the regional goals and objectives and the sum of the regions to meet the MLPA goals and objectives and network requirements while noting that any individual MPA may not meet all of the goals of the region or network.

Activity 2.1: Prepare profile of each potential MPA.

Note that the following seven steps are carried out for each of the potential MPAs identified in the previous activity.

Activity 2.1.1: Staff assemble and review information on biological, oceanographic, socioeconomic, and governance aspects of the potential MPA. The regional stakeholder group and the science advisory sub-team review this information and may request additional information.

Activity 2.1.2: The regional stakeholder group and the science advisory sub-team evaluate the distribution of representative and unique habitats in the potential MPA, based on the information assembled in Activity 2.1.1, and information provided by stakeholders, including local communities and fishermen.

Activity 2.1.3: The regional stakeholder group and the science advisory sub-team identify and evaluate wildlife populations, habitats, and various human uses that may negatively impact the populations and habitats in the potential MPA.

Activity 2.1.4: The regional stakeholder group and the science advisory sub-team identify and evaluate activities that may affect populations and habitats.

Activity 2.1.5: The regional stakeholder group and the science advisory sub-team determine which key or critical species from step 1.3.8 are likely to benefit from the potential MPA. Species not likely to benefit should also be considered as prohibition of their take may lead to unnecessary socioeconomic impact. All species should be considered for their ecological interactions, whether the individual species benefit or not.

Activity 2.1.6: The regional stakeholder group and the science advisory sub-team identify the extent of habitat to be included in the potential MPA.

Activity 2.1.7: In consultation with the regional stakeholder group and the science advisory sub-team, staff prepare a profile of the potential MPA based on the information

developed in activities 2.1.1 to 2.1.6. The regional stakeholder group and the science advisory sub-team review and adopt the profile as the basis for the next major activity.

Activity 2.2: Design MPA goals and objectives (ecological and socioeconomic) for each potential MPA

Activity 2.2.1: Based on the site planning profile, the regional goals and objectives, and the MLPA, the regional stakeholder group and the science sub-team design recommended goals and objectives for individual MPA(s) in the region.

Activity 2.2.2: The regional goals and objectives for the potential MPA(s) are reviewed by the science team.

Activity 2.2.3: The Department approves the goals and objectives for the potential MPA(s).

Activity 2.3: Identify potential positive and negative impacts (ecological and socioeconomic) of the potential MPA(s) on a regional scale.

Activity 2.4: Recommend potential changes to existing MPAs

Activity 2.4.1: The regional stakeholder group and the science sub-team review all the above information and make initial recommendations for the modification, reduction in size, expansion, or removal of existing MPAs in order to meet regional goals and objectives consistent with the goals of the MLPA and the network concepts for the region. (See Appendix I for brief descriptions of existing MPAs.)

Activity 2.4.2: The regional stakeholder group and the science team develop a rationale for this recommendation, which is included in the regional options forwarded to the task force and then to the Department.

Activity 2.5: Design potential alternative MPA(s)

Activity 2.5.1: The regional stakeholder group and science advisory sub-team evaluate potential modifications to existing MPAs or different types of new MPAs and combinations of MPAs for meeting the goals and objectives of the MLPA, regional goals and objectives, goals of the statewide network, and of other relevant state law.

Activity 2.5.2: The regional stakeholder group and science advisory sub-team design boundaries, management and enforcement measures for potential modifications to existing MPAs and potential alternative new MPA(s), as well as general features of a monitoring plan and budget.

Activity 2.5.3: The regional stakeholder group and science advisory sub-team identify likely direct and indirect socioeconomic effects of the MPA(s) that should be considered in subsequent analyses.

Activity 2.5.4: The regional stakeholder group and science advisory sub-team recommend measures that may be taken by other authorities to mitigate the effects of activities other than fishing that adversely impact the resources of the potential alternative regional MPA(s).

Activity 2.6: Identify monitoring, evaluation, and enforcement methods and resources.

The regional stakeholder group and the science advisory sub-team will identify potential monitoring and evaluation methods along with potential resources to complete monitoring. The definitions of reserves, parks and conservation areas create a potential gradient in fishing pressure that will be used in the design of the monitoring program to assess the impacts of the MPAs. With assistance from Department enforcement personnel, the regional stakeholder group will develop a potential enforcement plan for the proposed areas. This will include recommendations of which areas are key enforcement areas as well as areas with high enforcement needs due to high levels of use or critical ecological function.

Task 3: Assemble alternative regional MPAs

The objectives of this task are to assemble the results of planning regarding each potential MPA into alternative packages, to evaluate these packages against the regional goals and objectives and the MLPA, to identify likely socioeconomic impacts, and to outline a management plan for the region's MPAs.

Activity 3.1: Assemble alternative proposals.

The regional stakeholder group and science advisory sub-team assemble individual MPA proposals into alternative proposals for the study region.

Activity 3.2: Evaluate alternative proposals.

The regional stakeholder group and the science advisory sub-team evaluate these alternative proposals against regional goals and objectives, the MLPA and other relevant state law.

Activity 3.3: Identify potentially significant impacts.

The regional stakeholder group and the science advisory sub-team identify potentially significant positive and negative impact(s) (both environmental and socioeconomic) from the alternative proposals and attempts to modify the proposals to limit the negative impacts.

Activity 3.4: Feasibility Analysis.

The Department will conduct a feasibility analysis of the proposals. This analysis will include analysis of the Department's ability to enforce, monitor, manage and fund the full implementation of the proposed MPAs. The analysis will not be contingent upon existing funds, but proposals must be reasonably expected to be implemented within the MLPA implementation timeframe. Proposals that are found infeasible will be returned to the regional stakeholder group for further discussion and revision. The Department will provide the regional stakeholder group with up-to-date information on its expected ability to fund and staff implementation.

Activity 3.5: Design a management plan.

The regional stakeholder group and the science advisory sub-team design a general management plan for MPAs in the region, including monitoring, enforcement, costs and financing, and periodic review of effectiveness.

Task 4: Evaluate Alternative MPA proposals

The objectives of this task are to conduct initial reviews of the alternative MPA proposals, to conduct environmental and socioeconomic analyses as required by law, and to submit the alternative proposals and supporting materials to the Commission for its consideration.

Activity 4.1: Forward proposals to task force.

The regional stakeholder group and the science advisory sub-team forwards the alternative MPA proposals, initial evaluations and general management plan to the task force, which evaluates these proposals against the MLPA's standards and other relevant state law.

Activity 4.2: Forward proposals to Department.

The task force forwards alternative proposals for MPAs, a preferred alternative, initial evaluations, and the general management plan, together with its own evaluation, to the Department for its consideration and submission to the Commission.

Activity 4.3: Peer review and Department review.

The Department sponsors a peer review of alternative MPA proposals and reviews the alternative proposals, initial evaluations, and general management plans, and amends these documents consistent with its authorities and peer review as well as any recommendations from the task force and the public in response to the peer review.

Activity 4.4: Submit proposals to Commission.

The Department submits those alternative proposals that are consistent with the MLPA, a preferred alternative, and other pertinent information from the regional groups and the task force, to the Commission.

Task 5: Commission consideration and action

The objectives of this task are to consider public testimony and other information regarding the MPA proposals submitted by the Department and to take action on these proposals.

Activity 5.1: Commission review of proposals.

The Commission reviews the alternative regional MPA proposals, takes public testimony, and determines whether to request that the Department begin the formal regulatory process.

Activity 5.2: Formal regulatory process.

If the Commission does make such a request, the Department prepares regulatory language and other documents and analyses required by the California Environmental Quality Act (CEQA) and other relevant law.

Activity 5.3: Public testimony.

The Commission then accepts public testimony on the alternative regional MPA proposals and on the analyses conducted under CEQA and other law.

Activity 5.4: The Commission acts on alternative regional MPA proposals.

Section 3. Considerations in the Design of MPAs

Accomplishing MLPA goals and objectives to improve a statewide network of MPAs will require the consideration of a number of issues, some of which are addressed in the MLPA itself. These are as follows:

- Goals of the Marine Life Protection Program
- MPA networks
- Types of MPAs
- Settling goals and objectives for MPAs
- Geographical regions
- Representative and unique habitats
- Species likely to benefit from MPAs
- Enforcement considerations in setting boundaries
- Information used in the design of MPAs
- Monitoring and evaluation strategies and resources
- Other activities affecting resources of concern

Each of these issues is discussed below.

Goals of the Marine Life Protection Program

The foundation for achieving the goals and objectives of the MLPA is a Marine Life Protection Program (Program), which must be adopted by the Commission. The MLPA sets the following goals for the Program [FGC subsection 2853(b)]:

- (1) To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
- (2) To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
- (3) To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
- (4) To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
- (5) To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
- (6) To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.

The goals, objectives, management, monitoring, and evaluation of an MPA network must be consistent with the MLPA goals and objectives.

The goals of the MLPA go beyond the scope of traditional management of activities affecting living marine resources, which has focused upon maximizing yield from individual species or

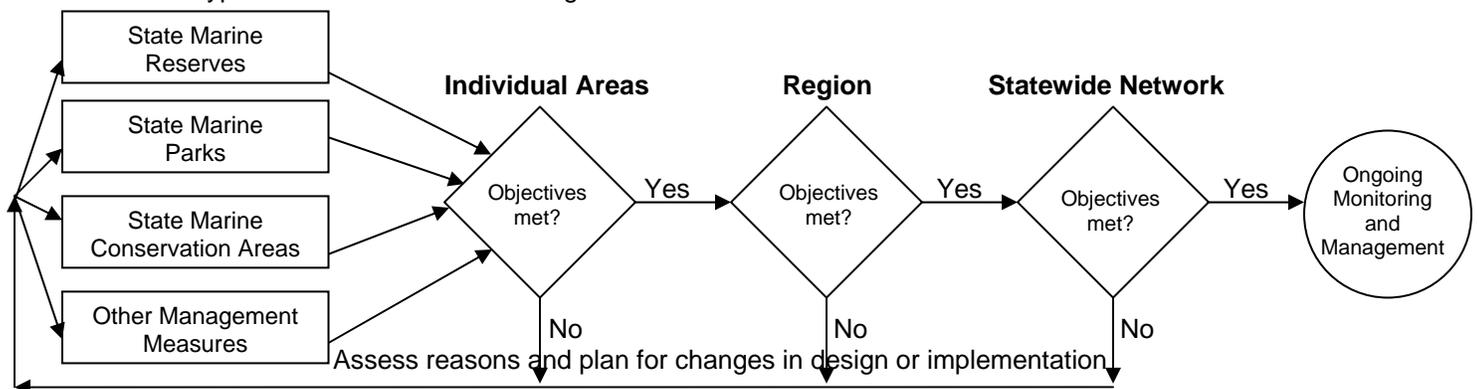
groups of species. For example, the first goal emphasizes biological diversity and the health of marine ecosystems, rather than the abundance of individual species. The second goal recognizes a role of an MPA system as a tool in fisheries management. The third recognizes the importance of recreation and education in MPAs, and balances these with the protection of biodiversity. The fourth recognizes the value of protecting representative and unique marine habitats for their own value. The fifth and sixth goals address the deficiencies in California’s existing MPAs that the MLPA identifies elsewhere in the law. (See the glossary in Appendix J for definitions of some key terms in this goal statement.)

The MLPA also states that the preferred siting alternative for MPA networks, which the Department must present to the Commission, must include an “improved marine life reserve⁴ component” and must be designed according to all of the following guidelines:

- (1) Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter.
- (2) Marine Life Reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.
- (3) Similar types of marine habitats shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.
- (4) Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural functions of the area are avoided.
- (5) The MPA network and individual MPAs shall be of adequate size, number, type of protection, and location to ensure that each MPA meets its objectives and that the network as a whole meets the goals and guidelines of the MLPA.

Overall, proposed MPAs in each region must meet their individual goals and objectives, and the collection of MPAs and other management measures in each region and throughout the State must meet the goals and objectives of the MLPA. A simple decision tree for examining this is shown in Figure 3. This diagram indicates how the various types of MPAs along with other management measures work together to meet individual goals, regional goals, and the goals of the MLPA.

Figure 3. Flowchart of the review process to determine if individual, regional, and MLPA goals are being met by the various types of MPAs and other management measures.



⁴ As noted previously, marine life reserve in the context of the MLPA is synonymous with a state marine reserve.

MPA Networks

One of the goals of the Marine Life Protection Program calls for improving and managing the state's MPAs as a network, to the extent possible. Although neither statute nor legislative history defines "network," the ordinary dictionary usage contemplates *interconnectedness* as a characteristic of the term. The first finding of the MLPA highlights the fact that California's MPAs "were established on a piecemeal basis rather than according to a coherent plan" [Fish and Game Code Section 2851(a)]. The term "reserve network" has been defined as a group of reserves which is designed to meet objectives that single reserves cannot achieve on their own (Roberts and Hawkins, 2000). In general this definition may infer some direct or indirect connection of MPAs through the dispersal of adult, juvenile, and/or larval organisms or other biological interactions. In most cases, larval and juvenile dispersal rates are not known and oceanography or ocean current patterns may be combined with larval biology to help determine connectivity.

Portions of the overall network will likely differ in each region of the state. The MLPA also requires that the network as a whole meet the various goals and guidelines set forth by the law and contemplates the adaptive management of that network [Fish and Game Code Section 2857(c)(5)]. In order to meet those goals a strict interpretation of an ecological network across the entire state, based on biological connectivity, may not be possible.

As stated above, the MLPA also requires that MPAs be managed as a network, to the extent possible. This implies a coordinated system of MPAs. MPAs might be linked through biological function as in the case of adult and juvenile movement or larval transport. MPAs managed as a network might also be linked by administrative function. The important aspects of this interpretation are that MPAs are linked by common goals and a comprehensive management and monitoring plan, and that they protect areas with a wide variety of representative habitat as required by the MLPA. MPAs should be based on the same guiding principles, design criteria, and processes for implementation. In this case, a statewide network could be one that has connections through design, funding, process, and management. At a minimum, the master plan should insure that the statewide network of MPAs reflects a consistent approach to design, funding and management. The desired outcome would include components of both biological connectivity and administrative function to the extent each are practicable and supported by available science.

Because of the long-term approach of the MLPA Initiative, the statewide network of MPAs called for by the MLPA will be developed in phases, region by region. Within each region, components of the statewide network will be designed consistent with the MLPA and with regional goals and objectives. Each component ultimately will be presented as a series of options, developed in a regional process involving a regional stakeholder group and a sub-group of the science team. Each will include a preferred alternative identified by the Department and delivered to the Commission. Another application of phasing may be an incremental implementation of a portion of the statewide MPA network within a single region. This type of phasing could allow for the completion of baseline surveys or the time necessary to secure additional funding for enforcement and management. Final proposals should include an explanation of the timing of implementation.

Science Advisory Team Guidance on MPA Network Design

The MLPA calls for the use of the best readily available science, and establishes a science team as one vehicle for fostering consistency with this standard. The MLPA also requires that the MPA network and individual MPAs be of adequate size, number, type of protection, and location as to ensure that each MPA and the network as a whole meet the objectives of the MLPA. In addition, the MLPA requires that representative habitats in each bioregion be replicated to the extent possible in more than one marine reserve.

The availability of scientific information is expected to change and increase over time. As with the rest of this framework, the following guidelines should be modified if new science becomes available that indicates changes. Additionally, changes should be made based on adaptive management and lessons learned as MPAs are monitored throughout various regions of the state.

The science team provided the following guidance in meeting these standards. This guidance, which is expressed in ranges for some aspects such as size and spacing of MPAs, should be the starting point for regional discussions of alternative MPAs. Although this guidance is not prescriptive, any significant deviation from it should be consistent with both regional goals and objectives and the requirements of the MLPA. The guidelines are linked to specific objectives and not all guidelines will necessarily be achieved by each MPA. For each recommendation below, detailed references are provided in the bibliography with notation linking them to the appropriate section.

Overall MPA and network guidelines:

- The diversity of species and habitats to be protected, and the diversity of human uses of marine environments, prevents a single optimum network design in all environments.
- For an objective of protecting the diversity of species that live in different habitats and those that move among different habitats over their lifetime, every 'key' marine habitat should be represented in the MPA network.
- For an objective of protecting the diversity of species that live at different depths and to accommodate the movement of individuals to and from shallow nursery or spawning grounds to adult habitats offshore, MPAs should extend from the intertidal zone to deep waters offshore.
- For an objective of protecting adult populations, based on adult neighborhood sizes and movement patterns, MPAs should have an alongshore span of 5-10 km (3-6 m or 2.5-5.4 nm) of coastline, and preferably 10-20 km (6-12.5 m or 5.4-11 nm). Larger MPAs would be required to fully protect marine birds, mammals, and migratory fish.
- For an objective of facilitating dispersal of important bottom-dwelling fish and invertebrate groups among MPAs, based on currently known scales of larval dispersal, MPAs should be placed within 50-100 km (31-62 m or 27-54 nm) of each other.

- For an objective of providing analytical power for management comparisons and to buffer against catastrophic loss of an MPA, at least three to five replicate MPAs should be designed for each habitat type within a biogeographical region.
- For an objective of lessening negative impact while maintaining value, placement of MPAs should take into account local resource use and stakeholder activities.
- Placement of MPAs should take into account the adjacent terrestrial environment and associated human activities.
- For an objective of facilitating adaptive management of the MPA network into the future, and the use of MPAs as natural scientific laboratories, the network design should account for the need to evaluate and monitor biological changes within MPAs.

1. MPAs should be in different marine habitats, biogeographical regions and upwelling cells (See references noted ^{"A"} in literature cited)

The strong association of most marine species with particular habitat types (e.g., sea grass beds, submarine canyons, shallow and deep rock reefs), and variation in species composition across latitudinal, depth clines and biogeographical regions, implies that habitat types must be represented across each of these larger environmental gradients to capture the breadth of biodiversity in California's waters.

Different species use marine habitats in different ways. As a result, protection of all the key habitats along the California coast is a critical component of network design. A 'key' habitat type is one that provides distinctive benefits by harboring a different set of species or life stages, having special physical characteristics, or being used in ways that differ from the use of other habitats. In addition, many species require different habitats at different stages of their life cycle - for example, nearshore species may occur in offshore open ocean habitats during their larval phase. Thus, protection of these habitats, as well as designs that ensure connections between habitats, is critical to MPA success. Individual MPAs that encompass a diversity of habitats will both ensure the protection of species that move among habitats and protect adjoining habitats that benefit one another (e.g., exchange nutrients, productivity). Habitats with unique features (educationally, ecologically, archeologically, anthropologically, culturally, spiritually), or those that are rare should be targeted for inclusion. Habitats that are uniquely productive (e.g. upwelling centers or kelp forests) or aggregative (e.g., fronts) or those that sustain distinct use patterns (e.g. dive training centers, fishing or whale watching hot spots) should also get special consideration in design planning

2. Target species are ecologically diverse (See references noted ^{"B"} in literature cited)

MPAs protect a large number of species within their borders, and these species can have dramatically different requirements. As a result, MPA networks cannot be designed for the specific needs of each individual species. Rather, design criteria need to focus on maximizing collective benefits across species by minimizing compromises where possible. Commonly, it is

more practical to consider protecting groups of species based on shared functional characteristics that influence MPA function and design (e.g., patterns of adult movement; patterns of larval dispersal; dependence on critical locations such as spawning grounds, mammal haul out areas, bird rookeries). It is also reasonable to emphasize protection of ecologically and economically dominant species groups when siting MPAs. The former play the largest roles in the function of coastal ecosystems, and the latter often experience the greatest impacts from human activities. In addition, knowledge of the distribution of rare, endemic, and endangered species should supplement the use of species groups. Generally, MPAs should not be used solely to enhance single-species management goals.

3. Uses of marine and adjacent terrestrial environments are diverse (See references noted "^C" in literature cited)

The way people use coastal marine environments is highly diversified in method, goals, timing, economic objectives, spatial patterns, etc. The wide spectrum of environmental uses should be a part of decisions comparing alternatives networks of MPAs. The heterogeneity of uses, both between and within consumptive and non-consumptive categories make it unlikely that any one design will satisfy all user groups. The design will need to make some explicit provisions for trading off between the various negative and positive impacts to user groups. Placement of MPAs should also take into account the adjacent terrestrial environment and associated human activities. Freshwater runoff can be an important source of nutrients but also a potential source of contaminants to the adjacent marine environment. Terrestrial protected areas (e.g., preserves, parks) can regulate human access, restrict discharge of contaminants and provide enforcement support to adjoining MPAs.

4. MPA permanence is especially critical for long lived animals

Two clear objectives for establishing self-sustaining MPAs are to protect areas that are important sources of reproduction (nurseries, spawning areas, egg sources) and to protect areas that will receive recruits and thus be future sources of spawning potential. To meet the first objective of protecting areas that serve as sources of young, protection should occur both for areas that historically contained high abundances and for areas that currently contain high abundances. Historically productive fishing areas, which are now depleted, are likely to show a larger, ultimate response to protective measures if critical habitat has not been damaged. Protecting areas where targeted populations were historically abundant alone is insufficient, however, because the pace of recovery may be slow, especially for species with relatively long life spans and sporadic recruitment (for example, top marine predators). Including areas with currently high abundances in an MPA network helps buffer the network from the inevitable time lag for realizing the responses of some species. The biological characteristics of longevity and sporadic recruitment also suggest that the concept of a rotation of open and closed areas will probably not work well for the diversity of coastal species in California.

5. Size and shape guidelines (See references noted "^D" in literature cited)

To provide any significant protection to a target species, the size of an individual MPA must be large enough to encompass the typical movements of many individuals. Movement patterns vary greatly among species. Some are completely immobile or move only a few meters. Others

forage widely. The more mobile the individuals, the larger the individual MPA must be to afford protection. Therefore, minimum MPA size constraints are set by the more mobile target species. Because some of California's coastal species are known to move hundreds of miles, MPAs of any modest size are unlikely to provide real protection for these species. Fortunately, tagging studies indicate that net movements of many of California's nearshore bottom-dwelling fish species, particularly reef-associated species, are on the order of 5-20 km (3-12.5 m or 2.5-11 nm) or less over the course of a year. These individual adult neighborhood or home range sizes must be combined with knowledge of how individuals are distributed relative to one another (e.g., in exclusive versus overlapping neighborhoods) to determine how many individuals a specific MPA design will protect. Current data suggest that MPAs spanning less than about 5-10 km (3-6 m or 2.5-5.4 nm) in extent along coastlines may leave many individuals of important species poorly protected. Larger MPAs, spanning 10-20 km (6-12.5 m or 5.4-11 nm) of coastline, are probably a better choice given current data on adult fish movement patterns. With MPAs of this size, pelagic species with very large neighborhood sizes will likely receive little protection unless the MPA network as a whole affords significant reductions in mortality during the cumulative periods that individuals spend in different MPAs, or unless other ecological benefits are conferred (e.g., protection of feeding grounds, reduction in bycatch). Protection for highly mobile species will come from other means, such as state and federal fisheries management programs, but MPAs may play a role.

Less is known about the net movements of most of the deeper water sedentary and pelagic fishes, especially those associated with soft-bottom habitat, but it is reasonable to suspect that the range of movements will be similar or greater than those of nearshore species. One cause of migration in demersal fishes is the changing resource/habitat requirements of individuals as they grow. Thus, individual ranges can reflect the gradual movement of an individual among habitats, and MPAs that encompass more diverse habitat types will more likely encompass the movement of an individual over its lifetime. Although fisheries may not target younger fish, offshore MPAs that include inshore nursery habitats increase the likelihood of replenishment of adult populations offshore. Such MPAs would also protect younger fish from incidental take (i.e. by-catch). Fish with moderate movements, especially those in deeper water, will require larger MPA sizes. Because several species also move between shallow and deeper habitat, MPAs that extend offshore (from the coastline to the three-mile offshore boundary of State waters) will accommodate such movement and protect individuals over their lifetime.

Typically, the relative amount of higher relief rocky reef habitat decreases with distance from shore. In such situations, a MPA shape that covers an increasing area with distance offshore (i.e. a wedge shape) may be an effective design. This shape also better accommodates the greater movement ranges of deeper water and soft-bottom associated fishes and the larval/juvenile stages of nearshore species which may occur offshore during their planktonic phase of life. However, this may conflict with the optimum design for enforcement purposes of using lines of latitude and longitude for boundaries.

Coupling of pelagic and benthic habitats is an important consideration in both offshore and nearshore MPA design. The size of a protected area should also be large enough to facilitate enforcement and to limit deleterious edge effects caused by fishing adjacent to the MPA. MPA shape should ultimately be determined on a case-by-case basis using a combination of

information about bathymetry, habitat complexity, and species distribution and relative abundance.

6. Spacing between MPAs (See references noted ^E in literature cited)

The exchange of larvae among MPAs is the fundamental biological rationale for MPA “networks”. Larval exchange has at least three primary objectives: to assure that populations within MPAs are not jeopardized by their reliance on replenishment from less protected populations outside MPAs; to ensure exchange and persistence of genetic traits of protected populations (e.g., fast growth, longevity); and to enhance the independence of populations and communities within MPAs from those outside MPAs for the use of MPAs as reference sites. For MPAs to act as reference sites for comparison with less protected populations or communities, MPAs must act independently from areas with less protected populations. Independence is enhanced for MPAs whose replenishment is contributed to by other MPAs.

Movement out of, into and between MPAs by juveniles, larvae or spores of marine species depends on their dispersal distance. Important determinants of dispersal distance are the length of the planktonic period, oceanography and current regimes, larval behavior, and environmental conditions (e.g., temperature and sources of entrainment). As with adult movement patterns, the dispersal of juveniles, larvae and eggs varies enormously among species. Some barely move from their natal site. Others disperse vast distances. MPAs will only be connected through the dispersal of young if they are close enough together to allow movement from one MPA to another. Any given spacing of MPAs will undoubtedly provide connectivity for some species and not for others. The challenge is minimizing the number of key or threatened species that are left isolated by widely spaced MPAs.

Based on emerging genetic data from species around the world, larval movement of 50-100 km appears common in marine invertebrates. For fishes, larval neighborhoods based on genetic data appear generally larger, ranging up to 100-200 km. For marine birds and mammals, dispersal of juveniles of hundreds of km is not unusual, but for some of these species, return of juveniles to natal areas can maintain fine-scale population structure. For MPAs to be within dispersal range for most commercial or recreational groundfish or invertebrate species, they will need to be on the order of no more than 50-100 km apart. Otherwise, a large fraction of coastal species will gain no benefits from connections between MPAs.

Current patterns, retention features such as fronts, eddies, bays, and the lees of headlands may create “recruitment sinks and sources”. Such spatial variation in recruitment habitat may be predictable - dispersal distances will be shorter where retention is substantial (e.g., lees of headlands). As a result, MPAs may need to be more closely spaced in these settings. Although dispersal data appear to be valid for a wide range of species, there are only a small number of coastal marine species in California that allow these estimates of larval neighborhoods to be made with confidence. Nonetheless, it is the distribution of dispersal distances across species that really drives network design rather than the specific patterns for any particular species.

7. Minimal replication of MPAs

MPAs in a particular habitat type need to be replicated along the coast. Four major reasons for this are: to provide stepping-stones for dispersal of marine species; to insure against local environmental disaster (e.g. oil spills or other catastrophes) that can significantly impact an individual, small MPA; to provide independent experimental replicates for scientific study of MPA effects; and for the use of MPAs as reference sites to evaluate the effects of human influences on populations and communities outside MPAs. Ideally at least five replicates (but a minimum of three) containing sufficient representation of each habitat type, should be placed in the MPA network within each biogeographical region and for each habitat to serve these goals. For large biogeographical regions, fulfilling the critical stepping stone role may require even more MPA replicates. The spacing criteria discussed above will drive the number of replicates in this situation. To ensure that the effects of MPAs can be quantified, the network should be designed in a way that facilitates comparison of protected and unprotected habitats, and between different degrees of consumptive and non-consumptive uses.

8. Human activities ranges and MPA placement

The geographic extent of human activities is suggestive of size and placement of MPAs. Fishing fleets and other user groups typically have a finite home range from ports and access points along the coast. Many activities, especially in central California, are day-based and conducted from motor, sail or hand powered crafts with ranges between 1 and 29 miles (1 and 25 nautical miles). Historical patterns of fishing activity may have been concentrated much closer to ports than is true today because of declines in target species abundance from activities in the past. If MPAs are designed to limit consumptive uses, MPAs located farthest away from access points will tend to be associated with lower costs. However, MPAs often become magnets for fishing along their edges. These situations create a net benefit for consumptive users by locating MPAs close to ports and coastal access points. Similarly, MPAs designed to facilitate certain non-consumptive types of activities such as diving may be more effective closer to ports and coastal access points. As a general rule, locating MPAs at the outer reaches of the maximum range of any given user group will tend to minimize the impacts on that group, both negative (loss of opportunity) and positive (creation of opportunity). The balance between these influences must be evaluated for specific locations. In addition, if MPAs restrict transit they will carry higher social, economic and, potentially, safety costs for users seeking access to sites beyond the MPA.

9. Human activity patterns and portfolio effects

Human activities have distinct hotspots where effort is concentrated. For example, in the northern California urchin fishery, economists at the University of California at Davis have documented area-based fishing strategies around a dozen fishing locations. It is likely that there are a threshold number of these locations below which the fishery would not be feasible. Because an MPA larger than the typical harvest area could potentially eliminate a fishing location, these spatial use patterns should be part of design considerations, especially if establishing one particular MPA would spell the end of a particular activity along the entire coastline.

Consideration of Habitats in the Design of MPAs (See additional references noted “F” in literature cited)

The first step in assembling alternative proposals for MPAs in a region and in the context of a statewide MPA network is to use existing information to the extent possible to identify and to map the habitats that should be represented. The MLPA also calls for recommendations regarding the extent and types of habitats that should be represented.

The MLPA identifies the following habitat types: rocky reefs, intertidal zones, sandy or soft ocean bottoms, underwater pinnacles, seamounts, kelp forests, submarine canyons, and seagrass beds. The Master Plan Team convened in 2000 reduced this basic list by eliminating seamounts, since there are no seamounts in state waters. The team also identified four depth zones as follows: intertidal, intertidal to 30 meters, 30 meters to 200 meters, and beyond 200 meters. Several of the seven habitat types occur in only one zone, while others may occur in three or four zones.

The science team recommends expanding these habitat definitions in four ways:

1. Based on information about fish depth distributions provided in a new book on the ecology of California marine fishes (Allen et al. in press), the science team recommends dividing the 30-200 m depth zone into a 30-100 m and a 100-200 m zone. This establishes five depth zones for consideration:
 - Intertidal
 - Intertidal to 30 m (0 to 16 fm)
 - 30 to 100 m (16 to 55 fm)
 - 100 to 200 m (55 to 109 fm)
 - 200 m and deeper.
2. The habitats defined in the MLPA implicitly focus on open coast ecosystems and ignore the critical influence of estuaries. California's estuaries contain most of the State's remaining soft bottom and herbaceous wetlands such as salt marshes, sand and mud flats, and eelgrass beds. Ecological communities in estuaries experience unique physical gradients that differ greatly from those in more exposed coastal habitats. They harbor unique suites of species, are highly productive, provide sheltered areas for bird and fish feeding, and are nursery grounds for the young of a wide range of coastal species. Emergent plants filter sediments and nutrients from the watershed, stabilize shorelines, and serve as buffers for flood waters and ocean waves. Given these critical ecological roles and ecosystem functions, estuaries warrant special delineation as a critical California coastal habitat.
3. Three of the habitats defined in the MLPA – rocky reefs, intertidal zones, and kelp forests – are generic habitat descriptions that include distinct habitats that warrant specific consideration and protection. In the case of rocky reefs and intertidal zones, the type of rock that forms the reef greatly influences the species using the habitat. For example, granitic versus sedimentary rock reefs harbor substantially different ecological assemblages and should not be treated as a single habitat. Similarly, the term kelp

forest is a generic term that subsumes two distinct ecological assemblages dominated by different species of kelp. Kelp forests in the southern half of the state are dominated by the giant kelp, *Macrocystis pyrifera*. By contrast, kelp forests in the northern half of the state are dominated by the bull kelp, *Nereocystis luetkeana*. In central California, both types of kelp forests occur. These two types of kelp forests harbor distinct assemblages and should be treated as separate habitats.

4. Habitat definitions in the MLPA should be expanded to include ocean circulation features, because habitat is not simply defined by the substrate. Seawater characteristics are analogous to the climate of habitats on land, and play a critical role in determining the types of species that can thrive in any given setting. Just as features of both the soil and atmosphere characterize habitats on land, features of both the substrate (e.g., rock, sand, mud) and the water that bathes it (e.g., temperature, salinity, nutrients, current speed and direction) characterize habitats in the sea. No one would argue that a sand dune at the beach and a sand dune in the desert are the same habitat. Similarly, rocky reefs in distinct oceanographic settings are different habitats that can differ fundamentally in the species that use the reefs.

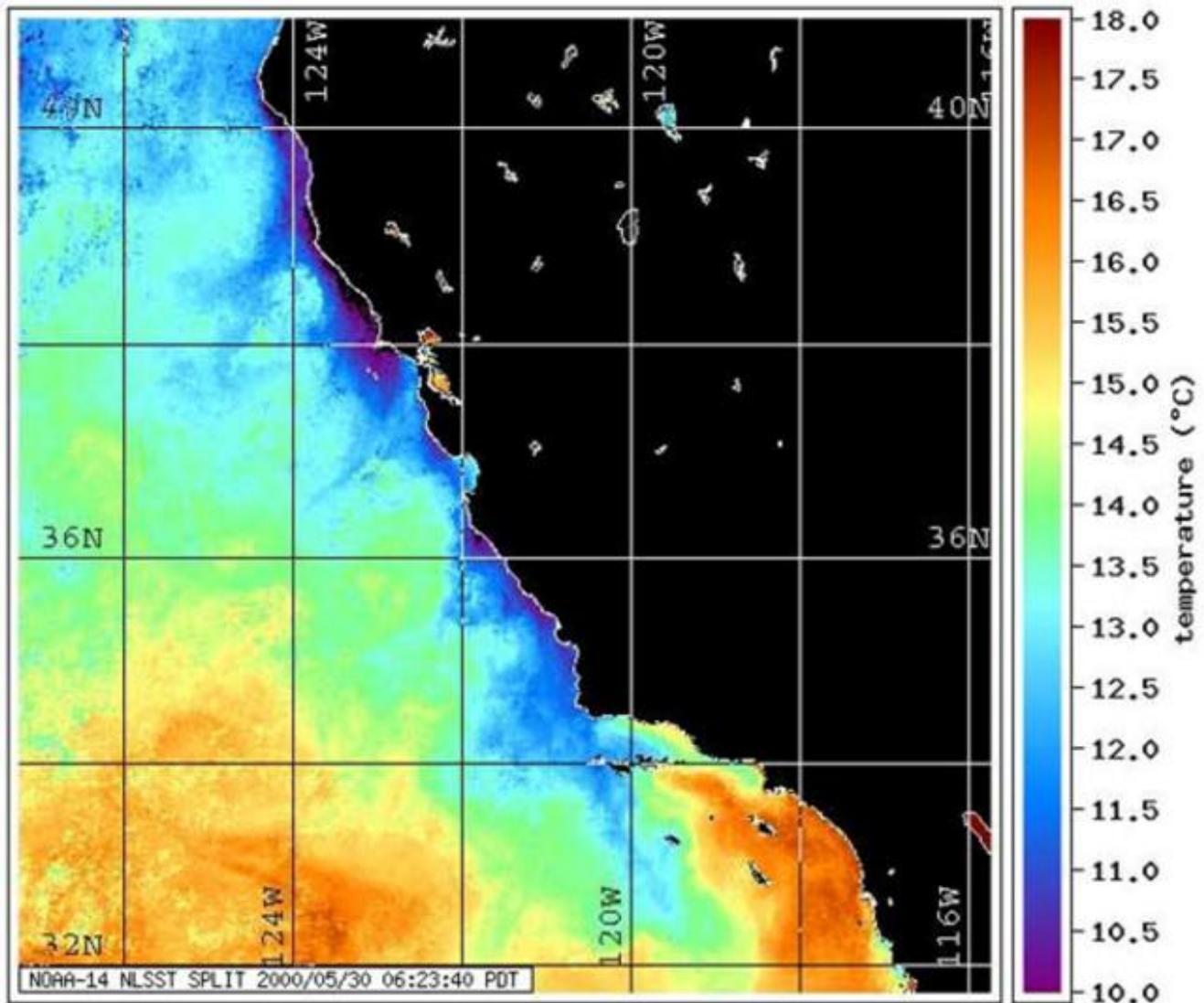
The oceanography of the California coastline is dominated by the influence of the California Current System. On the continental shelf and slope this system consists of two primary currents - the California Current, which flows toward the equator, and the California Undercurrent, which flows toward the North Pole (Hickey, 1979; 1998). When present, the undercurrent occurs beneath the southward flowing California Current. North of Pt. Conception, the undercurrent may reach the surface as a nearshore, poleward flowing current that is best developed in fall and winter (Collins et al., 2000; Pierce et al., 2000). These currents vary in intensity and location, both seasonally and from year to year.

Organisms will also be affected by the circulation induced by tidal currents. For those living in shallow water habitats very close to shore, inshore of the surf zone, the dominant influence on transport of planktonic eggs and larvae will be the circulation generated by breaking waves.

As can be seen in a satellite image of ocean temperature along the California coastline (Figure 4), the circulation and physical characteristics of the California Current System are exceedingly complex and variable. This is not the image one would expect if ocean currents were analogous to northward or southward flowing rivers in the sea. Rather, ocean flows are greatly modified by variation in the strength and direction of winds, ocean temperatures and salinity, tides, the topography of the coastline, and the shape of the ocean bottom, among several other factors. The end result is a constantly changing sea of conditions.

The patterns are not completely random, however. Many aspects of ocean climates vary somewhat predictably in space, especially ones that are tied to key features of the coastline – points and headlands, river mouths, etc. Locations that share similar ocean climates are typically more similar in the types of species they harbor. Therefore, defining habitats for the MLPA and MPA networks must include habitats defined by coastal oceanography as well as the composition of the seafloor.

Figure 4. An example of sea surface temperature in the California coastal waters, May 30, 2000.



Although a wide range of oceanographic habitats could be defined for the California coastline, the science team suggests that three prominent habitats stand out because of their demonstrated importance to different suites of coastal species:

- Upwelling centers
- Freshwater plumes
- Retention areas

Upwelling Centers

Upwelling is one of the most biologically important circulation features in the ocean. Upwelling occurs when deep water is brought to the surface. On average deep water is colder and more

nutrient rich than surface waters. When upwelling delivers nutrients to the sunlit waters near the surface, it provides the fuel for rapid growth of marine plants, both plankton and seaweeds. Ultimately the added nutrients can energize the productivity of entire marine food webs. Upwelling regions are the most productive ocean ecosystems. The west coast of North America is one of the few major coastal upwelling regions on the entire planet (Chavez and Collins, 2000; Hickey, 1998). The major driver of upwelling along the California coastline is wind. Winds that blow from the north and northwest parallel to California's generally north-south coastline drive currents at the surface. Because of the complicated effects of friction and the rotation of the earth, surface water is pushed to the right of the direction of the wind (the Coriolis Effect). With winds blowing from the north and northwest, this effect pushes surface waters away from shore. As water is pushed offshore, it is replaced by water that is upwelled from below.

The rate of upwelling depends on many features that vary spatially along the coastline – the strength and direction of the wind, the topography of the shoreline, and the shape of the continental shelf are three of the most important. Capes and headlands play a key feature in all of these drivers of upwelling. They accelerate alongshore winds, and they channel coastal currents in such a way that upwelling intensity can increase dramatically in their vicinity. As a result, major headlands and capes from Pt. Conception north are commonly centers of upwelling associated with strong rates of offshore transport of surface waters, greatly elevated nutrient concentrations, and enhanced productivity offshore (Pickett and Paduan, 2003). Since major capes and headlands tend to be fairly regularly spaced along the California coastline, with an average spacing between 150 and 200 km (93 and 124 m or 81 and 108 nm), these upwelling centers drive cells of ocean circulation with relatively predictable patterns of flow. Enhanced offshore flow and upwelling emanates from headlands, versus eddies and locations of more frequent alongshore flow in the regions between headlands. These filaments of upwelled water are readily identified emanating from key headlands in most satellite images of ocean temperature or biomass of phytoplankton. Because the upwelling centers are locations of more frequent and intense offshore flow near the surface, which moves larvae and other plankton away from shore, and elevated nutrients, which fuels much more rapid algal productivity, these locations represent a distinct oceanographically driven coastal habitat with substantially different species composition and dynamics compared to other coastal locations.

Freshwater Plumes

A second coastal habitat driven by features of the water column is generated by the influence of rivers. Freshwater emerging from watersheds alters the physical characteristics of coastal seawater (especially salinity), changes the pattern of circulation (by altering seawater density), and delivers a variety of particles and dissolved elements, such as sediments, nutrients, and microbes. These effects all arise from the land and can have a profound influence on the success of different marine species. The mouths of watersheds set the locations of low salinity plumes, and the size and shape of the plume vary over time as functions of the volume of flow from the watershed, the concentration of particles, and the nature of coastal circulation into which the water is released. The location of California's freshwater plume habitats can be defined by both satellite and ocean-based measurements.

Larval Retention Areas

Since connectivity and movement of larvae, plankton, and nutrients play such an important role in the impact of MPAs on different species, changes in the speed and direction of coastal currents can create very different ecological settings. A number of circulation features can greatly limit the coastal particles. In particular, features characterized by rotational flows, such as eddies, can greatly enhance the length of time that a particle or larval fish stays in a general region of the coastline. Such retentive features have been shown to significantly affect the species composition of coastal ecosystems (Largier, 2004). Since many retention areas are tied to fixed features of coastal topography (e.g., eddies in the lee of coastal headlands or driven by bottom topography), they define unique regions of coastal habitat that can be predictably defined.

Experience in California and elsewhere demonstrates that individual MPAs generally include several types of habitat in different depth zones, so that the overall number of MPAs required to cover the various habitat types can be smaller than the number of total habitats. The Master Plan Team convened in 2000 also called for considering adjacent lands and habitat types, including seabird and pinniped rookeries. Since marine birds and mammals are protected by federal regulations, they are not a primary focus of the MLPA. Nonetheless, these species can play important ecological roles and their success may be impacted by changes in other components of California's coastal ecosystems that are a primary focus of MLPA. Therefore, MPA planning needs to coordinate with other efforts focused on marine birds and mammals.

As noted regarding the design of MPAs, this guidance should be the starting point for regional discussions regarding representative habitats in a region. Although this guidance is not prescriptive, any significant deviation from it should be explained.

Species Likely to Benefit from MPAs

Recommending the extent of habitat that should be included in an MPA network will require careful analysis and consideration of alternatives. These recommendations may vary with habitat and region, but should be based on the best readily available science. One aspect of determining appropriate levels of habitat coverage is the habitat requirements of species likely to benefit from MPAs in a region. At Fish and Game Code subsection 2856(a)(2)(B), the MLPA requires that the master plan identify "select species or groups of species likely to benefit from MPAs, and the extent of their marine habitat, with special attention to marine breeding and spawning grounds, and available information on oceanographic features, such as current patterns, upwelling zones, and other factors that significantly affect the distribution of those fish or shellfish and their larvae."

The Department prepared a master list of such species, which appears in Appendix G. This list may serve as a useful starting point for identifying such species in each region during the development of alternative MPA proposals. With the assistance of the science team, the Department should develop a list of species specific to each study region of the state, as they are determined, for use by the appropriate regional stakeholder group. The list will indicate which species are of critical concern and why. This regional list then can assist in evaluating desirable levels of habitat coverage in alternative MPA proposals. Although the statewide list

will be all inclusive, it is not likely that all species on the list will benefit from the establishment of new, or the expansion of existing, MPAs. For example, a species may be in naturally low abundance within this portion of its geographical range.

The Department, with the assistance of the science team, will develop scientifically based expectations of increases in abundance of focal species for each MPA. These expectations, while not hard targets or performance goals, will help managers determine the efficacy of MPAs. If expected increases are not realized, the process of adaptive management will allow for changes in the MPA design.

Biogeographical Regions

In calling for a statewide network of MPAs, to the extent possible, the MLPA recognizes that the state spans several biogeographical regions, and identified these, initially, as follows [FGC subsection 2852(b)]:

- The area extending south from Point Conception,
- The area between Point Conception and Point Arena, and
- The area extending north from Point Arena.

In the same provision, the MLPA provides authority for the master plan team required by FGC subsection 2855(b)(1) to establish an alternate set of boundaries. The Master Plan Team convened by the Department in 2000 determined that the three regions identified in the MLPA were not zoogeographic regions; scientists recognize only two zoogeographic regions between Baja California and British Columbia with a boundary at Pt. Conception. Instead of the term “biogeographical region,” the team adopted the term “*marine region*” and identified four *marine regions*:

- North marine region: California-Oregon border to Point Arena (about 210 linear miles or 183 linear nautical miles of coastline);
- North-central marine region: Point Arena to Point Año Nuevo (about 180 linear miles or 156 linear nautical miles of coastline);
- South-central marine region: Point Año Nuevo to Point Conception (about 233 linear miles or 203 linear nautical miles of coastline); and
- South marine region: Point Conception to the California-Mexico border, including the islands of the southern California Bight (about 280 linear miles or 243 linear nautical miles of coastline).

Three of the above four regions (those north of Pt. Conception) fall within the larger zoogeographic region accepted by scientists. These sub-regions were used more or less as subdivisions of the greater zoogeographic region by the former Master Plan Team. Technically, the requirement of replicate state marine reserves encompassing a representative variety of habitat types and depths would only apply to the two recognized zoogeographic regions within the state. However, based on the concept of a network of MPAs, in whatever way it is defined, and the fact that it would likely require unusually and unacceptably large state marine reserves to incorporate a wide variety of habitat types if only two (the minimum

definition of “replicate”) state marine reserves were established in each zoogeographic region, it is likely that a statewide network will contain more than two state marine reserves in each biogeographical region.

MPAs in different biogeographical regions will affect different suites of species. Thus replication and network design may be considered separately for relatively distinct stretches of coastline. Biogeographical regions can be distinguished based upon data of two types: 1) the location of species’ borders along the coastline; and 2) surveys of species’ distribution and abundance. Historically, the locations of species’ borders, i.e., places where multiple species terminate their ranges, have been used to define biogeographical regions or provinces. However, regional boundaries typically are set by only small subset of the species distributed up and down coast from these “breakpoints”.

The abundances and diversity of species at locations along the coast are much more reflective of differences in biological communities and provide the best evidence of biologically distinct regions from both structural and functional standpoints. Historically, such data on abundance and biological diversity have not been available at enough locations along most coastlines for broad scale, geographic analyses. As a result, definitions of biogeographical regions have been forced to rely on a less meaningful measure of biological differences – the location of species’ borders.

Biogeographers have divided all major oceans into large *biogeographic provinces*. California’s coastline spans two of these large-scale provinces – the Oregonian and the Californian Provinces – with a boundary in the vicinity of Point Conception. This prominent biogeographical boundary has been recognized for more than half a century. More detailed analyses of species’ borders also have led to the identification of regional scale boundaries between biogeographical sub-provinces.

Biogeographers commonly have used distributional data for subgroups of taxonomically related species (e.g., snails, seaweeds, or fish) to set biogeographical boundaries; interestingly, the boundaries for sub-provinces often differ among taxonomic groups because different types of species respond to different physical and biological characteristics in different ways (Airamé et al. 2003). Two locations, however, emerge as prominent boundaries for key coastal species. Seaweeds, intertidal invertebrates, and nearshore fishes have comparable numbers of species’ borders in the vicinity of Monterey Bay as they do at Point Conception. In addition, coastal fishes have an important sub-province boundary at Cape Mendocino.

Scientific data do not support a significant biological break between biogeographical regions at Point Arena, as identified in earlier MLPA documents. Therefore, on the basis of the distribution of species’ borders for key coastal species groups, there are three biogeographical regional boundaries and four regions along the California coast:

1. The Mexican border to Pt. Conception,
2. Point Conception to Monterey Bay,
3. Monterey Bay to Cape Mendocino, and
4. Cape Mendocino to the Oregon border.

In the past decade, detailed data have become available on species abundances and diversity from a large number of locations along California's coast. This wealth of information on actual species assemblages now provides the opportunity to define biogeographical regions on the basis of actual ecosystem compositions, rather than the presumed composition of ecosystems inferred from species' borders. These ecosystem-based data are a better scientific fit with the goals of the MLPA. Summaries of species abundance and diversity data, especially for shallow water species (<30 m depth), suggest that there are four points of transition along the California coastline that demarcate distinct marine assemblages: Point Conception, Monterey Bay, San Francisco Bay, and Cape Mendocino.

Three of these locations are identical to those defined above solely on the basis of species' borders for prominent groups. The new boundary that emerges from abundance and biodiversity data is San Francisco Bay. The region between Monterey Bay and Cape Mendocino has two distinct biological assemblages on coastal reefs even though this is not a region characterized by large numbers of species' borders. The difference in assemblages on either side of San Francisco Bay appears to be caused by changes in the types of rock that form nearshore reefs. Since the type of rock is used to define bottom habitats for MPA designation, this transition in species composition could be addressed in MPA designs using habitat considerations or, alternatively by designating the Monterey Bay to San Francisco Bay segment as a distinct biogeographical region.

Based on this review, there are four possible definitions of the biogeographical regions that will serve as the basic structure of the statewide network of MPAs. These options are as follows:

- 1) The three biogeographical regions defined in the MLPA;
- 2) The two *biogeographic provinces* recognized by many scientists with a boundary at Point Conception;
- 3) The four *marine regions* identified by the former Master Plan Team, with boundaries at Pt. Conception, Pt. Año Nuevo, and Pt. Arena; and
- 4) The biogeographical regions recognized by scientists who have identified borders based on species distributional patterns or on abundance and diversity data with boundaries at Pt. Conception, Monterey Bay and/or San Francisco Bay, and Cape Mendocino.

Accepting the strong scientific consensus of a major biogeographical break at Point Conception, the MLPA Blue Ribbon Task Force recommends that the Commission adopt the two biogeographic provinces as the biogeographical regions for purposes of implementation of the Marine Life Protection Act. The Task Force recommends that the more refined information on other breaks be used in designating study regions and in designing networks of MPAs.

Types of MPAs

The MLPA recognizes the role of different types of MPAs in achieving the objectives of the Marine Life Protection Program [FGC subsection 2853(c)]. While the MLPA does not define the different types, the Marine Managed Areas Improvement Act (MMAIA) does define state marine reserve, state marine park, and state marine conservation area. (See Appendix B for the text of the MMAIA as amended.)

Besides somewhat different purposes, which are described below, each type of MPA represents a different level of restriction on activities within MPA boundaries. These restrictions and purposes suggest how each designation can be used effectively in a network of MPAs.

State Marine Reserve

As defined in the MMAIA, a state marine reserve prohibits injuring, damaging, taking or possessing any living, geological, or cultural resources and must maintain the area “to the extent practicable in an undisturbed and unpolluted state” while allowing “managed enjoyment and study” by the public [PRC subsection 36710(a)]. The responsible agency may permit research, restoration, or monitoring. Such activities as boating, diving, research, and education may be allowed, to the extent feasible, so long as the area is maintained “to the extent practicable in an undisturbed and unpolluted state.” Such activities may be restricted to protect marine resources. It specifically allows the agency to permit scientific activities. The definition of “marine life reserve” in the MLPA is consistent with this definition.

The MLPA and MMAIA thus require striking a balance between protection and access in marine reserves. The form that this balance takes in an individual marine reserve will depend upon the goals and objectives of that reserve. While the MLPA specifically precludes commercial and recreational fishing from marine reserves, it also authorizes restrictions on other activities, including non-extractive activities (e.g., diving, kayaking, snorkeling, etc.). Any such restrictions, however, must be based on specific objectives for an individual site and the best readily available science. It is important to note that this statement does not imply that navigation will necessarily be restricted through MPAs or that other non-extractive activities will be regulated, although in some instances the latter may be necessary. For example, it may be necessary to protect populations of sensitive marine birds or mammals in their nesting or breeding areas by prohibiting access to some areas.

The MLPA sets other requirements for the use of marine reserves. At FGC subsection 2857(c)(3), the MLPA requires “[s]imilar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.” Consistent with this approach, this Master Plan Framework foresees that in each biogeographical region described above, representative habitat across a range of depths should be represented in at least two marine reserves in order to assure the replication of habitats required by the MLPA. It should be noted that several of habitat types occur in only one depth zone, while others may occur in three or four depth zones. Experience demonstrates that individual MPAs generally include several types of habitat in different depth zones, so the overall number of marine reserves required to replicate the various habitat types may be less than the total combination of depth zones and habitats replicated across each region.

State Marine Park

As defined in the MMAIA, a state marine park prohibits injuring, damaging, taking or possessing for commercial use any living or nonliving marine resources. Other uses that would

compromise the protection of living resources, habitat, geological, cultural, or recreational features may be restricted. All other uses are allowed, consistent with protecting resources.

State marine parks, hereafter called “marine parks”, differ from marine reserves to different degrees in their purposes as well as the type of restrictions. Unlike marine reserves, marine parks allow some or all types of recreational fishing. The types of restrictions on fishing may vary with the focal species, habitats, and goals and objectives of an individual marine park within a region. Where the primary goal is biodiversity conservation, restrictions on fishing may be different from those in a marine park where the primary goal is enhancing recreational opportunities.

State Marine Conservation Area

In a state marine conservation area, activities that would compromise the protection of species of interest, the natural community⁵, habitat, or geological features may be restricted. Research, education, and recreational activities, as well as commercial and recreational fishing may be permitted.

State marine conservation areas, hereafter called “marine conservation areas”, also differ from marine reserves in their purpose as well as the type of restrictions. This type of MPA allows some level of recreational and/or commercial fishing. The restrictions on fishing may vary with the focal species, habitats, and goals and objectives of an individual MPA within a region, and may, for instance, be in the form of restrictions on the catch of particular species or on the use of certain types of fishing gear. Marine conservation areas may be useful in protecting more sedentary, benthic species, while allowing the harvest of migratory or pelagic species. Another use of a marine conservation area would be to allow the continued use of traps (which typically have relatively low bycatch rates and are more efficient for harvesting invertebrates) while prohibiting the harvest of finfish species of concern by hook-and-line or by trawls (which typically have relatively high bycatch rates). At present the large fishery closures known as the Cowcod Conservation Areas and the Rockfish Conservation Area may function as *de facto* marine conservation areas in that bottom fishing for finfishes is prohibited but other types of fishing are allowed, though the specific regulations in these areas are subject to change dependent on stock assessments.

Combined use of marine reserves, marine parks and marine conservation areas

The combination of the use of marine reserves, marine parks and marine conservation areas has an especially valuable role to play in designing a network that accommodates a spectrum of uses (NRC 2001; Salm et al. 2000). In the design of MPAs, plans that use all three types of MPAs may allow separation of incompatible uses (NRC 2001). For instance, a marine reserve could be buffered with a marine park in which some types of recreational fishing are regulated but allowed or with a marine conservation area where limited recreation and commercial fishing are allowed. The buffer zone may allow the full benefit of spillover to be realized in the limited-take area.

⁴ Natural community is defined in Fish and Game Code section 2702(d) as a distinct, identifiable, and recurring association of plants and animals that are ecologically interrelated.

This approach may, however, prove to be problematic relative to the enforcement and public understanding of different regulations within contiguous areas. Confusing differences in regulations in a small spatial area can lead to unintentional infractions and a degradation of the function of the MPA. Care must be taken to ensure that regulations are understandable and observed by the public and enforced as necessary.

Setting Goals and Objectives for MPAs

Whether MPAs within a region are reserves, parks, or conservation areas, or some combination of the above, the MLPA specifies that all MPAs have certain features. First, the MLPA requires that the Program and each MPA in the preferred alternative have specific identified objectives [FGC subsections 2853(c)(2) and 2857(c)(1)]. FGC subsection 2857(c)(1) states: “[I]ndividual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter.” The MLPA provides some options for what these objectives are. At FGC subsection 2857(b), the MLPA states that the preferred alternative may include MPAs that will achieve either or both of the following objectives:

- (1) Protection of habitat by prohibiting potentially damaging fishing practices or other activities that upset the natural ecological functions of the area.
- (2) Enhancement of a particular species or group of species, by prohibiting or restricting fishing for that species or group within the MPA boundary.

It is important to note that it is potentially damaging fishing practices, not fishing per se, that is addressed in the first objective, and that both the first and second objectives may be achieved outside of the MPLA itself, as a result of other regulatory processes. The California Ocean Protection Act provides a framework for identifying opportunities to meet the objectives of the MLPA through the actions of other state agencies.

Setting goals and objectives for a region and for individual MPAs within a region will be a critical step in developing meaningful alternatives for a statewide MPA network and assembling a recommended network of MPAs, and in the design of monitoring and evaluation. Assembling and evaluating available information on the biological, oceanographic, socioeconomic and governance features of a region, including existing MPAs, and other closures implemented through fishery management regulations, and also including non-fishing impacts, should precede setting regional goals and objectives. Similarly, setting regional goals and objectives should precede setting goals and objectives for individual MPAs as well as designing boundaries and management measures for individual MPAs. Importantly, the process of establishing regional goals and objectives must include stakeholder involvement in the analysis and decision-making process.

Once set, goals and objectives will influence crucial design decisions regarding size, location, and boundaries. For instance, a marine reserve whose primary goal is protection of biological diversity may well have a different configuration than a marine reserve whose goal is enhancement of depleted fisheries (Nowlis and Friedlander 2004).

There are a variety of techniques for setting goals and objectives. No one technique is likely to suit the diverse situations in all regions. Deciding upon a process for setting goals and objectives should be an early focus for regional discussions. In fashioning goals, the following characteristics should be kept in mind (Pomeroy et al. 2004).

A goal is a broad statement of intent that is:

- Brief and clearly defines the desired long-term vision and/or condition that will result from effective management of the MPA;
- Typically phrased as a broad mission statement; and
- Simple to understand and communicate.

An objective is a more specific measurable statement of what must be accomplished to attain a goal. Usually, attaining a goal requires accomplishing two or more objectives. Useful objectives have the following features:

- Specific and easily understood;
- Written in terms of what will be accomplished, not how to go about it;
- Realistically achievable;
- Defined within a limited time period; and
- Can be measured and validated.

In developing regional goals and objectives, attention should be paid to other complementary programs. For instance, like the MLPA, the Marine Life Management Act (MLMA) takes an ecosystem-based approach to management. The Nearshore Fishery Management Plan (NFMP) required by the MLMA identified MPAs as an important tool in achieving its goals and objectives. Similarly, the Abalone Recovery and Management Plan (ARMP) recommends the use of MPAs as additional protection to assist with the recovery of abalone populations and help support populations in fished areas. While the NFMP and ARMP defer to the MLPA process in designing and establishing networks of MPAs, the plans also identify key features of MPA networks that would contribute to the goals and objectives of the NFMP, MLMA, and ARMP. Other fishery management plans should be reviewed for similar linkages. The features that MPAs should include in order to fulfill the goals of the NFMP are (from NFMP, Section 1, and Chapter 3):

- Restrict take in any MPA [intended to meet the NFMP goals] so that the directed fishing or significant bycatch of the 19 NFMP species is prohibited
- Include some areas that have been productive fishing grounds for the 19 NFMP species in the past but are no longer heavily used by the fishery
- Include some areas known to enhance distribution or retain larvae of NFMP species
- Consist of an area large enough to address biological characteristics such as movement patterns and home range. There is an expectation that some portion of NFMP stocks will spend the majority of their life cycle within the boundaries of the MPA
- Consist of areas that replicate various habitat types within each region including areas that exhibit representative productivity

The features that MPAs should include in order to fulfill the goals of the ARMP include the following (from ARMP, Section 7.1.1.3). The ARMP recommends that at least four of the following criteria should be met:

- Suitable rocky habitat containing abundant kelp and/or foliose algae
- Presence of sufficient populations to facilitate reproduction. The reproductive biology of abalone suggests that fertilization success is reliant on close proximity, thus high densities of breeding animals could promote reproduction.
- Suitable nursery areas. Nursery grounds have been identified for juvenile abalone: crustose coralline rock habitats in shallow waters which include microhabitats of moveable rock, rock crevices, urchin spine canopy, and kelp holdfasts. Protection of areas with this cryptic habitat may promote juvenile growth and survival until emergence at 50-100 mm in shell diameter. Areas where invasive surveys find high densities of small abalone (less than 50 mm) can be classified as potential nursery areas.
- Oceanographic regimes. The protected lee of major headlands may act as collection points for water and larvae. These areas (for example, the northwest portion of Drakes Bay) may promote the settlement of planktonic larvae, and act as natural nurseries (Ebert *et. al.* 1988).
- Size. Existing MPAs do not provide enough area for large numbers of abalone, nor are they ideal for research regarding population dynamics.
- Accessibility. MPAs need to be accessible to researchers, enforcement personnel, and others with a legitimate interest in resource protection.

Once developed, regional goals and objectives can be matched with the goals of the different types of MPAs, as defined by the Marine Managed Areas Improvement Act (MMAIA) at PRC Section 36700 and in the MLPA. The MMAIA defines the goals for the three types of MPAs as shown in Table 2.

Table 2: Comparison of Marine Protected Area Goals

| Purpose | State Marine Reserve | State Marine Park | State Marine Conservation Area |
|--|----------------------|-------------------|--------------------------------|
| Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas. | X | | X |
| Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems. | X | X | X |
| Protect or restore diverse marine gene pools. | X | | X |
| Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems. | X | X | X |
| Provide opportunities for spiritual, scientific, educational, and recreational opportunities | | X | |
| Preserve cultural objects of historical, archaeological, and scientific interest in marine areas. | | X | |
| Preserve outstanding or unique geological features. | | X | X |
| Provide for sustainable living marine resource harvest. | | | X |

Although the MLPA does not identify specific goals and objectives for marine parks and marine conservation areas, it does identify possible functions, which may be considered as goals, for marine reserves. At FGC subsection 2851(f), the MLPA says that marine reserves:

- protect habitat and ecosystems,
- conserve biological diversity,
- provide a sanctuary for fish and other sea life,
- enhance recreational and educational opportunities,
- provide a reference point against which scientists can measure changes elsewhere in the marine environment, and
- may help rebuild depleted fisheries.

Some or all of these functions may apply to any particular marine park or marine conservation area. For example, a conservation area which allows fishing for salmon and pelagic species could address bullets 1-3 and 5-6 by protecting all benthic species. A marine park could address bullet 4 as well as bullet 5.

As mentioned above, the MLPA recognizes that individual MPAs may have several goals and objectives, such as protection of biological diversity and enhancement of recreational opportunities. In these instances, special care should be taken in designing management measures, such as restrictions as well as data collection and monitoring, which will maximize the different objectives and quantify whether different objectives are being met.

Enforcement and Public Awareness Considerations in Setting Boundaries

Regardless of the amount of enforcement funding, personnel, or equipment available, the enforceability and public acceptance and understanding of marine protected areas will be enhanced if a number of criteria are considered during design and siting. While the complexities of the California coastline and locations and distributions of protected habitats and resources make using the same criteria at each location difficult, an effort should be made to include as many of these considerations as possible.

Marine protected area boundaries should be clear, well-marked where possible, recognizable, measurable, and enforceable. Selecting known, easily recognizable landmarks or shoreline features, where possible, as starting points for marine protected area boundaries will provide a common, easily referenced understanding of those boundaries. In general, marine protected area boundaries should be straight lines that follow whole number North-South longitude and East-West latitude coordinates wherever possible. Likewise, any offshore corners or boundary lines should be located at easily determined coordinates. This is especially true if installation and maintenance of boundary marker buoys is not cost effective or feasible. Using depth contours or distances from shore as boundary designations should be avoided, if possible, due to ambiguities in determining exact depths and distances. However, in some cases, depth boundaries may be not only unavoidable but desirable. Many of California's existing MPAs in ocean waters use depth as the offshore boundary. This is a practical concession based on the use by divers who possess depth gauges but no other navigational aids. In the case of a

proposed intertidal MPA, for example, depth would be the only practical alternative for an offshore boundary.

There are benefits and disadvantages to siting marine protected areas in locations that are accessible and/or observable, either from the shore or the water. On one hand they can increase the likelihood that potential illegal activities will be observed and reported, thereby discouraging such activities because they might be observed and increase public awareness of the MPA.

Conversely, MPAs sited in areas that are very easily accessed will naturally have higher potential for illegal activities to occur. Additionally, these areas will have the highest level of conflict with existing uses. Siting MPAs in areas close to harbors may raise issues of safety and convenience by requiring extractive users to travel farther to areas open to fishing could be problematic. Siting must be balanced between the ease of enforcement and monitoring and the potential for infractions to occur. If enforceable alternative areas are available farther from easy access points, they should be considered.

Siting marine protected areas within, or near, locations under special management (national marine sanctuaries and parks, state and local parks and beaches, research facilities, museums and aquaria, etc) may provide an added layer of enforcement, observation and public awareness. This is especially true if there are shore-side facilities and personnel based at the site.

Information Supporting the Design of MPAs

Throughout the development of alternative proposals for MPAs, an emphasis must be placed upon using the best readily available science, as required at FGC subsection 2855(a). The MLPA does not require complete or comprehensive science, but rather the level of science that is practicable.

Baseline data needs for MPAs should be drafted for inclusion in the regional profile and MPA management plan described elsewhere in this document. Examples of such needs are:

- Status of recreational, commercial, and other marine resources in the region;
- Status of species in need of restoration;
- Analysis of consumptive and non-consumptive activities affecting living marine resources in the region, including commercial and recreational fishing, diving, point and non-point discharges, among others;
- Analysis of existing management and regulations;
- Geographical patterns of extractive and non-extractive uses;
- Economic contribution of ocean-dependent activities to local and regional economies.

This process should also draw upon the knowledge, values, and expertise of local communities and other interested parties. At FGC subsection 2855(c)(1)-(2), the MLPA specifically requires that local communities and interested parties be consulted regarding:

- (1) Practical information on the marine environment and the relevant history of fishing and other resources use, areas where fishing is currently prohibited, and water pollution in the state's coastal waters.
- (2) Socioeconomic and environmental impacts of various alternatives.

Understanding the distribution, magnitude, and spatial extent of economic activities and values is important in the design of marine protected areas. Marine protection can both positively and negatively impact the level and sustainability of economic values, taxes and employment. Within each region a varying level of data exist for determining these values. Additionally, stakeholder groups in each region will help provide informal data on the value of resources in their area. More information on social science tools and methods can be found in Appendix E. The regional MPA process should make every effort to assemble socioeconomic information early and to apply it in the design and evaluation of MPAs.

Other Programs and Activities Other Than Fishing

Regional profiles and profiles of potential MPAs should describe current and anticipated human activities that may affect representative habitats and focal species. Water quality and marine habitats, especially in estuarine areas, may be degraded by any of a wide range of activities (Sheehan and Tasto 2001). For instance, water quality may be undermined by point source discharges from pulp mills, sewage treatment plants, manufacturing facilities, as well as by nonpoint source discharges from agriculture, urban areas, forestry, marinas and boating, mine drainage, on-site sewage systems, and by modification of river flows. Water quality and habitats may be directly affected by dredging and the disposal of dredge spoil, and by catastrophic spills of oil or other substances.

A profile should discuss whether any such non-fishing activities are significantly affecting wildlife or habitats of concern in a potential MPA site. Where the effects of any such activities present a clear threat to resources of concern, a profile should identify current efforts to mitigate those threats. Federal, state, county, and local government agencies carry out a diverse array of programs to manage such activities (Sheehan and Tasto 2001). The Governor's ocean action plan includes a useful survey of such programs (CRA and CEPA 2004). If warranted, a proposal for an MPA may include recommendations to appropriate agencies for reducing impacts of activities that are likely to prevent an MPA from achieving its goals and objectives. Generally, such recommendations should also be referred to California Ocean Protection Council since the California Ocean Protection Act of 2004 created that body to promote coordination of ocean protection efforts across agencies. The council is ideally positioned to insure that MPAs established under the MLPA benefit from the programs and capabilities of agencies with responsibilities beyond those of the Department.

One significant aspect of the MLPA is its intent to comprehensively identify:

- areas in the ocean uniquely worthy of being reserved for their specific or intrinsic value,
- areas that need the additional protections and attention that may come with being designated as an MPA,
- habitats and species that should be protected within MPAs in each region of the state, and

- areas of the ocean that should be reserved for specific uses.

The MLPA depicts the legislature's intent to make California's existing array of MPAs function as a network. It focuses on sustaining healthy marine ecosystems for their long-term values.

One purpose of the council established by the California Ocean Protection Act of 2004 (COPA) is to coordinate the activities of state agencies related to the protection and conservation of the coastal waters and ocean ecosystems to improve effectiveness of all these efforts within limited resources. COPA and the Council may serve as the vehicle for addressing non-fishing impacts that are not under the regulatory authority of the Commission.

Efforts are being undertaken by many state and federal agencies that contribute to and support the overall goals of the MLPA. These efforts include the following:

- the Department's work to implement the Marine Life Management Act with its broader ecosystem considerations in fishery management;
- the State Water Resources Control Board recent updates to its California Ocean Plan to ensure that it establishes appropriate water quality standards and lays out a workable implementation plan;
- the work of the California Coastal Commission in monitoring local coastal programs, establishing a Critical Coastal Areas Program, permitting coastal development, and ensuring coastal zone access;
- the Resource Agency and California Environmental Protection Agency in their agreement to strengthen an MOU regarding watershed planning to give renewed support to collaborative efforts to ensure land-based activities avoid harming the marine environment in general, and bays and estuaries in particular;
- the National Marine Sanctuary Program's sponsorship of research and community discussions regarding special marine protected areas in the Monterey Bay National Marine Sanctuary.

Likewise, there are numerous similar efforts being undertaken by federal agencies including the Water Quality Protection Program of the Monterey Bay National Marine Sanctuary; the Army Corps of Engineers' Coastal Sediment Management Master Plan; and the continuing efforts of NOAA Fisheries to confront ocean impacts derived from upstream pollution, sand and gravel mining, over-drafting water rights, and invasive species.

While not all of these programs will have a significant effect on regional implementation of the MLPA and the designation of MPAs, coordination of the regional planning efforts will help identify ways that various efforts can be integrated and made supplementary to each other to avoid overlap and conflict. Identifying goals for individual MPAs and a network of MPAs in the context of the goals and objectives of these other agencies and programs will help ensure consistency. Management, research, and monitoring plans for MPAs should also be coordinated with these other agencies and programs to increase the likelihood that MPAs will successfully meet the MLPA goals with the least cost and disruption to the public benefits derived from the ocean.

Section 4. Management

Without effective management, MPAs and MPA networks become “paper parks,” and their goals, objectives, and benefits are not achieved (Kelleher et al. 1995). As a result, 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 “[FGC Section 2851(a)]. In several passages, the MLPA requires that California's MPAs have effective management measures [FGC subsection 2853(b)(5); 2853(c)(2); 2856(a)(2)(H) and (K)].

The initial focus for meeting the management requirements of the MLPA should be the preparation of a management plan for MPAs in each region. An outline that may serve as the basis for a regional MPA management plan may be found in Appendix K. Besides generally guiding day-to-day management, research, education, enforcement, monitoring, and budgeting, a management plan also distills the reasoning for key elements of the network that should be monitored, evaluated, and revised in response to new information and experience. Much of the material required to complete a management plan will be developed in the course of designing, evaluating, and establishing a regional proposal. Some elements of management, such as monitoring and evaluation, enforcement, and financing, are described in more detail in other areas of this document.

Management plans should not dwell upon detail, but should provide a foundation for developing more specific action plans, as necessary, and for adapting management measures to new information. Management plans should include a schedule for review and possible revision at least every five years, and a mechanism for revisions in the interim in response to significant events, such as unexpected monitoring results, budget shifts, or changes in the status of the populations of focal species or of habitats or in the character or effectiveness of management outside individual MPAs.

A management plan should describe the allocation of responsibility to various government agencies and non-government organizations and industry groups for carrying out specific management activities including those partnerships that could result in more effective and economical management of the MPA. While the Department, and in some circumstances the California Department of Parks and Recreation, exercise primary authority for the management of California's MPAs, these agencies can draw upon the capacity of other agencies and organizations in carrying out critical management activities. MPAs located adjacent to facilities such as marine labs, onshore protected areas, or similar such institutions may be effectively co-managed by those entities.

In meeting needs for research, monitoring, enforcement, and public education activities, MPA proposals should look to collaboration with other agencies and non-governmental groups. An example is the Department's collaboration with the Channel Island's National Marine Sanctuary and the National Park Service at the MPAs established in 2003 around the Channel Islands. In some cases, such collaboration will benefit from a formal memorandum of understanding, while in other cases collaboration can be most effectively pursued at more informal levels.

Another example of government partnerships is the California Coastal Commission's and State Water Resources Control Board's critical coastal areas partnership (for more information, see <http://www.coastal.ca.gov/nps/cca-nps.html>). California's Critical Coastal Areas (CCA) Program is an innovative program to foster collaboration among local stakeholders and government agencies, to better coordinate resources and focus efforts on coastal-zone watershed areas in critical need of protection from polluted runoff. A CCA Committee is focusing its efforts on preventing runoff into sensitive and important marine habitats, in particular areas of special biological significance. This program is a good example of a coordinated effort to link land and sea.

In addition, collaboration with non-governmental organizations, including non-profit conservation and education organizations, yacht clubs, and fishermen's or recreational divers' groups, can enhance implementation of important management activities, such as education, research, and monitoring. At the Monterey Bay National Marine Sanctuary, for instance, the Citizen Watershed Monitoring Network, a volunteer-based group, conducts monitoring according to U.S. Environmental Protection Agency standards. While this data is voluntarily collected and therefore may not be used for enforcement purposes, it does provide several benefits to the sanctuary, which would otherwise not have the staff or funding to support such data collection.

Stakeholder advisory committees should continue to play a role in the management of MPAs in a region after completion of the design process, although other methods for engaging the public may be used. The management plan for a regional MPA proposal should provide for continuing engagement of stakeholders through a regional advisory committee or other means (Salm et al. 2000). Some form of state-wide MPA advisory committee may also serve a valuable function to help ensure a continuing linkage between public and governmental participants as the MLPA is implemented throughout the state. Such committees can fulfill a number of important roles, such as those stated in the recent National Report of the National Marine Sanctuary Program's Advisory Councils (NMSP 2004):

- Serve as a link between an MPA and its community, disseminating information about the MPA to the various constituencies of members and bringing the concerns of constituents and the public to sanctuary staff;
- Assist in creating a dialogue to examine various sides of an issue and a place for mediation;
- Identify potential partners and constituent groups with which the MPA should be working and forge relationships;
- Review and provide input on plans, proposals, and products, including prioritizing issues;
- Provide technical and background information on issues facing the MPA; and
- Validate the accuracy and quality of information used for decision making.

Key issues in convening an effective advisory committee include size and structure, such as whether to convene an overall committee within which sub-groups of the committee or working groups of non-committee members operate. As is the case with stakeholder committees advising on the design and evaluation of proposed MPAs, the charter of the

stakeholder committees convened after establishment of MPAs must be clear. The role of such committees may range from simply advising the Department to conducting specific management tasks under the general guidance of the Department (Pomeroy and Goetze 2003). In any event, the establishment and possible roles of such standing committees should be discussed in a draft management plan, so that they can be considered by the Department and Commission.

Section 5. Enforcement

Existing Enforcement Assets

As indicated in the MLPA [FGC Section 2851(a)], a lack of enforcement resources is one of the reasons California's existing MPAs create the illusion of protection while falling short of their potential to protect resources. This lack of resources is not unique to MPA enforcement and is true across all fisheries enforcement in California. To remedy this, the MLPA requires that the Marine Life Protection Program provide for adequate enforcement [FGC Section 2853(b)(5)] and include appropriate enforcement measures for all MPAs in the system [FGC Section 2853(c)(2)]. The MLPA includes in this the use, to the extent practicable, of advanced technology and surveillance systems. Because of the added emphasis on MPAs established by the MLPA and the clear need for increased enforcement resources, additional assets will be required.

The Department of Fish and Game's enforcement staff is charged with enforcing marine resource management laws and regulations over an area encompassing approximately 1,100 miles of coastline and out to sea. Department staff also provide enforcement of federal laws and regulations within State waters and in federal waters. Enforcement duties include all commercial and sport fishing statutes and regulations, all Fish and Game Code and Title 14, California Code of Regulations restrictions, marine water pollution incidents, homeland security, and general public safety. General fishing regulations and other restrictions apply within MPAs as well as specific MPA restrictions.

The Department shares jurisdiction for federal regulations including the Magnuson Stevens Fishery Conservation and Management Act, the Endangered Species Act, and the Lacey Act. Department enforcement patrols regularly extend into federal waters between three and 12 nautical miles from shore as well as into the Exclusive Economic Zone beyond 12 nautical miles. A significant portion of both commercial and recreational fishing effort, and subsequently enforcement effort, occurs in federal waters and the EEZ. The existing patrol effort beyond state waters and outside MPAs must also be considered in the plan. How effectively state and federal regulations are enforced within and around the MPAs will affect the success of MPAs in conserving and protecting marine resources.

The Department of Fish and Game maintains a fleet of seven large patrol boats in the 54- to 65-foot class stationed at major ports throughout the state. These patrol boats are staffed by a cadre of 22 officers, and five support personnel. The Department also has eight patrol boats in the 24- to 30-foot range, and another 15 patrol skiffs stationed at ports and harbors throughout the state. Overall the Department has approximately 230 wardens in the field, responsible for a combination of both inland and marine patrol. A portion of these wardens have a "marine emphasis" focusing primarily on ocean enforcement but also enforcing inland regulations. The Department has a fleet of single- and twin-engine fixed wing aircraft that work in conjunction with both marine and land based wardens to help identify and investigate violations. Though seemingly impressive, when compared to the more than 5,000 square miles of California State

waters and the federal waters beyond, as well as California’s vast inland area, these numbers are quite small.

In the central California coast, for example, there are presently 30 to 40 wardens in the field. Of these, only about 15 have a marine emphasis and are responsible for enforcing regulations over more than 1,100 square miles of state waters within the study region (See table 3).

Table 3. Central coast enforcement personnel with marine emphasis (2005).

| Pigeon Point to Big Sur | | Big Sur to Point Conception | | Total |
|--|------------------------------------|------------------------------------|-------------------------------------|--------------------|
| Land Based | Patrol Boat | Land Based | Patrol Boat | |
| 1 Lt. / 2 Wardens (1 vacant position) | 1 Lt. / 2 Wardens 1 patrol boat | 3 Wardens | 2 Lt. / 4 Wardens 2 patrol boats | 4 Lt. / 11 Wardens |

The Department of Fish and Game’s Special Operations Unit (SOU) consists of ten enforcement officers who are tasked with conducting statewide covert investigations primarily dealing with the commercialization of fish and /or wildlife. SOU investigations allow a team of well trained Department wardens to take the time and effort, usually not available to field wardens, to thoroughly investigate these large poaching operations that are severely impacting California’s fish and wildlife resources. The SOU reports directly to the Marine Assistant Chief out of Sacramento Headquarters. The unit has no uniform patrol responsibility anywhere in the state. The unit is directed to specific investigations using information gathered from a variety of sources throughout the state.

The investigations conducted by SOU are varied, and include commercialization of recreationally caught or illegally taken bear, deer, turkey, abalone, lobster, sturgeon, salmon and steelhead, and a variety of other marine and inland fish as well as many other wildlife species. Covert investigations are very time consuming and expensive to conduct. The investigations can last anywhere from a few days to several years to complete. The SOU supervisor works closely with a local District Attorney during all investigations, which helps facilitate aggressive prosecution of most SOU cases. SOU may be used to assist with major MPA violations.

The Department’s enforcement program also works closely with the enforcement programs of a number of other agencies including the California Department of Parks and Recreation, NOAA Fisheries, National Marine Sanctuary Program, National Park Service, and United States Coast Guard on matters of mutual enforcement interest (See Table 4). Though these programs often provide financial or logistical support, they do not provide significant staff resources statewide, especially for offshore patrols or patrols of areas not adjacent to their own facilities. As part of seeking new cooperative agreements, the Department will make efforts to acquire more direct assistance from appropriate agencies.

Table 4. Natural Resource Enforcement Assets in California

| Agency | Assets and Activities |
|--|---|
| <i>U.S. Coast Guard</i> | The U.S. Coast Guard has a primary role in protecting natural resources under the Oil Pollution Act of 1990, the Rivers and Harbors Act of 1899, and the Marine Plastic Pollution and Control Act. The U.S. Coast Guard works directly with the Department's Office of Spill Prevention and Response (OSPR) on oil pollution incidents. They also provide limited support for State and Federal fisheries regulation enforcement. |
| <i>U.S. Fish and Wildlife Service</i> | U.S. Fish and Wildlife Service agents and officers have the statutory authority to enforce the Marine Mammal Protection Act, Endangered Species Act and Lacey Act. |
| <i>NOAA Fisheries</i> | The Department has a Joint Enforcement Agreement with NOAA Fisheries. NOAA Fisheries provides funding to the state to enforce federal regulations in state waters, federal offshore waters and in bays, estuaries, rivers and streams. |
| <i>National Marine Sanctuaries</i> | Currently, there are several sanctuary officers within the central coast area, patrolling the Monterey Bay National Marine Sanctuary. Boats and aircraft available for law enforcement patrols in all California Sanctuaries. Law enforcement agreements coordinate enforcement efforts, share physical resources, cross deputize state officers and provide federal funds for state operations. |
| <i>National Park Service</i> | The National Park Service has enforcement personnel stationed at various federal parks along the California coast and at some of the off-shore islands. |
| <i>California Department of Fish and Game</i> | Seven large patrol boats and over twenty smaller craft are dedicated to marine patrol efforts. One large patrol boat is primarily responsible for the Channel Islands marine protected areas law enforcement patrols. Two large patrol boats are within the central coast area. |
| <i>California Department of Parks and Recreation</i> | The Department of Parks and Recreation manages approximately one third of the California coastline and has law enforcement personnel stationed in park units throughout California, many with on water patrol capability. These officers have the authority to enforce Fish and Game statutes. |
| <i>Harbor Police, City Police, and Sheriffs</i> | Local harbor districts, sheriff and police Departments often employ peace officers to conduct on-water patrols within their jurisdictions. |

The MLPA places an increased importance and focus on MPAs as a tool to enhance marine resources and requires that the existing array of MPAs be improved and managed to the extent possible as a network. In order to adequately enforce MPA regulations, the Department will prioritize areas of particular concern or at particular risk and emphasize patrol of these areas. Given the Department's other broad mandates to enforce both state and federal marine resource regulations current assets are not adequate to redirect to MPA specific patrols. The increased focus on MPAs suggested by the MLPA and the comprehensive network the act mandates will require not only a detailed enforcement plan, but additional enforcement assets.

MPA Enforcement Considerations

The level and type of enforcement activity in an individual MPA depends upon several factors. In particular, the goals and objectives of the individual MPA and its accompanying regulations dictate the enforcement needs. Specific MPA regulations and the need for or desired level of enforcement within an MPA also impact enforcement needs. In some cases, MPAs may be enforced without direct contact of individual vessels, such as in a no-take MPA where a vessel

is obviously not engaged in fishing. In limited-take areas, the specific regulations may require close examination of individual vessels to determine whether fishing activities comply with the regulations. However, while enforcement in no-take areas may consist of visual observation from a distance if the desired level of enforcement is high, they may also require careful examination of individual vessels.

Beyond the MPA classification, other elements of MPA design have implications for an effective enforcement plan. The following factors facilitate enforcement of MPAs:

- Straight line offshore boundaries which follow lines of latitude and longitude - more easily recognized by users and enforcement is simplified
- Larger shoreline lengths - provide a buffer against unintentional boundary infractions
- Proximity to cities - enhances the ability to enforce as more assets are readily available and deployment of staff and equipment is easier, however may pose problems for level of use (see below)
- Distant from heavily used areas - areas near urban development are often more heavily visited and require more enforcement effort to ensure compliance
- Fewer points of public access - Increased numbers of access points to an MPA (e.g., multiple shoreside access points versus only offshore access) require increased monitoring efforts and increased staffing
- Adjacent to the shoreline - enforceable using smaller vessels and shoreside patrol when compared to offshore MPAs with no shoreline connection
- Adjacent to onshore facilities - existing staff (e.g., state park rangers) can assist in enforcement and monitoring

The number of and distance between MPAs impacts the ability to enforce the MPA regulations. If MPAs are too far from one another, individual patrols are not able to enforce multiple areas. If MPAs are too numerous, individual patrols are not able to reach all areas. Each case would require additional enforcement personnel to cover the entire network of MPAs.

Finally, the enforcement plan must consider natural barriers to enforcement. MPAs established in areas with normally rough conditions may be difficult to patrol or access. As noted above, offshore MPAs require larger vessels and dedicated at-sea patrol. MPAs located farther offshore or more distant from ports have higher patrol costs in both time and expenses. MPAs adjacent to shore, however, may also have natural barriers to their enforceability. This would include distance from patrol bases as noted above, along with physical inaccessibility. Though MPAs in very remote and difficult-to-access areas will naturally have fewer visitors and a decreased chance of unintentional infractions, they are also uniquely suited for unobserved intentional infractions.

Enforcement Plan Objectives

The primary objective of an MPA enforcement plan is to ensure compliance with regulations designed to achieve the individual MPAs objectives. Compliance is enhanced through visible and consistent patrol and through adequate outreach to ensure public knowledge of regulations and areas. As noted above, additional enforcement personnel and assets will be required to achieve this primary objective. Increased use of cooperative agreements with other

agencies may be a partial solution, but additional funding for enforcement is required for any of the solutions.

The objectives of the enforcement plan can be split into four primary categories:

1. Provide an effective and comprehensive operational ability
2. Maintain and enhance cooperative efforts with other agencies
3. Ensure public awareness of regulations and rationale
4. Provide outreach and education

The activities and funding required to implement these objectives are detailed in appendix L. In summary, the activities include:

Effective and comprehensive operational ability

- Identify areas of high priority, biological sensitivity, or enforcement need
- Determine MPA Network enforcement needs
- Hire additional enforcement officers
- Explore and acquire remote observation technology and techniques

Priorities are developed based on the potential for resource impact, level of use, and potential for infractions. High priority areas include habitats that are particularly vulnerable to damage, areas with high aggregations of critical species or species at low abundance, and areas where infractions are likely to occur or have occurred at high rates in the past.

Seek additional cooperative agreements

- Develop standard operating procedures
- Develop a standardized training program
- Seek and support ongoing and enhanced memoranda of understanding

Ensure public awareness of regulations and rationale and provide enhanced outreach and education

- Establish a Department MPA outreach program
- Develop outreach materials for enforcement staff to distribute
- Establish an education advisory board
- Hold public forums to educate specific groups
- Develop standardized signage protocols

The Department already conducts significant outreach and educational activities. In order to ensure public awareness of MPA regulations and rationale, the Department would create specific curricula and materials dedicated to MPAs. The Department would create standards for statewide signage and information to make outreach materials consistent. Additional funding would be required for any outreach and educational activities.

Section 6: Monitoring and Adaptive Management of MPAs

In the last several decades, monitoring and evaluation have become important features of management approaches to living marine resources and the environment (NRC 1990, NRC 2001). More recently, they have become central elements in management programs intended to adapt as understanding of the managed ecosystems – both the biophysical and social systems – improves and circumstances change. In California, the legislature incorporated this adaptive approach into the Marine Life Management Act (MLMA) in 1998. Besides defining adaptive management, the MLMA requires the development of research and monitoring activities within fishery management plans [FGC Sections 90.1, 7073(b)(3), and 7081].

A year later, the legislature incorporated the principle of adaptive management as well as monitoring and evaluation of MPAs and a statewide MPA network into the MLPA in several passages. At FGC Section 2856(a)2(H), for instance, the MLPA requires that the master plan include “[R]ecommendations for monitoring, research, and evaluation in selected areas of the preferred alternative, including existing and long-established MPAs, to assist in adaptive management of the MPA network, taking into account existing and planned research and evaluation efforts.”

In these and other ways, the MLPA emphasizes the role of monitoring and evaluation in adapting individual MPAs and the MPA network in response to new knowledge and circumstances. The adaptive management approach of the MLPA provides for future proposals to add, modify, or eliminate MPAs based on information gained from monitoring and evaluation activities, the development of new scientific information, and input from interested parties.

It is worth noting that the MLPA calls for monitoring and evaluation of selected areas within the preferred alternative to assist with adaptive management of the MPA network. This does not mean that other MPAs should not also be monitored and evaluated in accordance with their own goals and objectives, but that the performance of selected MPAs might be used to guide future decisions over a wider area.

Monitoring and evaluation should not be done for their own sake, but to gauge the performance of an MPA in relation to its goals and objectives. A cost effective approach in many areas may be to link these activities to other ongoing monitoring activities. Similarly there may be many opportunities to involve members of the general public in monitoring and evaluation activities as well, thus leveraging further the resources available.

Since MPAs will be implemented in a phased approach in individual regions through 2011 rather than adopted all at once statewide, the initial focus must be on developing effective monitoring programs in individual regions, including monitoring in areas both inside and outside MPAs. The final phase in developing monitoring and evaluation programs will be to evaluate and adjust these programs in individual regions to reflect a coherent program statewide.

Clear and measurable objectives should, in turn, form the basis for the design of systems to monitor and evaluate the impacts of management actions. Monitoring and evaluation systems should explicitly address five principles (Pomeroy et al. 2004). Such programs should be:

- Useful to managers and stakeholders for improving MPA management;
- Practical in use and cost;
- Balanced to seek and include scientific input and public participation;
- Flexible for use at different sites and in varying conditions; and
- Holistic through a focus on both natural and human perspectives.

Developing a Monitoring and Evaluation Program for MPAs and Network Components

To promote consistency among monitoring and evaluation programs in different regions, a consistent process should be followed. Many of the recommendations below come from a 2004 guidebook to natural and social indicators for evaluating MPA management effectiveness (Pomeroy et al. 2004). This discussion relies heavily on the guidebook because it is comprehensive, reflects the experience of MPAs around the world, has been field tested, and relies principally upon techniques that are simple rather than complex, and therefore more likely to be implemented and sustained over the long-term.

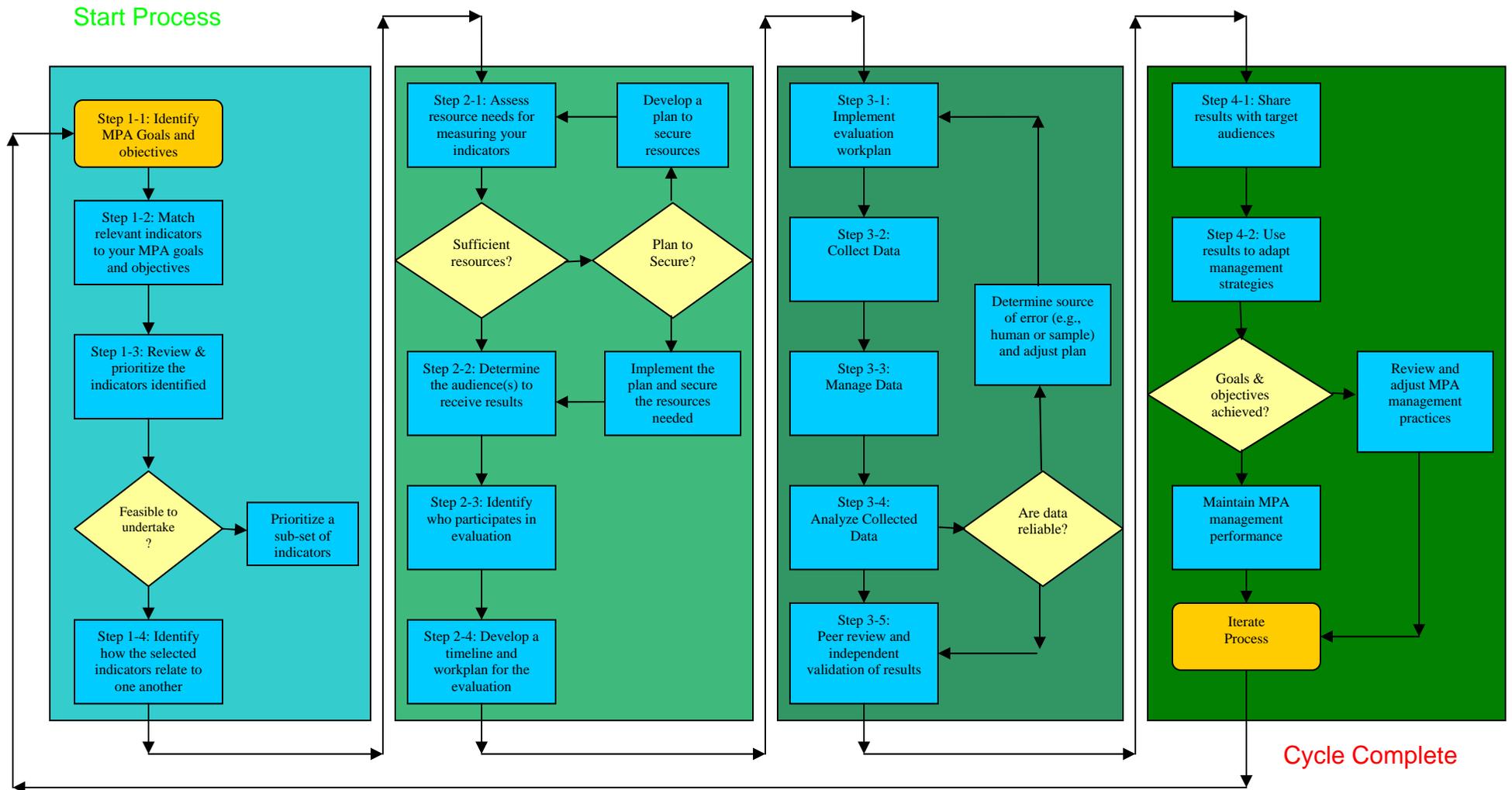
The process below presents only the more general features of the approach presented by Pomeroy et al.; much more detail is available in the guidebook itself. In addition, monitoring and evaluation programs should reflect local conditions, constraints and opportunities. The basic steps for establishing a monitoring program are listed below and displayed in a flowchart in figure 5.

- Identify MPA goals and objectives.
 - Identify any overlapping goals and objectives.
- Select indicators to evaluate biophysical, socioeconomic and governance patterns and processes
 - Review and prioritize indicators,
 - Develop quantifiable benchmarks of progress on indicators that will measure progress toward goals and objectives, and
 - Identify how selected indicators and benchmarks relate to one another.
- Plan the evaluation.
 - Assess existing data;
 - Assess resource needs for measuring selected indicators;
 - Determine the audiences to receive the evaluation results;
 - Review relevant monitoring and evaluation programs at existing MPAs, such as at the Channel Islands;
 - Identify participants in the evaluation; and
 - Develop a timeline and work plan for the evaluation.
- Review and revise planned monitoring and evaluation program.
 - Conduct structured peer and public review processes, and
 - Make modifications in response to review.
- Implement the evaluation work plan.

- Select methods and approach and collect data;
- Manage collected data, includes identifying the data manager, providing for the long-term archiving and access to the data, and making the data available for analysis and sharing;
- Analyze collected data; and
- Conduct peer review and independent evaluation to ensure robustness and credibility of results.
- Communicate results and adapt management.
 - Share results with target audiences, and
 - Use results to adapt management strategies.

Indicators of success include those pertaining to biophysical goals and objectives, socioeconomic goals and objectives, and governance (management) goals and objectives. Examples include, among many others, focal species abundance to determine whether resources are being sustained, household income to determine whether livelihoods are being enhanced or maintained, and level of enforcement coverage to determine if effective management strategies are in place. Pomeroy et al. list a total of 42 indicators (10 biophysical, 16 socioeconomic, and 16 governance) that cover combinations of 21 commonly used MPA goals and 68 commonly used objectives. The guidebook essentially provides a “toolbox” of indicators and a starting point for developing a plan. It also provides some detail on survey methods used to measure the indicators, though is not a comprehensive listing of all survey methodologies. Once regional goals and objectives are selected and individual MPA goals and objectives determined the guidebook and following flowchart (figure 5) will provide a method to establish monitoring programs.

Figure 5. Flowchart of process to establish and conduct a monitoring program⁶.



⁶ From Pomeroy, et al., 2004.

To achieve the purpose of informing adaptive management, the results of monitoring and evaluation must be communicated to decision makers and the public in terms that they can understand and act upon (NRC 1990). Moreover, in addition to aiding in MPA management, measuring, analyzing and communicating indicators can promote learning, sharing of knowledge and better understanding of MPA natural and social systems among scientists, resource managers, stakeholders, members of the public, and other interested parties (Pomeroy et al. 2004). To these ends, monitoring and evaluation programs for MPAs should include a communications plan that identifies the target audiences and specifies the timing, methods, and resources to regularly synthesize and present monitoring and evaluation results.

Though the results from ongoing monitoring and evaluation should be reviewed periodically, a comprehensive analysis of monitoring results should be conducted every three to five years. The longer time-frame for review takes into account the fact that biological changes are slow to occur and trends are more likely to become apparent on this time scale. These reviews should be transparent, include peer review, and make results available to the public. Besides evaluating monitoring methods and results, the review should evaluate whether or not the monitoring results are consistent with the goals and objectives of the individual MPA, the region, and the MLPA. If the results are not consistent, the review should develop recommendations for adjustments in the management of the MPA network.

Within the above set of required components, specific monitoring methods are not prescribed. For example, monitoring and evaluation programs may be effective within a range of levels in intensity and sampling frequencies. They also may rely on different indicators, depending on the MPA goals and objectives.

General Considerations in Identifying Indicators

An indicator measures the success of a management action, such as the specific design of an MPA. It is a unit of information measured over time that will make it possible to document changes in specific attributes of the MPA (Pomeroy et al. 2004). General considerations in selecting or designing an indicator include:

- Measurable - able to be recorded and analyzed in quantitative or qualitative terms.
- Precise - clear meaning, with any differences in meaning well understood OR measured the same way by different people.
- Consistent - not changing over time, but always measuring the same thing.
- Sensitive - changing proportionately in response to actual changes in the variables measured.
- Simple - rather than complex.
- Independence defined - correlation with other indicators examined.

In selecting indicators, a monitoring and evaluation plan for an MPA or portion of the MPA network should (Pomeroy et al. 2004):

- Define and provide a brief description of the indicator;
- Explain the purpose and rationale for measuring the indicator;

- Consider difficulty and utility—that is, how difficult it is to measure and the relative usefulness of information provided by the indicator;
- Evaluate the required resources including people, equipment, and funding;
- Specify the method and approach to collecting, analyzing, and presenting information on the indicator, including sample size, spatial and temporal variation;
- Identify reference points or benchmarks against which results will be measured and timelines within which changes are expected;
- Explain how results from measuring the indicator can be used to better understand and adaptively manage the MPA;
- Provide references on methods and previous uses of the indicator.

Prior knowledge of the variability in the indicators selected should be incorporated into the monitoring and evaluation design where possible. If no prior knowledge exists variation in indicators must be identified within the monitoring and evaluation program. Multiple independent indicators are required for complex systems such as in the marine environment. Consideration also should be given to the timescale within which changes in an indicator might reasonably be expected. For instance, recovery of populations of long-lived species, such as some rockfishes, may require many years; performance measures or other types of benchmarks for such indicators should reflect this longer timescale.

MPA monitoring and evaluation programs should measure biophysical, socioeconomic, and governance indicators, since these dimensions of marine ecosystems are inextricably linked (Pomeroy et al. 2004). Possible indicators are described below.

Biophysical. One common focus of MPAs is the conservation of living marine resources and habitats of California's coastal waters. Likely biophysical goals of individual MPAs and MPA networks established under the MLPA include sustaining the abundance and diversity of marine wildlife, protecting vulnerable species and habitats, and restoring depleted populations and degraded habitats. Thus, potential biophysical indicators might include (Pomeroy et al. 2004):

- Abundance and population structure of species of high ecological or human use value;
- Composition and structure of a community of organisms;
- Survival of young;
- Measures of ecosystem condition;
- Type and level of return on fishing effort;
- Water quality; and
- Areas whose habitat or wildlife populations are showing signs of recovery.

Socioeconomic. Socioeconomic indicators make it possible to understand and incorporate the concerns and interests of stakeholders, to determine the impacts of management measures on stakeholders, and to document the value of an MPA to the public and to decision makers (Pomeroy et al. 2004).

Possible socioeconomic indicators include (Pomeroy et al. 2004):

- Use data (and values of those uses) for consumptive and non-consumptive purposes, including:
 - Numbers of participants
 - Economic effects on local communities and to supporting industry
 - Measures of perceived value and level of satisfaction derived from consumptive and non-consumptive activities
 - Changes in geographic and other patterns of use in and around MPAs within the region;
- Level of understanding of human impacts on resources;
- Perceptions of non-market and non-use value;
- Community infrastructure and business;
- Number and nature of markets; and
- Shareholder knowledge of natural history and current use patterns and intensity.

All of these indicators would be tailored and specifically defined to reflect the conditions, resources present, use patterns and goals and objectives of each MPA or region.

Governance. By definition, MPAs are a governance tool since they limit, forbid, or otherwise control how people use marine areas and wildlife through rights and rules (Pomeroy and others 2004). Governance may include enforcement, use rights, and regulations. Goals for governance of MPAs include the following (Pomeroy et al. 2004):

- Legal certainty as indicated by legal challenges or reported failure to act because of legal uncertainty;
- Effective management structures and strategies maintained;
- Effective legal structures and strategies for management maintained;
- Effective public participation and representation ensured;
- Management plan compliance by resource users enhanced; and
- Resource use conflicts managed and reduced.

Possible governance indicators include the following:

- Local understanding of MPA rules and regulations;
- Availability of MPA administrative resources;
- Existence and activity level of community organizations;
- Level of public involvement; and
- Clearly defined enforcement procedures.

In addition, it is important to recognize the role that volunteer monitoring activities can play in evaluation. As mentioned earlier, there may be many opportunities to leverage with existing monitoring activities in the region and to make very productive use of stakeholder, other members of the public and educational and research entities to form partnerships in conducting monitoring and management programs. For example, the Citizen Watershed Monitoring Network in the Monterey Bay National Marine Sanctuary has used a monitoring

protocol developed by the U.S. Environmental Protection Agency in collecting information on water quality in the sanctuary. Information from this program has helped in determining where education and outreach efforts should be targeted how successful specific pollution reduction activities have been, and in identifying problem areas for further investigation.

Finally, monitoring and evaluation programs can benefit from engaging commercial and recreational fishermen. At the Channel Islands, in Morro Bay, Fort Bragg, and elsewhere along the California coast, fishermen, research scientists, and federal and state biologists are carrying out field projects of mutual interest, including tag-and-recapture studies that provide critical information on the movement of fish and growth rates. Similarly, recreational fishermen have recently participated in collecting information on their catches as part of the Coastside Fishing Club's Recreational Catch Estimation Project. The Channel Islands National Marine Sanctuary supports a Cooperative Marine Research Program which helps coordinate and fund fisheries/science cooperative monitoring projects. These initiatives are in the early stages of development, and offer important opportunities for collaboration.

Section 7. Financing

Achieving the goals and objectives of individual MPAs, the statewide system of MPAs, and of the MLPA itself will depend upon sufficient short and long-term funding for carrying out key management activities, including public education, research, monitoring and evaluation, and enforcement. At FGC Section 2856(a)2(K), the MLPA requires that the master plan include “[R]ecommendations for funding sources to ensure all MPA management activities are carried out and the Marine Life Protection Program is implemented.” One of the products of the MLPA Initiative will be the development of a comprehensive funding strategy by December 2005, which will address these needs.

For many types of management activity, including monitoring, public education, and enforcement, estimates of costs will vary depending on the intensity of the activity, which may range between essential or critical levels to optimal levels. As a result, overall costs for carrying out management activities will be a range of estimates for any one year. Estimates and actual costs will also vary from year to year, particularly in the early years as initial start-up costs are absorbed. An effective management plan will map these potential costs over several years.

Although some funds for management may be raised from local fees or from the private sector profit and non-profit communities, the primary source of funding for the management of MPAs will be state government and perhaps the federal government (Salm et al. 2000). It is also possible to reduce the need for government funding through effective partnerships in carrying out management or research activities.

Other sources of funds may indirectly contribute to achieving the goals and objectives of MPAs in a region by mitigating threats to species and habitats of concern from pollution and poor water quality. For instance, the State Water Resources Control Board has the authority to designate an area of state ocean waters as an “area of special biological significance” or a “state water quality protection area”; if the area is also an MPA there would be overlapping designations. Recent legislation places a high priority on using available pollution control funds on improving water quality in such areas.

Funding the management of a statewide MPA network should also be viewed within a broader context that includes the funding of other new and continuing efforts to maintain and enhance the living marine heritage of California, including legislation such as the Marine Life Management Act and other, older legislation on fisheries, coastal and marine habitat, and water quality.

Because available state funds fluctuate with changes in the overall economic health and priorities of California and the nation, marine and coastal programs of all types have to constantly adjust to these changes.⁷ Management plans are an important tool for protecting

⁷ Currently, the state budget includes little funding explicitly devoted to implementation of the MLPA and additional funds are clearly needed to ensure success.

MPAs and their benefits during times of limited funding. Sound management plans can help ensure that realistic cost estimates are taken into account when such features as boundaries are decided. They also can help prioritize the most vital activities at times of low financial resources, and allocate funds efficiently and effectively when more generous funding is available.

Financing an effective system of MPAs in California will depend upon this good planning as well as tapping into a diverse array of non-governmental and governmental funding sources. A detailed approach to doing so awaits adoption of a long-term funding strategy that is being prepared by the MLPA Initiative, as well as the development of management plans for the regional components of the MPA network.

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CALIFORNIA MARINE LIFE PROTECTION ACT INITIATIVE

APPENDICES TO THE MASTER PLAN FRAMEWORK

California Department of Fish & Game



**Adopted by the California Fish and Game Commission
August 22, 2005**

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Appendix A. The Marine Life Protection Act (MLPA)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 10.5 (commencing with Section 2850) is added to Division 3 of the Fish and Game Code, to read:

CHAPTER 10.5. MARINE LIFE PROTECTION ACT

2850. Marine Life Protection Act

This chapter shall be known and may be cited as the Marine Life Protection Act.

2851. Legislative Findings and Declarations

The Legislature finds and declares all of the following:

(a) California's marine protected areas (MPAs) were established on a piecemeal basis rather than according to a coherent plan and sound scientific guidelines. Many of these MPAs lack clearly defined purposes, effective management measures and enforcement. As a result, 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.

(b) California's extraordinary marine biological diversity is a vital asset to the state and nation. The diversity of species and ecosystems found in the state's ocean waters is important to public health and well-being, ecological health, and ocean-dependent industry.

(c) Coastal development, water pollution, and other human activities threaten the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate.

(d) Fish and other sea life are a sustainable resource, and fishing is an important community asset. MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries.

(e) Understanding of the impacts of human activities and the processes required to sustain the abundance and diversity of marine life is limited. The designation of certain areas as sea life reserves can help expand our knowledge by providing baseline information and improving our understanding of ecosystems where minimal disturbance occurs.

(f) Marine life reserves are an essential element of an MPA system because they protect habitat and ecosystems, conserve biological diversity, provide a sanctuary for fish and other sea life, enhance recreational and educational opportunities, provide a reference point against which scientists can measure changes elsewhere in the marine environment, and may help rebuild depleted fisheries.

(g) Despite the demonstrated value of marine life reserves, only 14 of the 220,000 square miles of combined state and federal ocean water off California, or six-thousandths of 1 percent, are set aside as genuine no take areas.

(h) For all of the above reasons, it is necessary to modify the existing collection of MPAs to ensure that they are designed and managed according to clear, conservation-based goals and guidelines that take full advantage of the multiple benefits that can be derived from the establishment of marine life reserves.

2852. Definitions

The following definitions govern the construction of this chapter:

(a) "Adaptive management," with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood.

(b) "Biogeographical regions" refers to the following oceanic or near shore areas, seaward from the mean high tide line or the mouth of coastal rivers, with distinctive biological characteristics, unless the master plan team establishes an alternative set of boundaries:

- (1) The area extending south from Point Conception.
- (2) The area between Point Conception and Point Arena.
- (3) The area extending north from Point Arena.

(c) "Marine protected area" (MPA) means a named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves and other areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses, including living marine resources, cultural and historical resources, and recreational opportunities.

(d) "Marine life reserve," for the purposes of this chapter, means a marine protected area in which all extractive activities, including the taking of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.

2853. Redesign of MPA System: Goals and Elements

(a) The Legislature finds and declares that there is a need to reexamine and redesign California's MPA system to increase its coherence and its effectiveness at protecting the state's marine life, habitat, and ecosystems.

(b) To improve the design and management of that system, the commission, pursuant to Section 2859, shall adopt a Marine Life Protection Program, which shall have all of the following goals:

- (1) To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
- (2) To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.

- (3) To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
 - (4) To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
 - (5) To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
 - (6) To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.
- (c) The program may include areas with various levels of protection, and shall include all of the following elements:
- (1) An improved marine life reserve component consistent with the guidelines in subdivision (c) of Section 2857.
 - (2) Specific identified objectives, and management and enforcement measures, for all MPAs in the system.
 - (3) Provisions for monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter.
 - (4) Provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation.
 - (5) A process for the establishment, modification, or abolishment of existing MPAs or new MPAs established pursuant to this program, that involves interested parties, consistent with paragraph (7) of subdivision (b) of Section 7050, and that facilitates the designation of MPAs consistent with the master plan adopted pursuant to Section 2855.

2854. Report to the Legislature

Notwithstanding Section 7550.5 of the Government Code, the State Interagency Marine Managed Areas Workgroup established by the Resources Agency shall submit its final report to the Legislature and the commission by January 15, 2000. The workgroup shall, after appropriate consultation with members of the public, determine future actions for implementing the recommendations of its final report.

2855. Master Plan for Adoption of Marine Life Protection Program

(a) The commission shall adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program adopted pursuant to Section 2853 and decisions regarding the siting of new MPAs and major modifications of existing MPAs. The plan shall be based on the best readily available science.

(b)

(1) The department shall prepare, or by contract shall cause to be prepared, a master plan in accordance with this subdivision. In order to take full advantage of scientific expertise on MPAs, the department shall convene a master plan team to advise and assist in the preparation of the master plan, or hire a contractor with relevant expertise to assist in convening such a team.

(2) The team members convened pursuant to this subdivision shall have expertise in marine life protection and shall be knowledgeable about the use of protected areas as a marine ecosystem management tool. The members shall also be familiar with underwater ecosystems found in California waters, with the biology and habitat

requirements of major species groups in the state's marine waters, and with water quality and related issues.

(3) The team shall be composed of the following individuals:

(A) Staff from the department, the Department of Parks and Recreation, and the State Water Resources Control Board, to be designated by each of those departments.

(B) Five to seven members who shall be scientists, one of whom may have expertise in the economics and culture of California coastal communities.

(C) One member, appointed from a list prepared by Sea Grant marine advisers, who shall have direct expertise with ocean habitat and sea life in California marine waters.

(4) The master plan shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons. In preparing the master plan, the department shall confer, to the extent feasible, with the commission, the Pacific Fishery Management Council, the National Marine Fisheries Service, the United States Navy, the United States Geological Survey's national biological survey, staff from national marine sanctuaries off California, Sea Grant researchers, marine advisers, and national parks personnel.

(5) The department may engage other experts to contribute to the master plan, including scientists, geographic information system (GIS) experts, and commercial and recreational fishermen, divers, and other individuals knowledgeable about the state's underwater ecosystems, the history of fishing effort or MPA management, or other relevant subjects.

(c) The department and team, in carrying out this chapter, shall take into account relevant information from local communities, and shall solicit comments and advice for the master plan from interested parties on issues including, but not necessarily limited to, each of the following:

(1) Practical information on the marine environment and the relevant history of fishing and other resources use, areas where fishing is currently prohibited, and water pollution in the state's coastal waters.

(2) Socioeconomic and environmental impacts of various alternatives.

(3) Design of monitoring and evaluation activities.

(4) Methods to encourage public participation in the stewardship of the state's MPAs.

2856. Master Plan Preparation and Components

(a)

(1) The department and team shall use the best readily available scientific information in preparing the master plan adopted pursuant to Section 2855, and shall organize the location-specific contents, where feasible, by biogeographical region. In preparing the plan, the department and team shall use and build upon the findings of the Sea Grant survey of protected areas in California waters, which is entitled "California's Marine Protected Areas," the report of the State Interagency Marine Managed Areas Workgroup, the Department of Parks and Recreation's planning information and documents regarding existing and potential underwater parks and reserves, maps and other information from the department's marine nearshore ecosystem mapping project, and other relevant planning and scientific materials.

(2) The master plan shall include all of the following components:

(A) Recommendations for the extent and types of habitat that should be represented in the MPA system and in marine life reserves. Habitat types described on maps shall

include, to the extent possible using existing information, rocky reefs, intertidal zones, sandy or soft ocean bottoms, underwater pinnacles, sea mounts, kelp forests, submarine canyons, and seagrass beds.

(B) An identification of select species or groups of species likely to benefit from MPAs, and the extent of their marine habitat, with special attention to marine breeding and spawning grounds, and available information on oceanographic features, such as current patterns, upwelling zones, and other factors that significantly affect the distribution of those fish or shellfish and their larvae.

(C) Recommendations to augment or modify the guidelines in subdivision (c) of Section 2857, if necessary to ensure that the guidelines reflect the most up-to-date science, including, for example, recommendations regarding the minimum size of individual marine life reserves needed to accomplish the various goals set forth in Section 2853.

(D) Recommended alternative networks of MPAs, including marine life reserves in each biogeographical region that are capable of achieving the goals in Section 2853 and designed according to the guidelines in subdivision (c) of Section 2857.

(E) A simplified classification system, which shall be consistent with the goals of Section 2853 and the guidelines in subdivision (c) of Section 2857, and which may include protections for specific habitats or species, if no system that meets these specifications has already been developed.

(F) Recommendations for a preferred siting alternative for a network of MPAs that is consistent with the goals in Section 2853 and the guidelines in subdivision (c) of Section 2857.

(G) An analysis of the state's current MPAs, based on the preferred siting alternative, and recommendations as to whether any specific MPAs should be consolidated, expanded, abolished, reclassified, or managed differently so that, taken as a group, the MPAs best achieve the goals of Section 2853 and conform to the guidelines in subdivision (c) of Section 2857.

(H) Recommendations for monitoring, research, and evaluation in selected areas of the preferred alternative, including existing and long-established MPAs, to assist in adaptive management of the MPA network, taking into account existing and planned research and evaluation efforts.

(I) Recommendations for management and enforcement measures for the preferred alternative that apply systemwide or to specific types of sites and that would achieve the goals of this chapter.

(J) Recommendations for improving the effectiveness of enforcement practices, including, to the extent practicable, the increased use of advanced technology surveillance systems.

(K) Recommendations for funding sources to ensure all MPA management activities are carried out and the Marine Life Protection Program is implemented.

(b) The team shall, as necessary, identify and define additional appropriate components of the master plan as soon as possible after enactment of this section.

2857. Department to Convene Workshops

(a) On or before July 1, 2001, the department shall convene, in each biogeographical region and to the extent practicable near major working harbors, siting workshops, composed of interested parties, to review the alternatives for MPA networks and to provide advice on a preferred siting alternative. The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency with the goals of Section 2853 and guidelines in subdivision (c) of this section.

(b) The preferred alternative may include MPAs that will achieve either or both of the following objectives:

(1) Protection of habitat by prohibiting potentially damaging fishing practices or other activities that upset the natural ecological functions of the area.

(2) Enhancement of a particular species or group of species, by prohibiting or restricting fishing for that species or group within the MPA boundary.

(c) The preferred siting alternative shall include MPA networks with an improved marine life reserve component, and shall be designed according to each of the following guidelines:

(1) Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter.

(2) Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.

(3) Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.

(4) Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided.

(5) The MPA network and individual MPAs shall be of adequate size, number, type of protection, and location to ensure that each MPA meets its objectives and that the network as a whole meets the goals and guidelines of this chapter.

(d) The department and team, in developing the preferred siting alternative, shall take into account the existence and location of commercial kelp beds.

(e) The department and team may provide recommendations for phasing in the new MPAs in the preferred siting alternative.

2858. Peer Review of Scientific Basis for Master Plan

The department shall establish a process for external peer review of the scientific basis for the master plan prepared pursuant to Section 2855. The peer review process may be based, to the extent practicable, on the peer review process described in Section 7062.

2859. Draft of Master Plan: Due Date and Review

(a) On or before January 1, 2005, the department shall submit to the commission a draft of the master plan prepared pursuant to this chapter.

(b) On or before April 1, 2005, after public review, not less than three public meetings, and appropriate modifications of the draft plan, the department shall submit a proposed final master plan to the commission. On or before December 1, 2005, the commission shall adopt a final master plan and a Marine Life Protection Program with regulations based on the plan and shall implement the program, to the extent funds are available. The commission's

adoption of the plan and a program based on the plan shall not trigger an additional review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) The commission shall hold at least two public hearings on the master plan and the Marine Life Protection Program prior to adopting the plan and program. The commission may adopt the plan and the program immediately following the second public hearing or at any duly noticed subsequent meeting.

(d) Upon the commission's adoption of the program, the commission shall submit the master plan and program description, including marine life reserve and other MPA designations, to the Joint Committee on Fisheries and Aquaculture for review and comment. Upon receipt of the plan, the joint committee shall have 60 days to review the plan and to submit written recommendations to the commission regarding the plan and program. The joint committee shall only submit a recommendation to the commission if a majority of the members agree to that recommendation. The commission shall consider all recommendations submitted by the joint committee, and may amend the program to incorporate the recommendations. If the commission does not incorporate any recommendations submitted by the joint committee, the commission shall set forth, in writing, its reasons for not incorporating that recommendation.

2860. Regulation of Commercial and Recreational Fishing or Taking of Marine Species in MPAs; Requirements of Adoption of New MPA

(a) The commission may regulate commercial and recreational fishing and any other taking of marine species in MPAs.

(b) Notwithstanding any other provision of this code, the taking of a marine species in a marine life reserve is prohibited for any purpose, including recreational and commercial fishing, except that the commission may authorize the taking of a marine species for scientific purposes, consistent with the purposes of this chapter, under a scientific collecting permit issued by the department.

2861. Review of Petitions to Add, Delete or Modify MPAs

(a) The commission shall, annually until the master plan is adopted and thereafter at least every three years, receive, consider, and promptly act upon petitions from any interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of this chapter.

(b) Prior to the adoption of a new MPA or the modification of an existing MPA that would make inoperative a statute, the commission shall provide a copy of the proposed MPA to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature.

(c) Nothing in this chapter restricts any existing authority of the department or the commission to make changes to improve the management or design of existing MPAs or designate new MPAs prior to the completion of the master plan. The commission may abbreviate the master plan process to account for equivalent activities that have taken place before enactment of this chapter, providing that those activities are consistent with this chapter.

2862. Adverse Impacts in Analysis of Projects

The department, in evaluating proposed projects with potential adverse impacts on marine life and habitat in MPAs, shall highlight those impacts in its analysis and comments related to the project and shall recommend measures to avoid or fully mitigate any impacts that are inconsistent with the goals and guidelines of this chapter or the objectives of the MPA.

2863. Department to Confer with U.S. Navy

The department shall confer as necessary with the United States Navy regarding issues related to its activities.

Appendix B. The Marine Managed Areas Improvement Act (MMAIA)

PUBLIC RESOURCES CODE SECTION 36700-36900

36600. This chapter shall be known, and may be cited, as the Marine Managed Areas Improvement Act.

36601. (a) The Legislature finds and declares all of the following:

(1) California's extraordinary ocean and coastal resources provide a vital asset to the state and nation. These resources are important to public health and well-being, ecological health, and ocean-dependent industries.

(2) The ocean ecosystem is inextricably connected to the land, with coastal development, water pollution, and other human activities threatening the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate.

(3) California's marine managed areas (MMAs), such as refuges, reserves, and state reserves, are one of many tools for resource managers to use for protecting, conserving, and managing the state's valuable marine resources. MMAs can offer many benefits, including protecting habitats, species, cultural resources, and water quality; enhancing recreational opportunities; and contributing to the economy through such things as increased tourism and property values. MMAs may also benefit fisheries management by protecting representative habitats and reducing extractive uses.

(4) The array of state MMAs in California is the result of over 50 years of designations through legislative, administrative, and statewide ballot initiative actions, which has led to 18 classifications and subclassifications of these areas.

(5) A State Interagency Marine Managed Areas Workgroup was convened by the Resources Agency to address this issue, bringing together for the first time all of the state agencies with jurisdiction over these areas. This group's report indicates that California's state MMAs have evolved on a case-by-case basis, without conforming to any plan for establishing MMAs in the most effective way or in a manner which ensures that the most representative or unique areas of the ocean and coastal environment are included.

(6) The report further states that California's MMAs do not comprise an organized system, as the individual sites are not designated, classified, or managed in a systematic manner. Many of these areas lack clearly defined purposes, effective management measures, and enforcement.

(7) To some, this array of MMAs creates the illusion of a comprehensive system of management, while in reality, it falls short of its potential to protect, conserve, and manage natural, cultural, and recreational resources along the California coast. Without a properly designed and coordinated system of MMAs, it is difficult for agencies to meet management objectives, such as maintaining biodiversity, providing education and outreach, and protecting marine resources.

(8) Agency personnel and the public are often confused about the laws, rules, and regulations that apply to MMAs, especially those adjacent to a terrestrial area set aside for

management purposes. Lack of clarity about the manner in which the set of laws, rules, and regulations for the array of MMAs interface and complement each other limits public and resource managers' ability to understand and apply the regulatory structure.

(9) Designation of sites and subsequent adoption of regulations often occur without adequate consideration being given to overall classification goals and objectives. This has contributed to fragmented management, poor compliance with regulations, and a lack of effective enforcement.

(10) Education and outreach related to state MMAs is limited and responsibility for these activities is distributed across many state agencies. These factors hamper the distribution of information to the public regarding the benefits of MMAs and the role they can play in protecting ocean and coastal resources.

(11) There are few coordinated efforts to identify opportunities for public/private partnerships or public stewardship of MMAs or to provide access to general information and data about ocean and coastal resources within California's MMAs.

(12) Ocean and coastal scientists and managers generally know far less about the natural systems they work with than their terrestrial counterparts. Understanding natural and human-induced factors that affect ocean ecosystem health, including MMAs, is fundamental to the process of developing sound management policies.

(13) Research in California's MMAs can provide managers with a wealth of knowledge regarding habitat functions and values, species diversity, and complex physical, biological, chemical, and socioeconomic processes that affect the health of marine ecosystems. That information can be useful in determining the effectiveness of particular sites or classifications in achieving stated goals.

(b) With the single exception of state estuaries, it is the intent of the Legislature that the classifications currently available for use in the marine and estuarine environments of the state shall cease to be used and that a new classification system shall be established, with a mission, statement of objectives, clearly defined designation guidelines, specific classification goals, and a more scientifically-based process for designating sites and determining their effectiveness. The existing classifications may continue to be used for the terrestrial and freshwater environments of the state.

(c) Due to the interrelationship between land and sea, benefits can be gained from siting a portion of the state's marine managed areas adjacent to, or in close proximity to, terrestrial protected areas. To maximize the benefits that can be gained from having connected protected areas, whenever an MMA is adjacent to a terrestrial protected area, the managing agencies shall coordinate their activities to the greatest extent possible to achieve the objectives of both areas.

36602. The following definitions govern the construction of this chapter:

(a) "Committee" is the State Interagency Coordinating Committee established pursuant to Section 36800.

(b) "Designating entity" is the Fish and Game Commission, State Park and Recreation Commission, or State Water Resources Control Board, each of which has the authority to designate specified state marine managed areas.

(c) "Managing agency" is the Department of Fish and Game or the Department of Parks and Recreation, each of which has the authority to manage specified state marine managed areas.

(d) "Marine managed area" (MMA) is a named, discrete geographic marine or estuarine area along the California coast designated by law or administrative action, and intended to protect, conserve, or otherwise manage a variety of resources and their uses. The resources and uses

may include, but are not limited to, living marine resources and their habitats, scenic views, water quality, recreational values, and cultural or geological resources. General areas that are administratively established for recreational or commercial fishing restrictions, such as seasonal or geographic closures or size limits, are not included in this definition. MMAs include the following classifications:

- (1) State marine reserve, as defined in subdivision (a) of Section 36700.
 - (2) State marine park, as defined in subdivision (b) of Section 36700.
 - (3) State marine conservation area, as defined in subdivision (c) of Section 36700.
 - (4) State marine cultural preservation area, as defined in subdivision (d) of Section 36700.
 - (5) State marine recreational management area, as defined in subdivision (e) of Section 36700.
 - (6) State water quality protection areas, as defined in subdivision (f) of Section 36700.
- (e) "Marine protected area" (MPA), consistent with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) is a named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law or administrative action to protect or conserve marine life and habitat. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs). MPAs include the following classifications:
- (1) State marine reserve, as defined in subdivision (a) of Section 36700.
 - (2) State marine park, as defined in subdivision (b) of Section 36700.
 - (3) State marine conservation area, as defined in subdivision (c) of Section 36700.

36620. The mission of the state MMA system is to ensure the long-term ecological viability and biological productivity of marine and estuarine ecosystems and to preserve cultural resources in the coastal sea, in recognition of their intrinsic value and for the benefit of current and future generations. In support of this mission, the Legislature finds and declares that there is a need to reexamine and redesign California's array of MMAs, to establish and manage a system using science and clear public policy directives to achieve all of the following objectives:

- (a) Conserve representative or outstanding examples of marine and estuarine habitats, biodiversity, ecosystems, and significant natural and cultural features or sites.
- (b) Support and promote marine and estuarine research, education, and science-based management.
- (c) Help ensure sustainable uses of marine and estuarine resources.
- (d) Provide and enhance opportunities for public enjoyment of natural and cultural marine and estuarine resources.

36700. Six classifications for designating managed areas in the marine and estuarine environments are hereby established as described in this section, to become effective January 1, 2002. Where the term "marine" is used, it refers to both marine and estuarine areas. A geographic area may be designated under more than one classification.

- (a) A "state marine reserve" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:
- (1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.
 - (2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(3) Protect or restore diverse marine gene pools.

(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(b) A "state marine park" is a nonterrestrial marine or estuarine area that is designated so the managing agency may provide opportunities for spiritual, scientific, educational, and recreational opportunities, as well as one or more of the following:

(1) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(2) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding representative or imperiled marine habitats or ecosystems.

(3) Preserve cultural objects of historical, archaeological, and scientific interest in marine areas.

(4) Preserve outstanding or unique geological features.

(c) A "state marine conservation area" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

(1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.

(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(3) Protect or restore diverse marine gene pools.

(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(5) Preserve outstanding or unique geological features.

(6) Provide for sustainable living marine resource harvest.

(d) A "state marine cultural preservation area" is a nonterrestrial marine or estuarine area designated so the managing agency may preserve cultural objects or sites of historical, archaeological, or scientific interest in marine areas.

(e) A "state marine recreational management area" is a nonterrestrial marine or estuarine area designated so the managing agency may provide, limit, or restrict recreational opportunities to meet other than exclusively local needs while preserving basic resource values for present and future generations.

(f) A "state water quality protection area" is a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by the State Water Resources Control Board through its water quality control planning process. "Areas of special biological significance" are a subset of state water quality protection areas, and require special protection as determined by the State Water Resources Control Board pursuant to the California Ocean Plan adopted and reviewed pursuant to Article 4 (commencing with Section 13160) of Chapter 3 of Division 7 of the Water Code and pursuant to the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (California Thermal Plan) adopted by the state board.

36710. (a) In a state marine reserve, it is unlawful to injure, damage, take, or possess any living geological, or cultural marine resource, except under a permit or specific authorization

from the managing agency for research, restoration, or monitoring purposes. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state. Access and use for activities including, but not limited to, walking, swimming, boating, and diving may be restricted to protect marine resources. Research, restoration, and monitoring may be permitted by the managing agency. Educational activities and other forms of nonconsumptive human use may be permitted by the designating entity or managing agency in a manner consistent with the protection of all marine resources.

(b) In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial exploitation purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the designating entity or managing agency. All other uses are allowed, including scientific collection with a permit, research, monitoring, and public recreation, including recreational harvest, unless otherwise restricted. Public use, enjoyment, and education are encouraged, in a manner consistent with protecting resource values.

(c) In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes, that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The designating entity or managing agency may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources.

(d) In a state marine cultural preservation area, it is unlawful to damage, take, or possess any cultural marine resource. Complete integrity of the cultural resources shall be sought, and no structure or improvements that conflict with that integrity shall be permitted. No other use is restricted.

(e) In a state marine recreational management area, it is unlawful to perform any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted.

(f) In a state water quality protection area, point source waste and thermal discharges shall be prohibited or limited by special conditions. Nonpoint source pollution shall be controlled to the extent practicable. No other use is restricted.

36711. The classifications contained in Section 36710 may not be inconsistent with United States military activities deemed mission critical by the United States military.

36725. (a) The Fish and Game Commission may designate, delete, or modify state marine recreational management areas established by the commission for hunting purposes, state marine reserves, and state marine conservation areas. The Fish and Game Commission shall consult with, and secure concurrence from, the State Park and Recreation Commission prior to modifying or deleting state marine reserves and state marine conservation areas designated by the State Park and Recreation Commission. The Fish and Game Commission shall not delete or modify state marine recreational management areas designated by the State Park and Recreation Commission.

(b) The State Park and Recreation Commission may designate, delete, or modify state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. The State Park and Recreation Commission may not designate, delete, or modify a state marine reserve, state marine park, or state marine conservation area without the concurrence of the Fish and Game Commission on any proposed restrictions upon, or change in, the use of living marine resources.

(c) If an unresolved conflict exists between the Fish and Game Commission and the State Park and Recreation Commission regarding a state marine reserve, state marine park, or state marine conservation area, the Secretary of the Resources Agency may reconcile the conflict.

(d) The State Water Resources Control Board may designate, delete, or modify state water quality protection areas.

(e) The Fish and Game Commission, State Park and Recreation Commission, and State Water Resources Control Board each may restrict or prohibit recreational uses and other human activities in the MMAs for the benefit of the resources therein, except in the case of restrictions on the use of living marine resources. Pursuant to this section, and consistent with Section 2860 of the Fish and Game Code, the Fish and Game Commission may regulate commercial and recreational fishing and any other taking of marine species in MMAs.

(f) (1) The Department of Fish and Game may manage state marine reserves, state marine conservation areas, state marine recreational management areas established for hunting purposes and, if requested by the State Water Resources Control Board, state water quality protection areas.

(2) The Department of Parks and Recreation may manage state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. Department authority over units within the state park system shall extend to units of the state MMAs system that are managed by the department.

(3) The State Water Resources Control Board and the California regional water quality control boards may take appropriate actions to protect state water quality protection areas. The State Water Resources Control Board may request the Department of Fish and Game or the Department of Parks and Recreation to take appropriate management action.

36750. Any MMA in existence on January 1, 2002, that has not been reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code), shall be reclassified under the classification system described in Section 36700 by January 1, 2003, based upon the management purpose and level of resource protection at each site on January 1, 2002. Upon the reclassification of existing sites, but no later than January 1, 2003, the use of all other classifications shall cease for the marine and estuarine environments of the state, though the classifications may continue to be used for the terrestrial and freshwater environments where applicable. The reclassification process shall be the responsibility of the State Interagency Coordinating Committee established pursuant to Section 36800, and shall occur to the extent feasible in conjunction and consistent with the MMA master planning process created pursuant to the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code).

36800. The Secretary of the Resources Agency shall establish and chair the State Interagency Coordinating Committee, whose members are representatives from those state agencies,

departments, boards, commissions, and conservancies with jurisdiction or management interests over marine managed areas, including, but not limited to, the Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board, and State Lands Commission. The Secretary of the Resources Agency shall designate additional members of the committee. The committee shall review proposals for new or amended MMAs to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other such designations in the state. The committee shall also serve to ensure the proper and timely routing of site proposals, review any proposed site-specific regulations for consistency with the state system as a whole, and conduct periodic reviews of the statewide system to evaluate whether it is meeting the mission and statement of objectives.

36850. Designation guidelines based on the classification goals adopted for the state system of MMAs shall be developed jointly by the appropriate managing agencies in cooperation with the committee on or before January 1, 2002. These guidelines shall be used to provide a general sense of requirements for designating a site in any particular classification, and may include characteristics such as uniqueness of the area or resource, biological productivity, special habitats, cultural or recreational values, and human impacts to the area. These designation guidelines shall be provided on a standard set of instructions for each classification.

36870. On or before January 1, 2002, the committee shall establish a standard set of instructions for each classification to guide organizations and individuals in submitting proposals for designating specific sites or networks of sites. On or before January 1, 2003, the relevant site proposal guidelines shall be adopted by each designating entity.

(a) At a minimum, each proposal shall include the following elements for consideration for designation as an MMA:

- (1) Name of individual or organization proposing the designation.
- (2) Contact information for the individual or organization, including contact person.
- (3) Proposed classification.
- (4) Proposed site name.
- (5) Site location.
- (6) Need, purpose, and goals for the site.
- (7) Justification for the manner in which the proposed site meets the designation criteria for the proposed classification.
- (8) A general description of the proposed site's pertinent biological, geological, and cultural resources.
- (9) A general description of the proposed site's existing recreational uses, including fishing, diving, boating, and waterfowl hunting.

(b) The following elements, if not included in the original proposal, shall be added by the proposed managing agency in cooperation with the individual or organization making the proposal, prior to a final decision regarding designation:

- (1) A legal description of the site boundaries and a boundary map.
- (2) A more detailed description of the proposed site's pertinent biological, geological, cultural, and recreational resources.
- (3) Estimated funding needs and proposed source of funds.
- (4) A plan for meeting enforcement needs, including on-site staffing and equipment.

- (5) A plan for evaluating the effectiveness of the site in achieving stated goals.
- (6) Intended educational and research programs.
- (7) Estimated economic impacts of the site, both positive and negative.
- (8) Proposed mechanisms for coordinating existing regulatory and management authority, if any exists, within the area.
- (9) An evaluation of the opportunities for cooperative state, federal, and local management, where the opportunities may exist.

36900. Individuals or organizations may submit a proposal to designate an MMA directly through the committee or an appropriate designating entity. Proposals submitted to a designating entity shall be forwarded to the committee to initiate the review process. Proposals for designating, deleting, or modifying MMAs may be submitted to the committee or a designating entity at any time. The committee and scientific review panel established pursuant to subdivision (b) shall annually consider and promptly act upon proposals until an MPA master plan is adopted pursuant to subdivision (b) of Section 2859 of the Fish and Game Code, and thereafter, no less than once every three years. Upon adoption of a statewide MPA plan, subsequent site proposals determined by the committee to be consistent with that plan shall be eligible for a simplified and cursory review of not more than 45 days.

(a) The committee shall review proposals to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other designations of that type in the state. After initial review by the coordinating committee and appropriate agencies, the proposal shall be forwarded to a scientific review panel established pursuant to subdivision (b).

(b) The Secretary of the Resources Agency shall establish a scientific review panel, with statewide representation and direction from the committee, to evaluate proposals for technical and scientific validity, including consideration of such things as site design criteria, location, and size. This panel, to the extent practical, shall be the same as the master plan team used in the process set forth in the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code). Members shall maintain familiarity with the types and effectiveness of MMAs used in other parts of the world for potential application to California. Members shall be reimbursed reasonable costs to participate in the activities of the panel. Where feasible, advice shall be sought from the appropriate federal agencies and existing regional or statewide marine research panels and advisory groups. After review by the scientific review panel, the committee shall forward the proposal and any recommendations to the appropriate designating entity for a public review process.

(c) Designating entities shall establish a process that provides for public review and comment in writing and through workshops or hearings, consistent with the legal mandates applicable to designating entities. All input provided by the committee and scientific review panel shall be made available to the public during this process. Outreach shall be made to the broadest ocean and coastal constituency possible, and shall include commercial and sport fishing groups, conservation organizations, waterfowl groups and other recreational interests, academia, the general public, and all levels of government.

(d) This process does not replace the need to obtain the appropriate permits or reviews of other government agencies with jurisdiction or permitting authority.

(e) Nothing in this section shall be construed as altering or impeding the process identified under the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) or the actions of the master plan team described in that act.

Appendix C. Implementation of the Marine Life Protection Act: 1999-2004

In April 2001 a general informational two-page letter was mailed to approximately 7,000 constituents. The letter provided information about the MLPA process and asked for initial recommendations about the effectiveness of existing MPAs, possible modifications of existing MPAs, and possible additional MPAs. About half of the letters were sent to commercial fishers, for which the Department of Fish and Game (Department) maintains a comprehensive mailing list. However, at the time Department did not have an adequate mailing list for recreational anglers and other members of the public, and many constituents did not become aware of the MLPA process, in particular the July 2001 public workshops, until during or after July.

In April 2001 supplementary letters were included with the informational letters and sent to commercial fishers as well as those recreational fishing constituents in our data base at the time. This included all commercial passenger fishing vessel (CPFV) landings and the primary recreational diving and angling organizations (including CenCal Divers and United Anglers representatives). These letters contained Department fishing block maps (numbered 10 x 10 square mile areas partially or entirely within state waters) and requested informational on areas of primary use, with the intention of using this information to help reduce potential socioeconomic impacts from recommended MPAs.

Approximately 215 responses were received during the next several months. These were of limited value to the Master Plan Team; many of the Department block maps indicated all blocks were important within a region.

Initial Draft Concepts, which identified areas the Master Plan Team thought worthy of consideration as MPAs, were developed during January to July 2001 by the Master Plan Team. They were primarily based on the recommendations of the Master Plan Team scientists. Although fishery data were considered, there was little input from constituent user groups nor was there any initial socioeconomic analysis. The team realized that the proposals would generate controversy but it was felt that the Initial Draft Concepts would serve as a starting point from which to consider public input on potential negative impacts to users. The team stated at all public workshops in July 2001 that these proposals would be revised based on public input.

Each of the four initial draft concepts was made available on Department's MLPA website, and at Department Marine Region offices, during June-July 2001, approximately two weeks before the scheduled workshops for a particular region.

The draft concepts for the four regions differed because each region is characterized by differences in environmental conditions, the status of marine populations and ecosystems, the levels of historical and on-going extraction and human use; and the extent of existing MPAs. No predetermined percentage of state waters was designated for any form of protection in any of the regions.

To meet the MLPA goals, the MLPA Master Plan Team employed the following criteria in developing the draft concepts for regional networks of MPAs for California. Design elements

included MPA location, shape, size, number, association with existing MPAs and other area-based regulations. The criteria are organized into three categories: 1) habitat; 2) size and spacing; and 3) practicality.

As stated previously, the team presented the initial draft concepts to the public at ten workshops throughout the state. An informational two-page notice was mailed to the same list of approximately 7,000 constituents in mid-June, provided to the press, and made available at Marine Region offices and on the MLPA website. In all, approximately 2,500 people attended the workshops.

The informal phase of public comment for the MLPA process was an extensive one and began with the mass mailing of the previously mentioned informational letter in mid-April 2001. From then until mid-June 2001, when the first initial draft concept (North Central Region) became available to the public, approximately 340 comments were received, primarily via letter and email. Of these approximately 215 were related to the supplementary informational letters and contained the Department block maps. Understandably, most comments were of a general nature but varied substantially in content.

Between mid-June and mid-November approximately 2,915 additional comments were received, including the following subsets: 400 individual letters, 235 form letters, 235 emails, 1,215 form emails, 420 form faxes, and 370 form postcards. It would serve no purpose to quantify these comments as for or against MPAs in general, or with the many subtle variations of compromises in between.

All comments were distributed to appropriate team members for their consideration. If comments applied only to a specific region they were sent only to the regional Master Plan Team members and to the three state agency members on the team. Although most comments were received and distributed, in general individuals did not receive acknowledgment or response. Exceptions included letters sent to the Governor or the Director of Fish and Game and subsequently forwarded to the South Central region coordinator for response.

After the July public workshops it became apparent to the team that additional venues were necessary for public input into the MLPA process. From late August to December 2001, team members within each region conducted small group meetings with constituent representatives to discuss concerns with the process and with the Initial Draft Concepts. Constituent groups were contacted based on input from Department, team members, and the constituents themselves, who often requested a meeting. An attempt was made to reach every major constituent group within each region. More than 60 individual small group meetings were held in areas throughout the state.

Regional coordinators were responsible for providing a summary of each meeting to all team members. These summaries were eventually placed on the MLPA website for public review. Many useful suggestions were made, including alternative sites and modification of existing sites, either in proposed boundaries and/or regulations. Areas were identified that would create a significant negative socioeconomic impact on users if designated as MPAs.

In October 2001, AB1673 extended by one year the deadline by which Department must present a proposed final master plan to the Fish and Game Commission. The deadline became April 1, 2003 with a final adoption date of July 1, 2003.

Then Department of Fish and Game Director Robert Hight formally announced a change in direction for the MLPA process at a legislative hearing in January 2002. The process included the formation of seven regional working groups, two in southern California, two in south-central California, one in north-central California, and two in northern California. In addition to stakeholder representatives, each group had a DFG representative, one or more Master Plan Team scientists, DFG geographic information systems (GIS) support, and a professional facilitator. The groups were intended to work towards a set of marine protected area proposals for their region. Additionally, four more DFG staff were redirected to assist with the regional working group process.

Between February and April 2002, Department MLPA staff solicited nominations for the seven working groups. In April 2002 Director Hight formally appointed approximately 150 working group members in seven regions to the MLPA process. At the same time, Department developed a web site dedicated to the MLPA process. In June 2002 Department completed an initial evaluation of existing state MPAs. These evaluations were provided to all MLPA working group members as background material for their deliberations.

A series of three initial working group meetings occurred in July of 2002, each with a professional facilitator, to begin the revised MLPA process. These initial meetings served as an orientation to the new process. Each of the seven groups then met separately two times between September 2002 and January 2003.

In September 2002, AB892 further extended the deadline by which Department must present a proposed final master plan to the Fish and Game Commission. The deadline then became January 1, 2005 with a final adoption date of December 2005.

In February 2003 a socio-economic workshop was held in Santa Cruz to begin discussions of how to incorporate socio-economic data into the MLPA process.

Between March 2003 and January 2004 the working group process was placed on an informal hold, as Department tried to secure funding adequate to support the process through completion. In January 2004 this pause became permanent and discussions of alternative processes began.

Past Funding of MLPA Activities

Funding Directly Related to the MLPA

- *June 2000:* The David and Lucile Packard Foundation provided a grant of \$49,460 to the National Fish and Wildlife Foundation for implementation of the MLPA, mostly travel and per diem costs for scientists attending meetings of the Master Plan Team. This funding was matched by Coastal Impact Assessment Program (CIAP) funds described more fully below. The combined funds supported a graduate student assistant to the

Master Plan Team, development and maintenance of a web page for public information, and public meetings.

- *2000*: The California State Legislature appropriated and the Governor approved \$2 million for implementation of the Marine Life Management Act and the MLPA. Most of this funding was expended on implementing the MLMA, although some funding provided staff support to the Master Plan Team.
- *2001-2002*: The Resources Agency provided \$372,000 in federal CIAP funds to the Department of Fish and Game for MLPA implementation. This funding was directed to support of the public process and for GIS support. It is expected that the GIS support funds will be used in the 2005-2006 fiscal year.
- *2003*: The Resources Agency provided \$379,000 in federal CIAP funds for biological and socioeconomic research managed by California Sea Grant in support of implementation of the MLPA. It is expected that funds will be dispersed to specific projects early in 2005.
- *2003*: The California State Legislature appropriated and the Governor approved \$800,000 for fiscal year 2004 implementation of the MLPA. These funds, however, were not sufficient to fully fund the process without significant match from outside sources. Additionally, the funds would have required an equal reduction in funding from other important programs. The final 2003 budget did not include this funding.
- *2004*: The California State Legislature appropriated and the Governor approved \$500,000 for MLPA implementation in fiscal year 2005 and a continuing annual appropriation for following years. Private foundations assembled \$7.5 million in funding through 2006.

Related Funding

Since 1997, the Department of Fish and Game and several programs in the National Oceanic and Atmospheric Administration have provided nearly \$2 million in funding for strategic habitat mapping in certain areas along the coast. Department has provided ongoing staff support through general funds and Federal Sport Fish Restoration Act grant funding of staff positions to the MLPA process. Department and several partner groups have provided support for ongoing research and monitoring in existing MPAs to help provide the scientific knowledge necessary for the MLPA.

Appendix D. Strategy for Stakeholder and Interested Public Participation

The success of the Marine Life Protection Act Initiative depends to a significant degree on meaningful public and stakeholder input into the work of the MLPA Blue Ribbon Task Force and Master Plan Science Advisory Team in developing the draft Master Plan Framework and implementing the Central Coast MLPA Project.

This strategy represents the suggestions of staff, task force members and stakeholders on ways to ensure quality public and stakeholder participation in developing the recommendations the task force delivers to the California Department of Fish and Game.

Strategies described in this document and recommended to be utilized by the MLPA Blue Ribbon Task Force through the MLPA Initiative are:

- Interested Public
 - Open meetings
 - Public comment at each meeting
 - Written public comment on draft documents
 - Responsive decision-making
 - Effective web technologies

- Stakeholders
 - Stakeholder panel presentations at task force meetings
 - Statewide interests group
 - Central coast stakeholder group
 - Roundtable discussions
 - Study tours and field trips
 - Stakeholder-hosted meetings
 - Joint fact finding
 - Local community profiles
 - Educational workshops
 - Plan for stakeholder involvement published on MLPA website

Background

Creating a collaborative, mutually beneficial relationship with stakeholders is essential to the success of any project, including the MLPA Initiative. Collaborative relationships with stakeholders can increase stability in a complex environment and expand capacity rather than diminish it under changing circumstances. Collaboration with stakeholders allows us the opportunity to deepen mutual understanding about the issues at hand, explore and integrate ideas together, generate new options and solutions that may not have been considered individually, identify and resolve areas of conflict, and ensure the long-term availability of resources to achieve mutual goals.

In recognition of these benefits, the focus of this strategy is on building a robust network of positive, mutually reinforcing stakeholder relationships and interested public involvement. This network of relationships will help ensure the success of the MLPA Initiative, and also creates an evolving structure within which the long-term goal of creating a more cohesive system of MPAs along the California coast can be achieved.

A network of relationships is supported by the Marine Life Protection Act (MLPA), which emphasizes involving affected parties, including commercial fishing interests, recreational users, conservationists, scientists and others, in developing and evaluating management proposals for marine resources. As intended by this legislation, the structure of the MLPA Initiative provides for local communities and stakeholders to share relevant knowledge, information and suggestions on statewide and regional proposals, including firsthand observations, socioeconomic information, and suggestions for monitoring, evaluation and stewardship of marine protected areas. The MLPA Blue Ribbon Task Force (Task Force), appointed by the Secretary for Resources, is fulfilling this legislative intent through a variety of strategies designed to provide opportunities for the interested public and stakeholders to positively contribute to the proposals developed by the Task Force.

There are two general categories of strategies described in this document which differentiate between “the interested public” and “stakeholders.”

- The interested public strategies are those that any person, on their own initiative, can avail themselves of, to follow and provide input into the work of different groups and individuals (i.e., Task Force, Master Plan Science Advisory Team).
- Stakeholder strategies are those that will solicit the views of and involve those with a direct interest in the marine environment.

Stakeholders Defined

Stakeholders can be defined as “individuals or organizations who stand to gain or lose from the success or failure of a system” (Nuseibeh and Easterbrook, 2000). For a system of MPAs, this can include designers of the system, resource managers, coastal tourism businesses, and users of marine resources, such as fishers, divers, kayakers, researchers, underwater photographers, and boaters.

Since stakeholders are those who are impacted by or have an impact on a system of MPAs, their perspectives need to be taken into account in order for the system to ultimately be successful. Stakeholders can have positive or negative views regarding a given product or action, and often don’t agree with one another, sometimes making it a challenge to reconcile their varied viewpoints.

In a user-centered process, special emphasis is placed on *one* type of stakeholder—the users of the system—arguing that user experience needs to be carefully crafted to satisfy user needs. Understanding user needs and goals is certainly *necessary*, but it will not be *sufficient* for producing a successful design of MPAs. In addition to an understanding of user needs and perspective, designing a system of MPAs needs to incorporate sound science and effective management principles, as well as the needs and desires of the general public.

Interested Public Participation

Throughout the MLPA Initiative, the general public has had, and will continue to have, regular and frequent opportunities to observe and comment on the work of the Task Force and the Master Plan Science Advisory Team (SAT). As described in the memorandum of understanding among the California Resources Agency, Department of Fish and Game and Resources Legacy Fund Foundation, the proceedings of the Task Force and SAT will be transparent to the public.

Open meetings

All meetings of the Task Force, SAT and regional stakeholder group where a majority of the members is scheduled to attend will be noticed in advance and open to the public. Meeting agendas and supporting materials will be available in advance for public review, using standard message dissemination techniques such as the Internet, email, list servers, occasional mailings and other methods on special request. Depending on the technology used at each meeting, written meeting summaries and audio and/or video recordings will be available.

Public comment at meetings

The agenda of each Task Force meeting will include the opportunity for public comments on actions to be taken by the task force, as well as a public comment period for any subject related to the MLPA Initiative. The points made will be briefly identified in the written meeting summaries.

Written public comment

The public may direct written comments to the Task Force in response to any materials made publicly available supporting the work of the Task Force, especially key documents being considered for adoption by the task force. Written comments received will be made available to the public.

Web technologies

The Task Force will enhance the MLPA Initiative website, www.dfg.ca.gov/mrd/mlpa, to include functions such as a list server and a simultaneous webcast of meetings. These and other types of functions will be implemented to the extent that the manageability and cost of these technologies is not prohibitive.

Responsive decision making

The Task Force and SAT will consider public comments and questions while developing final versions of key documents and will make an effort to articulate the ways in which comments received were reflected in decisions made or the reasons they were not, recognizing that they may not be able to respond specifically to each comment submitted.

Stakeholder Participation

The principal focus of improving stakeholder involvement in marine management and conservation draws upon years of planning and meetings with stakeholders. These strategies go beyond the traditional methods of interested public observation and comment to foster

direct and useful communication among those with a direct stake in our coastal and marine resources and those developing the draft Master Plan Framework and Central Coast MLPA Project.

Stakeholder Panels

At Task Force meetings, panels of approximately four to six stakeholders will be asked to provide their perspectives on a question or issue posed in advance of the meeting. The purpose is to encourage a cross-section of stakeholders to engage in dialogue with one another and with the Task Force and to offer recommendations or other points of consideration on an issue to be discussed by the task force at that meeting. Speakers will be selected based on expertise by the executive director and steering committee, in consultation with the MLPA Statewide Interests Group (see below).

Statewide Interests Group

This group will include representatives of key constituent groups throughout the state, to serve as an additional mechanism for two-way communication between the Task Force and its stakeholders about the approach and activities of the MLPA Initiative and about policy issues of statewide concern. This group will meet via facilitated conference call and will be convened by the chair of the Task Force or the executive director as necessary or desired, but generally about ten days after each Task Force meeting. The group will provide feedback on the previous Task Force meeting, respond to specific questions posed by the chair or executive director, and recommend panel speakers and subject matter for upcoming Task Force meetings.

Central Coast Stakeholder Group

This group will include individuals from the central coast region who provide perspectives and skills that will assist the central coast project manager and other staff in developing alternative proposals for marine protected areas in the central coast study region. The director of the Department of Fish and Game and the central coast project manager will solicit nominations, and jointly select from the nominees a group whose members are capable of working together to successfully complete the project. The group will meet regularly, most often in person, over nine to twelve months to provide input to the development of the recommendations for the Central Coast MLPA Project. The size of this group will be dependent upon the size of the region being evaluated and the range of uses in the region. The types of representatives selected may include educators, resource managers, extractive users, non-extractive users, scientists, conservation interests, members of the general public and enforcement personnel, among others.

Periodic Stakeholder Roundtable Discussions

Approximately twice a year, the Task Force will host facilitated discussions with stakeholders. The discussions will be timed to provide an opportunity for stakeholders to provide meaningful input into key work products or deliverables that are being drafted and considered by either the Task Force or SAT. The objective of the discussions will be to elicit possible solutions to challenges identified by the task force or science team.

The four strategies described above involve facilitated discussions of some type. While facilitated meetings will play a prominent role in the MLPA Initiative, there are additional tools

that can foster effective stakeholder involvement and integration of useful information, particularly in the Central Coast MLPA Project.

Study Tours and Field Trips

In a study tour/field trip, a group of task force members and MLPA stakeholders gather at relevant sites to learn more about issues related to a system of marine protected areas, visit a place where marine protected areas already have been set up, or invite participants from such an area to California. Study tours/field trips are designed to strengthen lines of communication between the task force and its stakeholders and/or to introduce task force members who are in the middle of deciding complex matters to others who have already worked their way through similar questions in a different geographic location. To the extent possible, study tours/field trips will be held in conjunction with Task Force meetings and at additional times when at least two task force members are able to participate.

Stakeholder-Hosted Meetings

Opportunities will be created for groups of task force and/or science team members to visit with stakeholders in their communities. Through these visits, Task Force and SAT members will have a rich opportunity to learn about the unique needs of the community and how various approaches to designing and managing marine protected areas could best protect both the natural resources and the key social and economic dynamics of the area. Stakeholders are encouraged to forward ideas for constituency-hosted meetings, where Task Force and SAT members will participate to the extent feasible.

Workshops

Workshops can increase stakeholder capacity to gather information relevant to the Task Force or Central Coast MLPA Project, on topics such as marine protected area management and stewardship, objectives, enforcement, monitoring and management of fisheries, or the methods and limitations of social science research. Workshops can also be a very effective method for local stakeholders to provide information and suggestions to the Task Force. Workshops will be held periodically as subject matter dictates or the need arises.

Joint Fact-Finding

Unlike the traditional coastal management process, joint fact-finding begins with collaboratively developing a common set of issues and questions. While the research itself most often is conducted by experts, defining the research objectives, agreeing on an approach (and on who conducts the research), and analyzing the resulting information can create mutual confidence in the information base for decisions. Joint fact-finding will likely be best applied in the regional project, particularly regarding issues such as impacts and benefits of alternative MPA proposals to fisheries.

Local Community Profiles

Developing local community profiles in collaboration with members of those communities can help assess and address concerns about the potential impacts of marine protected areas on the local communities. This approach links social scientists and community members, and combines data and other information available from government, business, and civic institutions in the central coast study region, to help ensure a robust discussion and evaluation of potential impacts to local communities of a system of marine protected areas. This strategy will best be applied in the regional project.

Interviews

Selective interviews in a stakeholder's community can solicit views of those known to have thoughtful views or knowledge, but are reluctant to share them in a public setting. An interview might concern itself mostly with distilling the views of a constituent or tapping into that person's special knowledge of a fishery, an area, or other important substantive matter. The interview would be conducted by a researcher or other contractor, and the interviews would be synthesized for consideration by the Task Force and SAT. This strategy will best be applied in the regional project.

Stakeholder Participation Strategy and Flow Chart

To communicate what opportunities exist for stakeholder and interested public participation, the Task Force will publish this *Strategy for Stakeholder and Interested Public Participation* document on the MLPA Initiative website and will circulate it widely to describe the interested public and stakeholder involvement activities. In addition, the Task Force will create a timeline with the major milestones of the MLPA Initiative, showing how and at what points in time these mechanisms for involvement might occur, as well as a flow chart, illustrating the different organizations and individuals involved in the MLPA Initiative and their relationship to one another.

Literature Cited

Nuseibeh, B. and S. Easterbrook. *Requirements Engineering: A Roadmap*. Proceedings of the International Conference on Software Engineering (ICSE-2000), 4-11 June 2000, Limerick, Ireland.

Appendix E: Social Science Tools and Methods

This table contains summaries of a combination of selected social science tools and methods that can be used in research design, data collection and data analysis.

| Tool/Method | What Is It? | What Can It Be Used For? |
|--|---|---|
| Case Study Research | An in-depth investigation of issues at specific instances and locations. | To identify the attitudes, perceptions, and beliefs of most groups involved, as well as the interactions among those groups. |
| Comparative Research | A comparison of different analyses, that compares attributes, characteristics, or particular treatments across two or more situations. | Managers can compare certain characteristics of one MPA or compare the same group over time (also called "longitudinal comparison"). |
| Content Analysis | A review of interview transcripts, newspapers, books, manuscripts, Web sites, or other documents to identify underlying meanings, or qualify occurrences of key words or phrases. | To help identify patterns and trends in discussions about biological, social, and political phenomena. Also to identify patterns that depict associated attitudes, perceptions, and values. |
| Cost-Benefit Analysis | A tool for comparing the benefits of proposed projects with the costs to identify the alternative with the maximum net benefit (benefits minus costs). | To understand the social costs and benefits of the marine protected area on to stakeholders or to identify alternatives that are the most cost-effective. |
| Demographic Analysis | A tool used to study the characteristics of human populations, such as size, growth, density, and distribution. | To highlight trends in the size, distribution, and density of human populations in communities. |
| Ethnographic Research | A method for obtaining an in-depth understanding of the history, practices, values, traditions, and circumstances of the groups and surrounding resources being studied. | To help managers better understand the stakeholder groups with whom they interact. Also, to reveal cultural values and practices, helping managers identify how these values and practices affect MPA management. |
| Focus Groups | A focus group is a group interview, typically involving 8 to 12 people about a specific topic. | To identify opinions, attitudes, and perceptions about a specific idea. Focus groups can also be used to inform survey development. |
| Geographic Information System (GIS) | A compilation of hardware, software, and data that enables users to manipulate, analyze, and display geographically referenced information. | To document human use patterns, identifying culturally sensitive areas, prioritizing regions for additional public access, or highlighting demographic trends within a community. |

| Tool/Method | What Is It? | What Can It Be Used For? |
|--------------------------------|--|--|
| Historical Research | A review or analysis of past resource use and the social and population characteristics related to a particular geographic resource. A type of secondary data analysis. | To determine past social attitudes and community structure, as well as how these have changed over time. Also to identify how the attitudes, perceptions, and uses of communities and groups have evolved. |
| Interviewing | A method of eliciting answers to predetermined questions from one individual at a time. Questions can be modified to fit a given situation. | To collect detailed information from individuals which may not be available in written or published format. To provide insight into individual feelings and experiences. |
| Non-market Valuation | A method used to estimate the economic value of items that have no assignable market value, such as ecosystems and environmental services. | To estimate the value of a reef, beach, or any other resource or use that has no assignable market value. |
| Observation | An information-gathering technique based on personal observation and recording of human activities and behaviors. | To collect information about social groups, community behaviors, and resource use in normal-use situations. |
| Predictive Modeling | A technique that creates a model to simulate real-world situations to predict future conditions. | To understand possible long-term impacts of management decisions and to prevent future problems from occurring. |
| Rapid Rural Appraisal | A broad-level evaluation, usually through consultation with experts and stakeholders, that provides a general overview of the relationship between humans and natural resources. | To identify areas of concern in an MPA, such as safety issues or access issues, quickly and thoroughly. In addition, this type of broad-level evaluation can be used as a precursor to planning and can help justify decisions that need to be made quickly. |
| Secondary Data Analysis | Analysis of data that were collected by individuals other than the investigator. These data include newspapers, census data, maps, etc. | To identify or analyze characteristics of a group, populations, or issue using existing data and information. |
| Social Assessment | A method of data collection and analysis used to characterize the social environment in the area in which one manages (e.g., watershed, protected area). | To identify the principal stakeholders and to generate information about social structures, processes, and changes being produced in any given area or community. Used as a precursor to management planning. |

| Tool/Method | What Is It? | What Can It Be Used For? |
|---------------------------------|---|---|
| Social Impact Assessment | Used to predict impacts related to implementation of management resources or policy changes. | To identify how people and communities could potentially react to changes and to predict probable impacts of the implementation of rules and regulations. |
| Social Network Analysis | A method used to collect, analyze, and graphically represent data that describe patterns of communication and relationships within a community. | To identify community opinion leaders and other influential individuals, as well as those most responsible for disseminating information, and to determine how new ideas or information will spread through a community and how fast. |
| Surveys | A standardized list of questions administered by mail, telephone, Internet, or in person. | To obtain information and opinions from a representative sample of stakeholders related to specific MPA issues. |

(Adapted from NOAA Coastal Services Center, <http://www.csc.noaa.gov/mpass/tooltable.html>.)

Appendix F. Outline of Information Required for Marine Protected Area Proposals

The Marine Life Protection Act (MLPA) requires the development and evaluation of alternative proposals for marine protected areas (MPAs) in each biogeographical region. There are several sources of guidance regarding the contents and evaluation of MPA proposals:

- The MLPA
- Discussions of the Master Plan Team established under the MLPA
- Criteria developed by the State Interagency Coordinating Committee for Marine Managed Areas pursuant to the Marine Managed Areas Improvement Act
- Experience with establishing MPAs in California and elsewhere.

Distillation of this guidance will assist in developing and evaluating MPA proposals by identifying early in the process the required or desirable information, synthesis, analysis, and evaluation. The current limited capacity of state agencies to carry out all of these functions argues for encouraging the private sector to take on more of these activities. The more the information and analytical requirements of the MLPA are met by MPA proposals from the private sector, the more likely it will be that responsible agencies can carry out due diligence review of these proposals.

The proposed outline of information required for MPA proposals is based on the guidance identified above. Definition of key terms will require further discussion as part of the broader MLPA Initiative. Whether prepared by a public agency or by a private organization, a proposal should aim at addressing most, if not all, of the requirements listed below.

The outline is organized in four sections:

- A summary
- The setting
- The proposal
- Individual MPAs within the proposal

Summary

- Objectives of proposal
- How the proposal addresses the requirements of the MLPA and other relevant law

The Setting

- Description of region
 - Legal description of the boundaries of study area
 - Rationale for boundaries
 - Species or groups of species likely to benefit from MPAs [FGC §2856(a)(2)(B)] (See list of species at www.dfg.ca.gov/mrd/mlpa/guidelines.html and www.dfg.ca.gov/mrd/mlpa/table_inv.html.)
 - Distribution of these species in the region and beyond
 - Status of these species in the region and beyond
 - Representative or unique marine ecosystems in the region [FGC §2853(b)(1)]
 - Distribution of these ecosystems
 - Status of these ecosystems (principally “function” and “integrity”)

- Distribution of representative and unique habitats in the region generally, and specifically for species likely to benefit:
 - Rocky reefs
 - Intertidal zones
 - Sandy or soft ocean bottoms
 - Submerged pinnacles
 - Kelp forests
 - Submarine canyons
 - Seagrass beds
- Distribution of oceanic features that may influence target species, including currents and upwelling zones (FGC §2856[a]2[B])
- Current and anticipated distribution of human uses
 - Aquatic
 - Commercial fishing
 - Recreational fishing
 - Diving
 - Etc.
 - Terrestrial
 - Discharges
 - Recreation
 - Aesthetics
 - Other
- Current management of human activities affecting target species, ecosystems, and habitats
- Evaluation of current management of human activities affecting target species, ecosystems, and habitats in relations to the goals and objectives of the MLPA

The Proposal

- Process used to develop the proposal
 - Participants and their roles
 - Sources of information
- Gap analysis
 - Description of existing MPAs
 - Adequacy of existing management plans and funding
 - Target habitats and ecosystems entirely unrepresented or insufficiently protected by existing MPAs and other management activities
 - Target habitats and ecosystems insufficiently protected by existing MPAs and other management activities, without replicates in the region or with replicates too widely spaced
- Framework for regional MPA proposal
- Regional goals and objectives for a MPA proposal
 - Relation of goals and objectives to the MLPA generally and to resource problems and opportunities in the region specifically

- General description of preferred proposal (and alternatives)
 - Spacing of MPAs and overall level of protection
 - Proposed management measures
 - Proposed monitoring for evaluating the effectiveness of the site in achieving its goals
 - Proposed research programs
 - Proposed education programs
 - Enforcement needs and means of meeting those needs
 - Funding requirements and sources
 - Proposed mechanisms for coordinating existing regulatory and management authority
 - Opportunities for cooperative state, federal, and local management,
 - Name

- Evaluation of the proposal:
 - How does the proposal emphasize:
 - areas where habitat quality does (or potentially can) support diverse and high-density populations
 - benthic habitats and non-pelagic species
 - hard bottom as opposed to soft bottom, because fishing activities within state waters have had the greatest impact on fishes associated with hard bottom, and because soft bottom habitat is interspersed within areas containing rocky habitat
 - habitats associated with those species that are officially designated as overfished, with threatened or endangered species, and productive habitats such as kelp forests and seagrass beds
 - How does the proposal include:
 - unique habitats
 - a variety of ocean conditions such as upwelling centers, upwelling shadows, bays, estuaries, and exposed and semi-protected coastlines
 - How does the proposal address existing MPAs?
 - How does the proposal include a variety of sizes and types of MPAs that:
 - Provide enough space within individual MPAs for the movement of juveniles and adults of many species
 - Achieve beneficial ratios of edge to area
 - Help to include a variety of habitats
 - Facilitate analysis of the effects of different-sized MPAs
 - Facilitate analysis of the effects of different types of MPAs
 - Provide for biological connectivity
 - Enable the use of MPAs as reference sites to evaluate the effects of climate change and other factors on marine ecosystems, without the effects of fishing
 - Enable the use of MPAs as reference sites for fisheries management,
 - Minimize the likelihood that catastrophic events will impact all replicate MPAs within a biogeographic region
 - If an MPA is less restrictive than a reserve, how do different uses and restrictions affect achieving the objectives immediately above?

- How does the proposal use simple and easily recognizable boundaries to facilitate identification and enforcement of MPA regulations?
- Where feasible, how does the proposal locate MPAs in areas where there is onsite presence to facilitate enforcement?
- How does the proposal consider non-extractive uses, cultural resources, and existing fisheries and fishing regulations?
- How does the proposal consider proximity to ports, safe anchorage sites, and points of access, to minimize negative impacts on people and increase benefits?
- How does the proposal facilitate monitoring of MPA effectiveness by including well-studied sites, both in MPAs and unprotected areas?
- How does the proposal consider positive and negative socioeconomic consequences?
- What are the socio-economic impacts of the proposal?
 - Current uses:
 - What are the current uses of sites within the proposal that are likely to be affected?
 - What are the likely impacts of MPAs upon these uses?
 - Future uses:
 - How are current uses expected to change in response to the sites within the proposal?
 - What are the socio-economic impacts of these changes?
 - Costs and benefits:
 - What uses are likely to benefit from sites within the proposal, and how?
 - What uses are likely to suffer from MPAs, and how?
- What is the improved marine reserve component of the proposal? (FGC §2857[c])
 - Which habitat types are represented in at least one marine reserve in this biogeographical region?
 - Do reserves include habitat types and communities across different depth ranges?
 - Do reserves include habitat types and communities across different environmental conditions?
 - Is each habitat type and community represented in at least one reserve in this region?
- Which species will benefit from the proposal and how?
(See list of species at www.dfg.ca.gov/mrd/mlpa/guidelines.html and www.dfg.ca.gov/mrd/mlpa/table_inv.html.)
- How does this proposal meet the goals and guidelines of the MLPA (FGC § 2853[b]):
 - Protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems;
 - Help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted;

- Improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity;
 - Protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value;
 - Ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines;
 - Ensure that the state's MPAs are designed and managed, to the extent possible, as a network.
- Information necessary for fulfilling required CEQA alternative analysis.

Individual MPAs within the Proposal

- What are the boundaries of this MPA?
- What is the total area of the MPA?
- What is the total shoreline length of the MPA?
- Does this MPA expand upon an existing MPA?
- What is the overall goal of this MPA?
- What are the objectives that serve this goal?
- What species, populations, habitats, or ecosystem functions are of most concern in this area?
 - What are the chief threats to these features?
 - Which of these threats are amenable to management?
 - What restrictions are proposed that address these threats?
 - What additional restrictions or designations (e.g. water quality protection areas) would help address these threats?
- Many of the general design issues identified for the network apply here as well.
- What features does the site display among those identified for different types of MPAs by the State Interagency Coordinating Committee for Marine Managed Areas? (See Attachment A.)

ATTACHMENT A TO APPENDIX F

Excerpted from California State Interagency Coordinating Committee for MMAs CRITERIA FOR DESIGNATING MARINE MANAGED AREAS

Pursuant to statute, these designation criteria have been developed by the State Interagency Coordinating Committee for Marine Managed Areas to assist individuals or groups in developing site proposals. While the criteria are based on language in California law, it is not required that a site meet all of the criteria listed for a specific classification. Because different MMAs will have different goals and purposes, some of the criteria listed overlap or are mutually exclusive. All the criteria are presented here to help applicants prepare appropriate documentation. Site proposals need only address those criteria that apply to the specific site and classification being proposed (see item #6 on the application form).

[Note that the word “potential” has been added before each set of criteria in this attachment. This word has been added during development of the draft master plan framework for the MLPA Initiative and was not part of the original attachment as developed by the California State Interagency Coordinating Committee for MMAs.]

I. STATE MARINE RESERVE

A. Potential Biological Criteria

1. The proposed site will protect or restore rare, threatened, or endangered native species or habitats.
2. The proposed site will protect outstanding, representative, or imperiled marine species, communities, habitats, or ecosystems.
3. The proposed site will protect populations of one or more fish species that have been declared “overfished” by the National Marine Fisheries Service. [see www.nmfs.noaa.gov for list]
4. The proposed site will protect populations of harvested species that are of concern to state or federal fishery managers.
5. One or more habitats within the proposed site is/are designated as essential fish habitat (EFH) by the National Marine Fisheries Service. [see www.nmfs.noaa.gov for list]
6. The proposed site will protect habitat, or biological communities, populations, species or gene pools that are under-represented or not replicated in the existing network of state marine managed areas.
7. The proposed site will protect connections between geographic areas and/or habitat types, including estuarine and marine, wetland and intertidal, intertidal and subtidal, and deep and shallow water.
8. The proposed site is biologically highly productive.

9. The proposed site contains multiple habitat types.
10. The proposed site has historically received relatively heavy fishing effort, it is likely that some populations of fished species are locally depleted, and populations of fished species are expected to rebound if protected.

B. Potential Socio-Economic Criteria

1. The proposed site currently or potentially provides public access, consistent with resource protection goals.
2. The proposed site currently or potentially provides educational and interpretive activities for the public.
3. The proposed site has historically received relatively little fishing effort.
4. Designation of the proposed site is not likely to have a significant negative socio-economic impact on those who have traditionally used the area.
5. Designation of the proposed site is likely to have a positive socio-economic impact.
6. The proposed site is bordered by similar habitat in which spillover effects from protecting one or more species could benefit those fishing adjacent to the site.

C. Potential Management and Enforcement Criteria

1. The proposed site overlaps or is adjacent to an existing protected or managed area, thus facilitating enforcement.
2. The proposed site is adjacent to a populated area in which public stewardship would facilitate enforcement.
3. The proposed site has boundaries that are practical and enforceable.
4. Designating this site would lessen the impact of human uses on sensitive populations of marine or estuarine organisms.
5. The proposed site has little or no direct access from land, or the access is controlled.
6. The proposed site has or will have funding sources and/or in-kind resources for enforcement.
7. The proposed site has or will have funding sources and/or in-kind resources for management activities.

D. Potential Evaluation and Research Criteria

1. The proposed site will provide an opportunity for scientific research or monitoring in outstanding, representative, or imperiled marine habitats or ecosystems.
2. The proposed site has or will have funding for scientific research or monitoring.
3. The proposed site has been the site of previous scientific research or monitoring studies.
4. Seafloor habitat within the proposed site has been partially or totally mapped using side-scan sonar or equivalent technology.

II. STATE MARINE PARK

A. Potential Biological Criteria

1. The proposed site will protect a spacious natural system.
2. The proposed site will protect outstanding, representative, or imperiled marine species, communities, habitats, or ecosystems.
3. The proposed site will afford some protection to populations of harvested species that are of concern to state or federal fishery managers.
4. One or more habitats within the proposed site are designated as essential fish habitat (EFH) by the National Marine Fisheries Service. [see www.nmfs.noaa.gov for list]
5. The proposed site will protect habitat, or biological communities, populations or species that are under-represented or not replicated in the existing network of state marine managed areas.
6. The proposed site will protect connections between geographic areas and/or habitat types, including estuarine and marine, wetland and intertidal, intertidal and subtidal, and deep and shallow water.
7. The proposed site is biologically highly productive.
8. The proposed site contains multiple habitat types.
9. The proposed site has historically received relatively heavy fishing effort, it is likely that some populations of fished species are locally depleted, and populations of fished species are expected to increase if protected.
10. The proposed site will protect populations of one or more fish species that have been declared "overfished" by the National Marine Fisheries Service. [see www.nmfs.noaa.gov for list]

B. Potential Cultural Criteria

1. The proposed site has cultural objects or sites of historical, archaeological or scientific interest.

C. Potential Socio-Economic Criteria

2. The proposed site currently or potentially provides public access, consistent with resource protection goals.
3. The proposed site currently or potentially provides educational and interpretive activities for the public.
4. The proposed site will provide sustainable recreational opportunities in the absence of conflicting uses.
5. The proposed site will provide recreational opportunities to meet other than purely local needs.
6. The proposed site has historically received relatively little fishing effort.
7. Designation of the proposed site is not likely to have a significant negative socio-economic impact on those who have traditionally used the area.
8. Designation of the proposed site is likely to have a positive socio-economic impact.
9. The proposed site is bordered by similar habitat in which spillover effects from protecting one or more species could benefit those fishing adjacent to the area.

D. Potential Geological Criteria

1. The proposed site has outstanding or unique geological features that contribute to the biological productivity of the area.
2. The proposed site has geological features that are critical to the lifecycle of native marine or estuarine species.

E. Potential Management and Enforcement Criteria

1. The proposed site overlaps or is adjacent to an existing protected or managed area, thus facilitating enforcement.
2. The proposed site is adjacent to a populated area in which public stewardship would facilitate enforcement.
3. The proposed site has boundaries that are practical and enforceable.
4. Designating this site would lessen the impact of human activities on sensitive populations of marine or estuarine organisms.
5. The proposed site has or will have funding sources and/or in-kind resources for enforcement.

6. The proposed site has or will have funding sources and/or in-kind resources for management activities.

F. Potential Evaluation and Research Criteria

1. The proposed site will provide an opportunity for scientific research or monitoring in outstanding, representative, or imperiled marine habitats or ecosystems.
2. The proposed site has or will have funding for scientific research or monitoring.
3. The proposed site has been the site of previous scientific research or monitoring studies.
4. Seafloor habitat within the proposed site has been partially or totally mapped using side-scan sonar or equivalent technology.

III. STATE MARINE CONSERVATION AREA

A. Potential Biological Criteria

1. The proposed site will protect or restore rare, threatened, or endangered native species or habitats.
2. The proposed site will protect outstanding, representative, or imperiled marine species, communities, habitats, or ecosystems.
3. The proposed site will protect populations of one or more fish species that have been declared "overfished" by the National Marine Fisheries Service. [see www.nmfs.noaa.gov for list]
4. The proposed site will protect populations of harvested species that are of concern to state or federal fishery managers.
5. One or more habitats within the proposed site are designated as essential fish habitat (EFH) by the National Marine Fisheries Service. [see www.nmfs.noaa.gov for list]
6. The proposed site will protect habitat, or biological communities, populations, species or gene pools that are under-represented or not replicated in the existing network of state marine managed areas.
7. The proposed site will protect connections between geographic areas and/or habitat types, including estuarine and marine, wetland and intertidal, intertidal and subtidal, and deep and shallow water.
8. The proposed site is biologically highly productive.
9. The proposed site contains multiple habitat types.

10. The proposed site has historically received relatively heavy fishing effort, it is likely that some populations of fished species are locally depleted, and populations of fished species are expected to rebound significantly if protected.

B. Potential Socio-Economic Criteria

1. The proposed site currently or potentially provides public access, consistent with resource protection goals.
2. The proposed site currently or potentially provides educational and interpretive activities for the public.
3. The proposed site has historically received relatively little fishing effort.
4. Designation of the proposed site is not likely to have a significant negative socio-economic impact on those who have traditionally used the area.
5. Designation of the proposed site is likely to have a positive socio-economic impact.
6. The proposed site is bordered by similar habitat in which spillover effects from protecting one or more species could benefit those fishing adjacent to the area.

C. Potential Geological Criteria

1. The proposed site has outstanding or unique geological features that contribute to the biological productivity of the area.
2. The proposed site has geological features that are critical to the lifecycle of native marine or estuarine species.

D. Potential Management and Enforcement Criteria

1. The proposed site overlaps or is adjacent to an existing protected or managed area, thus facilitating enforcement.
2. The proposed site is adjacent to a populated area in which public stewardship would facilitate enforcement.
3. The proposed site has boundaries that are practical and enforceable.
4. Designating this site would lessen the impact of human activities on sensitive populations of marine or estuarine organisms.
5. The proposed site has living marine resources that if managed properly will allow for sustainable harvest.
6. The proposed site has or will have funding sources and/or in-kind resources for enforcement.
7. The proposed site has or will have funding sources and/or in-kind resources for management activities.

E. Potential Evaluation and Research Criteria

1. The proposed site will provide an opportunity for scientific research or monitoring in outstanding, representative, or imperiled marine habitats or ecosystems.
2. The proposed site has or will have funding for scientific research or monitoring.
3. The proposed site has been the site of previous scientific research or monitoring studies.
4. Seafloor habitat within the proposed site has been partially or totally mapped using side-scan sonar or equivalent technology.

Appendix G. Master List of Species Likely to Benefit from Marine Protected Areas

The Marine Life Protection Act requires that the Master Plan identify select species or groups of species likely to benefit from MPAs. Species likely to benefit from establishing an MPA are those whose home range, behavior, reproduction, exploitation rate or population status indicates that they may benefit from spatial management. This includes species that are directly targeted by fisheries, those which are caught incidental to fishing for the target species (bycatch) and which cannot be returned to the water with a high rate of survival, and those which may be indirectly impacted through ecological changes within MPAs. A reduction in removal of a species within MPAs has been shown worldwide to increase abundance, mean size, and reproductive potential of certain fished species¹. These increases are seen primarily in fished species, though other species are also seen to increase.

An equally important consideration of whether a species may benefit is the tendency of individuals of a species, which are at or above harvestable size, to move, either ontogenetically (related to growth) or seasonally (related to spawning or migration cycles). Species with a strong tendency to move will not benefit significantly from the establishment of MPAs unless individual sites are large enough to encompass their entire range of movement. These include pelagic species such as northern anchovy, Pacific sardine, Pacific mackerel, jack mackerel, Pacific herring, and California market squid, highly migratory species such as albacore, tuna (bigeye, bluefin, yellowfin tuna, and skipjack), Pacific bonito, wahoo, opah, dolphin fish, swordfish, and striped marlin, most shark species (with the possible exception of smoothhounds, leopard, and angel sharks), and other migratory species, including chinook and cojo salmon, striped bass, yellowtail, barracuda, Pacific hake, and sablefish. However, establishing MPAs in areas which are known spawning grounds for such species would benefit stocks by allowing successful spawning by those sexually mature individuals which have not been harvested in open fishing areas.

Tables G-1 and G-2 include Californian marine species which are likely to benefit from the establishment of MPAs. The list includes both harvested species and other species that may benefit from MPAs due to reduced bycatch or habitat disturbance or enhanced ecological function due to increased abundance of harvested species. This list will be refined in each regional process to indicate which species are of particular concern and are most necessary to consider in the modification or design of MPAs.

¹ Halpern, B.S. 2003. The impact of marine reserves: do reserves work and does reserve size matter? *Ecological Applications* 13(1) Supplement: S117-S137.

Table G-1. Finfish Species Likely to Benefit from Marine Protected Areas

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|---------------------|---------------------------|--|---|--|---|-------------|---------------------------------------|-------------------------------|
| Bass, barred sand | 0-120 | southern California mainland | soft bottom less than 30 ft, eel grass beds | sand bottom | aggregate over sand in summer – early fall for spawning | planktonic | 3-4 weeks | moderate |
| Bass, giant sea | 15-150 | southern California mainland and islands | rocky reefs, kelp beds, sand bottom | rocky reefs, kelp beds, sand flats | aggregate for several months during spawning | planktonic | one month; settle at ~ ¾ in. | moderate |
| Bass, kelp | 0-75 | southern California mainland and islands (uncommon central Calif.) | rocky reefs, kelp beds, eel grass beds | rocky reefs, kelp beds | aggregate in kelp beds and over rocky reefs for spawning in late May- September | planktonic | 28-30 days | moderate |
| Bass, spotted sand | 0-200 | Santa Monica Bay and south | sand, mud, jetties, eel grass beds | soft bottom, kelp forests, eel grass beds, jetties | aggregate near bays to spawn in summer | planktonic | 25-31 days | low |
| Blacksmith | 0-150 | southern California (to Monterey Bay) | rocky reefs | rocky reefs, kelp beds | demersal eggs in nests; defended by male | planktonic | short to moderate | moderate |
| Bocaccio | 0-1050 | All | over hard and soft bottom | midwater over hard bottom | live-bearing | planktonic | moderate | moderate |
| Cabazon | 0-250 | All regions, including islands | rocky reefs, breakwaters, kelp beds, tide pools, open ocean | rocky reefs, kelp beds | eggs adhesive, attach to substrate, often macroalgae | planktonic | 3-4 months | low |
| Chilipepper | 0-1080 | All | soft bottom | midwater over hard bottom | live-bearing | planktonic | moderate | moderate |
| Corbina, California | 0-45 | southern California mainland | soft bottom, nearshore including surf zone | soft bottom, surf zone and bays | growth rate faster in estuaries; spawn offshore | planktonic | short | low |
| Cowcod | 68-1200 | All | soft and hard bottom | hard bottom, canyons | live-bearing | planktonic | moderate | low |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|--------------------|----------------------------------|---|--|--|---|--------------------------------------|--|--------------------------------------|
| Croaker, black | 0-150 | southern California mainland | soft bottom, nearshore including surf zone | soft bottom, surf zone; occasionally rocky reefs | one of few croakers to prefer rocky reefs and kelp beds | planktonic | short | low |
| Croaker, white | 0-420 | All; most common Point Reyes to Mexico border | near bottom in shallow soft habitat | soft bottom, primarily nearshore and estuaries | schooling; multiple spawning each year; adults in deeper water than juveniles | planktonic; larvae become epibenthic | short | low |
| Croaker, yellowfin | 0-150 | mainland, Pt. Conception south | soft bottom, nearshore and estuaries | soft bottom, beaches and piers, estuaries, kelp beds | spawning primarily in summer | planktonic | short | low |
| Eel, wolf | Intertidal to 600 | northern and central California | pelagic | rocky reefs, kelp beds | not a true eel; spawn Oct.-February | planktonic ? | 1-2 months | moderate |
| Flounder, starry | Shallow - 900 | northern and central California | estuaries and bays, nearshore soft bottom | soft bottom; estuaries and bays to upper slope | spawn near river mouths and in estuaries and bays | planktonic | 25-75 days | moderate |
| Garibaldi | 0-95 | southern California | rocky reefs, kelp beds | rocky reefs, kelp beds | males guard eggs, attached to red algae | planktonic | unknown | low |
| Goby, bluebanded | 0-210 incl. intertidal | southern California (uncommon to Monterey) | rocky reefs | rocky reefs, kelp beds | males guard eggs, attached on brood chambers | planktonic | unknown | low |
| Goby, zebra | Intertidal to 200 | southern California | rocky reefs | rocky reefs, usually in crevices and caves | demersal eggs, attached to roof of shelter | planktonic | unknown | low |
| Greenling, kelp | 0-150 | northern and central California | rocky reefs, kelp beds | rocky reefs, kelp beds | eggs adhere to rocky substrate | planktonic | unknown | moderate |
| Greenling, rock | shallow | northern and central California | rocky reefs, kelp beds | rocky reefs, kelp beds | eggs adhere to rocky substrate | planktonic | unknown | moderate |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|------------------------------|----------------------------------|--|--|--|--|--------------------|--|--------------------------------------|
| Grunion, California | 0-60 | southern and central California | sandy nearshore areas | sandy nearshore areas | eggs deposited on sandy beaches; lack filaments | planktonic | low to moderate | moderate |
| Guitarfish, shovelnose | 0-50 | southern and central California | as adults | shallow sand or mud, open coast, bays, and estuaries | live-bearing | benthic | none | moderate |
| Hagfish, Pacific | 30-3096 | All | ? | soft bottom | deposit egg cases | ? | unknown | moderate |
| Halfmoon | 0-130 | southern California | rocky reefs, kelp beds | rocky reefs, kelp beds | regulates kelp growth by grazing | planktonic | unknown | moderate |
| Halibut, California | 0-300 | All | estuaries, shallow open coast soft bottom | estuaries and soft bottom open coast | distribution influenced by El Niño events | planktonic | < 30 days | moderate |
| Jacksmelt | shallow | All | kelp and eel grass beds; sandy beaches; harbors | kelp and eel grass beds; sandy beaches; harbors | eggs with filaments for attachment to eel grass and shallow algal beds | planktonic | low | moderate |
| Lingcod | 0-1400 | All | rocky reefs, kelp beds, hard bottom, soft bottom | rocky reefs, kelp beds, hard bottom, soft bottom | Spawns nearshore on rocky reefs; males guard eggs | planktonic | 3 months | high |
| Lizardfish, California | 5-750 | southern and central California | primarily soft bottom | primarily soft bottom | rest on bottom using pelvic fins | planktonic | unknown | moderate |
| Midshipman, plainfin | 0-1000 | All | soft bottom | soft bottom; spawn on hard substrate | Eggs deposited on rocks and hard substrate | planktonic | unknown | moderate |
| Opaleye | 0-95 | southern and central California | rocky intertidal | rocky reefs, kelp beds | regulates kelp growth by grazing | planktonic | unknown | moderate |
| Pacific ocean perch | 180-2100 | All | midwater over hard bottom | midwater over hard bottom | live-bearing | planktonic | moderate | moderate |
| Pacific pompano (Butterfish) | 30-300 | All | coastal pelagic | coastal pelagic | a schooling species; | planktonic | unknown | moderate |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|----------------------------|----------------------------------|--|---|--|---|--------------------|--|--------------------------------------|
| Prickleback, monkeyface | 0-80 | northern and central California | rocky intertidal | rocky reefs, kelp beds | deposit eggs on rocky substrate | planktonic | low | low |
| Prickleback, rock | 0-60 | northern and central California | rocky intertidal | rocky reefs, shallow | deposit eggs on rocky substrate | planktonic | low | low |
| Queenfish | 0-180 | southern and central California | soft bottom | shallow water and sandy bottom; in bays and sloughs | spawn at night from March to September | planktonic | short | moderate |
| Ray, bat | 0-150 | All | shallow soft bottom; bays and estuaries | shallow sandy and rocky areas, including bays and estuaries; kelp beds | live-bearing | miniature adults | none | moderate |
| Rockfish, aurora | 600-1800 | All | soft bottom | hard and soft bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, bank | 102-810 | All | midwater | midwater over hard bottom, drop offs | live-bearing | planktonic | moderate | moderate |
| Rockfish, black | 0-1200 | northern and central California | soft bottom | rocky reefs, kelp forests | live-bearing | planktonic | moderate | moderate |
| Rockfish, black-and-yellow | 0-120 | southern and central California | shallow rocky reefs | shallow rocky reefs, kelp forests | live-bearing | planktonic | Low to moderate | low |
| Rockfish, blackgill | 720-1800 (juv.<660) | All | soft bottom | hard bottom, soft bottom, canyons, steep drop offs | live-bearing | planktonic | moderate | moderate |
| Rockfish, blue | 0-300 | All | rocky reefs, kelp forests, soft bottom | rocky reefs, kelp forests | live-bearing | planktonic | moderate | moderate |
| Rockfish, brown | 0-420 | All | low-relief hard and soft bottom | low-relief hard and soft bottom | live-bearing | planktonic | low to moderate | low |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|-------------------------|----------------------------------|--|-------------------------------------|---|---|--------------------|--|--------------------------------------|
| Rockfish, calico | 60-840 | southern and central California | soft bottom | hard bottom, sand-rock and mud-rock interface | live-bearing | planktonic | moderate | low |
| Rockfish, canary | 0-900 | northern and central California | soft bottom; sand-rock interface | midwater and near bottom over hard bottom | live-bearing | planktonic | moderate | moderate to high |
| Rockfish, China | 36-420 | northern and central California | rocky reefs | rocky reefs, kelp forests | live-bearing | planktonic | low to moderate | low |
| Rockfish, copper | 0-600 | All | rocky reefs and soft bottom | rocky reefs, kelp forests | live-bearing | planktonic | moderate | low |
| Rockfish, darkblotched | 240-1800 | All | soft bottom | soft and hard bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, flag | 100-600 | southern and central California | rocky reefs | rocky reefs, canyons | live-bearing | planktonic | Moderate | low |
| Rockfish, freckled | 130-550 | southern California | soft bottom | hard bottom | live-bearing | planktonic | Moderate | low? |
| Rockfish, gopher | 0-180 | southern and central California | rocky reefs | rocky reefs, kelp forests | live-bearing | planktonic | low to moderate | low |
| Rockfish, grass | 0-150 | All | shallow rocky reefs | shallow rocky reefs, kelp forests | live-bearing | planktonic | moderate | low |
| Rockfish, greenblotched | 200-1300 | southern and central California | soft bottom | hard and soft bottom, canyons | live-bearing | planktonic | moderate | low |
| Rockfish, greenspotted | 160-660 | southern and central California | soft bottom | hard bottom, canyons | live-bearing | planktonic | moderate | low |
| Rockfish, greenstriped | 200-1320 | All | soft bottom | low relief hard bottom, soft bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, halfbanded | 192-1320 | southern and central California | soft bottom | low relief hard and soft bottom, cobble | live-bearing | planktonic | moderate | moderate |
| Rockfish, honeycomb | 90-250 | southern California | soft bottom | hard bottom | live-bearing | planktonic | moderate | |
| Rockfish, kelp | 0-150 | southern and central California | kelp forests and rocky reefs | kelp forests | live-bearing | planktonic | moderate | low |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|----------------------|----------------------------------|--|-------------------------------------|----------------------------------|---|--------------------|--|--------------------------------------|
| Rockfish, Olive | 0-480 | southern and central California | kelp forests, soft bottom | rocky reefs, kelp forests | live-bearing | planktonic | moderate | low |
| Rockfish, pink | 250-1200 | southern and central California | soft bottom | hard bottom, canyons | live-bearing | planktonic | moderate | low |
| Rockfish, pinkrose | 325-960 | southern and central California | soft bottom | hard bottom, canyons | live-bearing | planktonic | moderate | low |
| Rockfish, quillback | 75-900 | northern and central California | rocky reefs | rocky reefs | live-bearing | planktonic | moderate | low |
| Rockfish, redbanded | 300-1560 | All | soft bottom | soft and hard bottom | live-bearing | planktonic | moderate | low |
| Rockfish, redstripe | 300-1200 | northern and central California | hard bottom | hard bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, rosethorn | 390-1800 | northern and central California | soft and hard bottom | hard bottom, canyons | live-bearing | planktonic | moderate | low |
| Rockfish, rosy | 50-420 | All | soft and hard bottom | hard bottom | live-bearing | planktonic | moderate | low |
| Rockfish, sharpchin | 300-1050 | All | hard bottom | hard bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, shortbelly | 0-930 | All | midwater over hard bottom | midwater over hard bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, speckled | 100-1200 | All | hard bottom | hard bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, splitnose | 700-1560 | All | soft bottom | hard bottom, canyons | live-bearing | planktonic | moderate | moderate |
| Rockfish, squarespot | 60-600 | All | hard bottom | hard bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, starry | 80-900 | southern and central California | hard bottom | hard bottom | live-bearing | planktonic | moderate | low |
| Rockfish, stripetail | 192-1320 | All | soft bottom | soft and hard bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, swordspine | 250-1420 | southern and central California | soft bottom | hard bottom, canyons | live-bearing | planktonic | moderate | low |
| Rockfish, tiger | 200-900 | northern and central California | hard bottom | hard bottom | live-bearing | planktonic | moderate | low |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|--------------------------|----------------------------------|--|--|--|---|--------------------|--|--------------------------------------|
| Rockfish, treefish | 0-150 | southern and central California | rocky reefs | rocky reefs, kelp forests | live-bearing | planktonic | moderate | low |
| Rockfish, vermilion | 0-900 | All | soft and hard bottom | wide depth range, rocky reefs, kelp forests, canyons | live-bearing | planktonic | moderate | low |
| Rockfish, widow | 0-1200 | All | midwater over hard bottom | midwater over hard bottom | live-bearing | planktonic | moderate | moderate |
| Rockfish, yelloweye | 150-1200 | northern and central California | rocky reefs | hard bottom, canyons | live-bearing | planktonic | moderate | low |
| Rockfish, yellowtail | 0-1800 | All | midwater | midwater over hard bottom | live-bearing | planktonic | moderate | moderate |
| Sanddab, Pacific | 30-1800 | All | soft bottom | soft bottom | may spawn twice a year | planktonic | unknown | moderate |
| Sargo | 0-130 | southern California | rocky reefs, kelp beds, sand | rocky reefs, kelp beds, sand bottom | broadcast spawners | planktonic | unknown | moderate |
| Scorpionfish, California | 0-600 | southern California | reef systems | hard and soft bottom | adults aggregate in 12 to 360 feet to spawn; eggs released in gelatinous masses that float to surface | planktonic | unknown | low |
| Sculpin, staghorn | 0-300 | All | soft bottom, estuaries | soft bottom, estuaries | abundant in San Francisco estuary | planktonic | unknown | moderate |
| Seabass, white | 0-400 | southern and central California occurs farther north during El Niño events | sandy area, estuaries, piers, jetties, kelp beds | kelp beds, rocky reefs, offshore banks, open ocean | adults aggregate in spring-summer during spawning | planktonic | | high |
| Shark, brown smoothhound | 0-360 | All | bays and estuaries | soft bottom, bays and estuaries, nearshore | live-bearing | miniature adults | zero | moderate |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|-------------------------|----------------------------------|--|---|--|--|--------------------|--|--------------------------------------|
| Shark, gray smoothhound | 0-150 | All | bays and estuaries | soft bottom, bays and estuaries, nearshore | live-bearing | miniature adults | zero | moderate |
| Shark, horn | 0-492 | southern California | rocky reefs, kelp beds | rocky reefs, kelp beds | lay egg cases | miniature adults | zero | moderate |
| Shark, leopard | 0-300 | All | enclosed bays and sloughs; kelp beds; shallow sandy areas | enclosed bays and sloughs; kelp beds; shallow sandy areas near reefs | aggregate in very shallow water to release young; live-bearing | miniature adults | zero | moderate |
| Shark, Pacific angel | 3-600 | southern and central California | flat, sandy bottoms; | flat, sandy bottoms; sand channels between reefs | live-bearing | miniature adults | zero | moderate |
| Sheephead, California | 0-180 | southern and central California | rocky reefs, kelp beds | rocky reefs, kelp beds | changes sex from female to male with size | planktonic | unknown | low |
| Skate, big | 10-360 | northern and central California | soft bottom | soft bottom, occasionally rocky reefs | young hatch from eggs in cases | miniature adults | zero | moderate |
| Skate, California | 60-2200 | All | soft bottom | soft bottom | young hatch from eggs in cases | miniature adults | zero | moderate |
| Skate, longnose | 180-2040 | All | soft bottom | soft bottom | young hatch from eggs in cases | miniature adults | zero | moderate |
| Smelt, night | 0-420 | northern and central California | soft bottom | shallow sandy coastal areas | spawn in surf zone at night | planktonic | low to moderate | moderate |
| Smelt, surf | shallow | northern and central California | soft bottom | shallow sandy coastal areas | spawn in surf zone in daytime | planktonic | low to moderate | moderate |
| Smelt, whitebait | 0-180 | northern and central California | soft bottom | shallow sandy coastal areas, bays, and estuaries | spawn in sandy subtidal areas | planktonic | low to moderate | moderate |
| Sole, Dover | 60-3000 | All | soft bottom, deep water | soft bottom, deep water | a portion of the stock migrates | planktonic | at least 1 year | moderate |
| Sole, English | 60-1000 | All | soft bottom, shelf | soft bottom | migrates, spawns at 200-360 ft | planktonic | 6-10 weeks | moderate |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|----------------------|----------------------------------|--|---|---|---|--------------------|--|--------------------------------------|
| Sole, petrale | 60-1500 | All | soft and hard bottom, shelf | soft and hard bottom, shelf | migrates, spawns at 900-1200 ft | planktonic | unknown | moderate |
| Sole, rex | 60-2100 | All | Soft bottom, shelf and slope | soft bottom, shelf and slope | spawns at 300-900 ft | planktonic | at least 1 year | moderate |
| Sole, rock | 50-1200 | northern and central California | soft and hard bottom, shelf | soft and hard bottom, shelf | one of few flatfishes found on rocky bottom | planktonic | unknown | moderate |
| Sole, sand | 5-312 | northern and central California | Soft bottom, nearshore, estuaries | soft bottom, nearshore | one of few medium-large flatfish found inshore | planktonic | unknown | moderate |
| Sole, slender | 250-1700 | All | soft bottom, shelf and slope | soft bottom, shelf and slope | relatively abundant offshore species | planktonic | moderate | moderate |
| Surfperch, barred | 0-240 | southern and central California | beaches | beaches | bear live, free-swimming young | not applicable | not applicable | moderate |
| Surfperch, black | 0-130 | All | rocky reef, kelp beds | rocky reef, kelp beds | bear live, free-swimming young | not applicable | not applicable | moderate |
| Surfperch, calico | 0-30 | All | beaches | beaches | bear live, free-swimming young | not applicable | not applicable | moderate |
| Surfperch, pile | 0-150 | All | rocky reefs, kelp beds, soft bottom | rocky reefs, kelp beds, soft bottom | bear live, free-swimming young | not applicable | not applicable | moderate |
| Surfperch, rainbow | 0-130 | All | rocky reef, kelp beds | rocky reef, kelp beds | bear live, free-swimming young | not applicable | not applicable | moderate |
| Surfperch, redbtail | 0-60 | northern and central California | beaches | beaches | bear live, free-swimming young | not applicable | not applicable | moderate |
| Surfperch, rubberlip | 0-150 | All | rocky reefs, kelp beds, soft bottom | rocky reefs, kelp beds, soft bottom | bear live, free-swimming young | not applicable | not applicable | moderate |
| Surfperch, shiner | 0-480 | All | estuaries, soft bottom, kelp beds, rocky reef | estuaries, soft bottom, kelp beds, rocky reef | bear live, free-swimming young | not applicable | not applicable | moderate to high(?) |
| Surfperch, striped | 0-55 | All | rocky reef, kelp beds | rocky reef, kelp beds | bear live, free-swimming young | not applicable | not applicable | moderate |
| Surfperch, walleye | 0-60 | All | beaches | beaches | bear live, free-swimming young | not applicable | not applicable | moderate |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|------------------------|----------------------------------|--|---|---|--|--------------------|--|--------------------------------------|
| Surfperch, white | 0-140 | All | rocky reefs, kelp beds, soft bottom | rocky reefs, kelp beds, soft bottom | bear live, free-swimming young | not applicable | not applicable | moderate |
| Thornyhead, longspine | 1090-5000 | All | deep hard and soft bottom | deep hard and soft bottom; slope | lack swim bladder; may survive after being brought to surface and released; spawn gelatinous floating egg masses | planktonic | unknown | moderate to high |
| Thornyhead, shortspine | 84-5000+ | All | deep hard and soft bottom | deep hard and soft bottom; slope | lack swim bladder; may survive after being brought to surface and released; spawn gelatinous floating egg masses | planktonic | unknown | moderate to high |
| Tomcod, Pacific | 0-720 | northern and central California | unknown | soft bottom | broadcast spawners; high fecundity | planktonic | unknown | moderate |
| Topsmelt | shallow | All | kelp and eel grass beds; sandy beaches, harbors | kelp and eel grass beds; sandy beaches, harbors | spawns in eel grass and algal beds, possibly kelp beds; eggs attach to spawning substrate by adhesive filaments | planktonic | low | moderate |
| Turbot, C-O | shallow-966 | All | rocky reef, sand; shelf | rocky reef, sand; shelf | one of few flatfishes to occur in kelp beds | planktonic | unknown | moderate |
| Turbot, curlfin | 25-1146 | All | soft bottom | soft bottom; shelf | small mouth; difficult to catch with hook-and-line | planktonic | unknown | moderate |
| Whitefish, ocean | 0-300 | southern and central California | unknown | midwater over hard and soft bottom | responds favorably to El Niño conditions | planktonic | unknown | moderate |

Table G-2. Invertebrate, Alga, and Plant Species Likely to Benefit from Marine Protected Areas

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|--------------------------------|---------------------------|---------------------------------------|---|--|---|-------------|---------------------------------------|-------------------------------|
| Invertebrates | | | | | | | | |
| Abalone, black | Intertidal | southern and central California | crevices in rocky reefs, kelp beds | rocky reefs, kelp beds | susceptible to withering syndrome disease | planktonic | 4-7 days | low |
| Abalone, flat | 20-70 | All regions, including islands | crevices in rocky reefs, kelp beds | rocky reefs, kelp beds | generally a cryptic species | planktonic | 4-7 days | low |
| Abalone, green | subtidal To 20 | South, mainland and islands | crevices in rocky reefs, kelp beds | rocky reefs, kelp beds | feed on drift algae | planktonic | 4-7 days | low |
| Abalone, pink | 20-120 | South, mainland and islands | crevices in rocky reefs, kelp beds. rock outcrops | rocky reefs, kelp beds. rock outcrops | generally occurs where water temp is above 14 C | planktonic | 4-7 days | low |
| Abalone, pinto | subtidal to 70 | northern and central California | crevices in rocky reefs, kelp beds | rocky reefs, kelp beds | commonly found at approx. 4-inch length | planktonic | 4-7 days | low |
| Abalone, red | Intertidal to 80 | All regions, including islands | crevices in rocky reefs, kelp beds, boulder outcrops, under canopy of red urchins | rocky reefs, kelp beds, boulder outcrops | largest abalone species in the world | planktonic | 4-7 days | low |
| Abalone, threaded | 20-80 | South, mainland and islands | crevices in rocky reefs, kelp beds | rocky reefs, kelp beds | some consider it a subspecies of Pinto abalone | planktonic | 4-7 days | low |
| Abalone, white | 80-200 | South, mainland and islands | exposed rocky areas | exposed rocky areas | maximum age estimated at 40 years | planktonic | 4-7 days | low |
| Clam, California jackknife | Intertidal to | South, mainland and islands | sandy mud, estuaries | sandy mud, estuaries | occupies a permanent burrow | planktonic | unknown | low |
| Clam, chione (several species) | Intertidal to 165 | South, mainland and islands | mud, sand, estuaries | mud, sand, estuaries | smooth chione subject to habitat loss due to harbor development | planktonic | unknown | low |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|------------------------------------|----------------------------------|--|-------------------------------------|----------------------------------|---|--------------------|--|--------------------------------------|
| Clam, gaper (several species) | Intertidal to 150 | All regions | sand, sand/mud, estuaries | sand, sand/mud, estuaries | may live to 17 years | planktonic | unknown | low |
| Clam, geoduck | 0-360 | All regions | sand/mud, estuaries | sand/mud, estuaries | individuals may exceed 10 pounds | planktonic | 2 weeks | low |
| Clam, littleneck (several species) | Intertidal | All regions, including islands | cobble beds | cobble beds | prized food item | planktonic | unknown | low |
| Clam, Manila | Intertidal | All regions | sand/mud, estuaries | sand/mud, estuaries | introduced from Japan; important recreational species | planktonic | 3 weeks | low |
| Clam, Pismo | Intertidal to 80 | southern and central California | exposed sand | exposed sand | primary prey item of California sea otters | planktonic | pelagic phase 2-3 days | low |
| Clam, razor | Intertidal and shallow subtidal | northern and central California | exposed sand | exposed sand | individuals can bury themselves in 7 seconds | planktonic | 8 weeks | low |
| Clam, softshell | Intertidal | northern and central California | mud | mud | may have been introduced with eastern oyster | planktonic | unknown | low |
| Clam, Washington (several species) | Intertidal to 100 | All regions | sand/mud, estuaries | sand/mud, estuaries | known to concentrate paralytic shellfish poisoning toxin | planktonic | 4 weeks | Low |
| Cockles | Intertidal to 660 | All regions, including islands | sand, sand/mud, mud, estuaries | sand, sand/mud, mud, estuaries | one species may live to 16 years | planktonic | unknown | Low |
| Crab, box | 0-1800 | All regions, including islands | rocky reef, submarine canyons | rocky reef, submarine canyons | unknown | planktonic | unknown | unknown |
| Crab, brown rock | 0-300 | All regions, including islands | rocky reefs, kelp beds, | rocky reefs, kelp beds, | rock crabs may live 5-6 years | planktonic | 3-4 months | moderate |
| Crab, Dungeness | 0-300 | northern and central California | sand, sand-mud, estuaries | sand, sand-mud | larvae may be transported more than 50 miles offshore | planktonic | 105-125 days | moderate |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|---------------------------------|----------------------------------|--|---|---|---|--------------------|--|--------------------------------------|
| Crab, red rock | 0-750 | All regions, including islands | rocky reefs, submarine canyons | rocky reefs, submarine canyons | may co-occur with spot prawns | planktonic | 3-4 months | moderate |
| Crab, sand | Intertidal | All regions, including islands | intertidal, shallow subtidal sand | intertidal, shallow subtidal sand | larvae may occur with Dungeness crab larvae | planktonic | unknown | low |
| Crab, spider (sheep crab) | 20-410 | southern California | rocky reefs, kelp beds | rocky reefs, kelp beds | cease molting after reaching maturity | planktonic | unknown | moderate-high |
| Crab, yellow rock | 0-300 | southern California | sand, soft bottom | sand, soft bottom | egg-bearing females may congregate in rock-sand interface habitat | planktonic | 3-4 months | moderate |
| Cucumber, sea (several species) | 0-300 | All regions, including islands | rocky reefs, sand/mud | rocky reefs, sand/mud | do not form spawning aggregations | planktonic | 51-91 days | low |
| Limpets | Intertidal to 100 | All regions, including islands | rocky reefs | rocky reefs | some species may live 15 years | planktonic | less than 1 week | Low |
| Lobster, California | 0- 240 | South, mainland and islands | surf grass beds | rocky reef, kelp beds, eel grass beds | egg-bearing females generally found in shallow water | planktonic | 5-9 months | moderate-high |
| Mussels (several species) | Intertidal to 130 | All regions, including islands | rocky reefs, pilings | rocky reefs, pilings | bioaccumulator of toxins. | planktonic | 1 month | Low |
| Octopus (several species) | Intertidal to 660 | All regions, including islands | rocky reefs, kelp beds, soft bottom | rocky reefs, kelp beds, soft bottom | eggs are attached to substrate and brooded by females | planktonic | 1 month or less | Low |
| Prawn, ridgeback | 145-525 | South; mainland and islands | sand, shell, green mud | sand, shell, green mud | positive response to El Niño conditions | planktonic | unknown | low |
| Prawn, spot | 150-1,600 | All regions, including islands | shallower mud, mud-sand, sand/rock. rocky reef, submarine canyons | mud, mud-sand, sand/rock. rocky reef, submarine canyons | change sex from male to female during year 4 | planktonic | unknown | moderate |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|--|----------------------------------|---|--|--|---|--------------------|--|--------------------------------------|
| Scallop, rock | Intertidal to 100 | All regions, including islands | rocky reefs, pier pilings, rock jetties | rocky reefs, pier pilings, rock jetties | intolerant of salinity less than 25 ppt | planktonic | 5 weeks | Low |
| Sea hare (two species) | 0-60 | southern and central California | hard and soft bottom, kelp beds | hard and soft bottom, kelp beds | large nerve ganglia make them useful for research | planktonic | 4-5 weeks | Low |
| Sea stars (many species) | Intertidal to deepest canyons | All regions, including islands | rocky reefs, hard bottom, sand | rocky reefs, hard bottom, sand | some species adapted to exposure at low tides | planktonic | unknown | Low |
| Shrimp, bay (several species) | 0-575 | All regions | soft bottom, estuaries | soft bottom, estuaries | major prey item for fishes | planktonic | 30-40 days | low-moderate |
| Shrimp, coonstripe | 60-600 | northern and central California | sand, gravel, rocky reef, submarine canyon | sand, gravel, rocky reef, submarine canyon | change sex from male to female during year 1 or 2 | planktonic | unknown | moderate |
| Shrimp, ghost and mud shrimp (several species) | Intertidal | All regions | sand, sand/mud, sand/gravel | sand, sand/mud, sand/gravel | form permanent burrows or impermanent tunnels | planktonic | unknown | low |
| Shrimp, ocean | 150-1200 | northern and central California: Oregon border to Pt. Arguello | green mud, mud-sand | green mud, mud-sand | change sex from male to female during year 2 | planktonic | 2.5 to 3 months | moderate |
| Snail, moon | Intertidal to 500 | All regions, including islands | soft bottom | soft bottom | has aquiferous system of spongy sinuses in foot | planktonic | 2 weeks | low |
| Snail, top (several species) | 0-100 | southern California | rocky reefs, kelp beds, including canopy | rocky reefs, kelp beds, including canopy | common in upper kelp canopy | planktonic | unknown | low |
| Snail, turban (several species) | Intertidal to 250 | All regions, including islands | shallower rocky reefs, kelp beds, including canopy | rocky reefs, kelp beds, including canopy | feeds primarily on kelp and coralline algae | planktonic | unknown | low |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|--------------------------------------|-------------------------------|---------------------------------------|--|--|---|----------------|---------------------------------------|-------------------------------|
| Squid, market | 0 to at least 600 | southern and central California | over soft bottom | over soft bottom | short-lived; average squid in commercial fishery is ½ year old. | planktonic | unknown | high |
| Urchin, purple | 0-300 | All regions, including islands | rocky reefs, kelp beds, under canopy of adults | rocky reefs, kelp beds | require high densities for successful spawning | planktonic | 6-8 weeks | low |
| Urchin, red | Intertidal to 400 | All regions, including islands | rocky reefs, kelp beds, under canopy of adults | rocky reefs, kelp beds | require high densities for successful spawning | planktonic | 6-8 weeks | low |
| Urchin, white | 0-990 | South, including islands | sand, eel grass beds | sand, eel grass beds | extremely efficient grazers on smaller algae | planktonic | 30-60 days | low |
| Whelk, Kellet's | 0-230 | South, including islands | rocky reefs, kelp beds, gravel, sand | rocky reefs, kelp beds, gravel, sand | spawning aggregations of up to 20 individuals occur in spring | planktonic | unknown | low |
| Worms (polychaetes) | Intertidal to deepest canyons | All | rocky reefs in mussel beds, cobble beds, soft bottom | rocky reefs in mussel beds, cobble beds, soft bottom | several species have toothed proboscis | planktonic | variable | low |
| Algae and Plants | | | | | | | | |
| <i>Gelidium</i> sp. (many species) | Intertidal, to 100 | All regions, including islands | rocky reefs | rocky reefs | may form mats of algal turf | not applicable | not applicable | none |
| <i>Gracilaria</i> sp. (many species) | Intertidal to 50 | All regions, including islands | soft bottoms | soft bottoms | used as spawning substrate by herring in SF Bay | not applicable | not applicable | none |
| Kelp, bull | 10-70 | northern and central California | on rock or cobble substrate | on rock or cobble substrate | found where water temp is < than 60 F | not applicable | not applicable | none |
| Kelp, giant | 20-120 | southern and central California | on sand and rock substrate | on sand and rock substrate | fronds may grow up to 24 inches per day | not applicable | not applicable | none |
| <i>Porphyra</i> sp. (many species) | Intertidal to 100 | All regions, including islands | rocky reefs | rocky reefs | may be common in high-energy surf zones | not applicable | not applicable | none |

| Species | Primary depth range (ft.) | Primary geographic range within state | Habitat preference juveniles | Habitat preference adults | Unique or significant life-history characteristics | Larval type | Larval duration [potential dispersal] | Potential for adult dispersal |
|-----------------------------------|----------------------------------|--|-------------------------------------|----------------------------------|---|--------------------|--|--------------------------------------|
| Sea palm | Intertidal | northern and central California | exposed rocky reefs | exposed rocky reefs | individuals can regenerate blades but not stipe. | not applicable | not applicable | none |
| <i>Zostera marina</i> (eel grass) | 5-20 | All regions including islands | shallow sheltered mud and sand | shallow sheltered mud and sand | flowering plant | not applicable | not applicable | none |

Appendix H. Summary of Recent and Ongoing Processes Related to the Marine Life Protection Act Initiative

(Revised November 2004)

Several state, federal, and local agencies have either jurisdictional authority for or a vested interest in establishing marine protected areas (MPAs) in California. This document describes these various entities and their roles and provides a summary review of recent or ongoing processes that are separate from, but related to, the Marine Life Protection Act Initiative. Note that these summaries have not been reviewed by the organizations whose activities are described.

List of Ongoing and Recent MPA Processes

These state, federal and local processes are described in more detail in section III.

State Processes

- Channel Islands MPAs (Department of Fish and Game) - State waters monitoring of an MPA network implemented in 2003

Federal Processes

- Presidential Executive Order on MPAs (National MPA Center) - Charges federal agencies with the task of establishing a national network of MPAs
- Channel Islands National Marine Sanctuary - Federal waters implementation of the joint state/federal MPAs recommendation
- Monterey Bay National Marine Sanctuary – Working group is reviewing the need for MPAs in the sanctuary
- Gulf of the Farallones National Marine Sanctuary - Working group is reviewing the need for additional protection in coastal estuaries
- California Coastal National Monument (Bureau of Land Management) - Established by presidential proclamation to protect important biological and geological values
- Point Reyes National Seashore (National Park Service) - Evaluating a potential new MPA around Bird Rock

Local Processes

- Fitzgerald State Marine Park (San Mateo County Department of Parks and Recreation) - Interested in changing the park designation to a state marine reserve.
- Ed Ricketts Park, Monterey (City of Monterey) - The city has established a park which prohibits the use of spearguns or pole spears without the concurrence of the Department of Fish and Game or Fish and Game Commission.
- Pacific Grove State Marine Conservation Area (City of Pacific Grove) - The city has established restrictions on the take of marine invertebrates without the concurrence of the Department of Fish and Game or Fish and Game Commission.
- Diablo Canyon Nuclear Power Plant (Regional Water Quality Control Board) - Pacific Gas & Electric suggested that the creation of new MPAs could serve as partial mitigation for the impacts associated with the power plant, though the Department of Fish and Game has not determined that MPAs are appropriate or complete mitigation for these impacts.

State, Federal and Local Agencies with MPA Interests and Their Authority to Establish MPAs

State Agencies

California Department of Fish and Game (Department)

The California Department of Fish and Game has management authority over living marine resources within state waters (generally between 0 and 3 nautical miles from shore or around offshore islands, with a few exceptions such as Monterey Bay) as well as authority to regulate fisheries that deliver catch to California ports. Thus, Department has some authority beyond state waters and often enforces regulations outside the 3 nautical mile line. Department enforces laws established by the California Legislature and regulations established by the Fish and Game Commission (Commission). The Commission has authority to establish, modify, or delete state marine reserves and state marine conservation areas. The Commission may establish fishing regulations for state marine parks, but must have the concurrence of the Park and Recreation Commission (see below) to establish, modify or delete a state marine park. Other Commission fishing regulations may also affect or be affected by MPA designations.

California Department of Parks and Recreation (State Parks)

Responsible for almost one-third of California's scenic coastline, the Department of Parks and Recreation manages coastal wetlands, estuaries, beaches, and dune systems within State Park units. Through State Water Bottom Leases, State Parks has management authority over several underwater areas, though does not have authority to restrict the take of living marine resources. State Parks enforces regulations established by the Park and Recreation Commission. The Park and Recreation Commission has authority to establish, modify or delete state marine reserves, state marine parks, and state marine conservation areas, but must have the concurrence of the Fish and Game Commission on any proposed restrictions to the extraction of living marine resources.

State Water Resources Control Board (SWRCB)

The State Water Resources Control Board has regulatory authority over discharges into marine waters from point and nonpoint sources, as well as other water-quality related aspects. SWRCB has authority to create state water quality protection areas and areas of special biological significance, which are classifications of marine managed areas (MMAs) and are not MPAs. Regional water quality control boards are the units within the SWRCB that oversee local management issues throughout the state.

Federal Agencies

National Oceanic and Atmospheric Administration (NOAA)

The National Oceanic and Atmospheric Administration conducts research and gathers data about the global oceans, atmosphere, space, and sun. A U.S. Department of Commerce agency, NOAA provides these services through five major organizations, three of which have direct interest in MPA issues: the National MPA Center, the National Ocean Service (under which the National Marine Sanctuary Program is found) and NOAA Fisheries.

National MPA Center - The Executive Order on MPAs (see below) established the National MPA Center to oversee national efforts to create a national system of MPAs and to assist government agencies in participating in this effort. The National MPA Center also supports the MPA Federal Advisory Committee established under executive order as well as a Science Institute which provides scientific information and policy analysis to support the planning, management and evaluation of the nation's MPAs.

National Marine Sanctuaries - The sanctuaries' primary objectives are resource protection, research, education, and public use. Sanctuaries have broad authority for establishing regulations under the Sanctuaries Act to protect sanctuary resources. The designation documents of the four California sanctuaries (Channel Islands, Monterey, Gulf of the Farallones and Cordell Bank) do not currently allow for the imposition of fishing regulations. They may, however, amend their designation through a management plan review process. For changes to designation documents that may impact state waters, the governor has the power to overrule such changes.

NOAA Fisheries (the National Marine Fisheries Service or NMFS) - NMFS has regulatory authority for marine finfishes, invertebrates, and marine mammals other than sea otters in waters 3-200 nautical miles from shore. Among other laws, NMFS derives its authority from the Magnuson-Stevens Fisheries Conservation Act of 1976. Under the Magnuson-Stevens Act, NMFS manages any fishery that is the subject of a fishery management plan developed by regional fishery management councils (see below) as well as some non-FMP species.

Pacific Fishery Management Council (PFMC) - PFMC is one of eight regional fishery management organizations established by the Magnuson-Stevens Act. The councils develop fishery management plans for fisheries within 200 miles of shore; these plans must be approved by the Secretary of Commerce and are implemented by NMFS. The PFMC has management authority for approximately 80 species of finfishes, primarily those associated with the bottom (groundfish), but also highly migratory species and others.

United States Fish and Wildlife Service (USFWS) - USFWS has regulatory authority for managing seabirds and sea otters.

Unlike the California MPA program, the federal government does not have a standardized system for classifying MPAs in federal waters. Also, it is unclear whether the National Marine Sanctuaries Act authority or Magnuson-Stevens Act authority would be used in the various federal processes described below. Under the Sanctuaries Act, if a sanctuary designation document lists fishing as an activity that may be regulated and it is determined that fishing must be regulated in order to meet the sanctuary's goals, the sanctuary must provide the appropriate regional fishery management council with the opportunity to prepare draft fishing regulations. If a regional council does not do so, or if the sanctuary program determines that the draft regulations are insufficient, the sanctuary program itself may prepare draft fishing regulations. These regulations may be adopted under the National Marine Sanctuaries Act or under the Magnuson-Stevens Act. Under the National Marine Sanctuaries Act, fishing and other regulations may be adopted for state waters only with the concurrence of the appropriate state agency, such as the Fish and Game Commission.

National Park Service (NPS)

NPS has regulatory authority for certain activities within its jurisdiction, but cannot regulate the harvest of living marine resources.

Bureau of Land Management (BLM)

BLM has management responsibility for the recently-established California Coastal National Monument, an aggregation of thousands of small rocks and pinnacles above mean high tide in state and federal waters off California. BLM works cooperatively with the appropriate state and federal agencies with authority to regulate the extraction of living marine resources, including Department, for marine resource issues.

Local Agencies

Many county, city and local organizations have taken interest in MPA issues for their jurisdictions. None has regulatory or management authority over living marine resources, nor the statutory authority to establish MPAs. Even so, several existing county and city areas were established with the intent of protecting marine resources and in some cases function as MPAs.

One example is the City of Avalon Casino Point Underwater Park at Catalina Island. This area was established in 1964 with a city ordinance that prohibits the use of spearguns. There are no state regulations regarding take in the area, and by the letter of the law, one could take lobster or even fish from a boat or the shore. The public, however, generally believes this is a no-take area and it is enforced as such.

The following local agencies are discussed in greater detail in section III:

San Mateo County Parks and Recreation Division - San Mateo County has management responsibility over the county park adjacent to Fitzgerald Marine Reserve and co-management responsibility with Department over Fitzgerald State Marine Park. San Mateo County has no regulatory authority over harvest of marine resources, but can restrict activities or access from shore

City of Monterey - Monterey has no regulatory authority over the harvest of marine resources adjacent to the city but has taken action to attempt to prohibit certain activities in an area along Cannery Row.

City of Pacific Grove - Pacific Grove has no regulatory authority over the harvest of marine resources adjacent to the city but has taken action to attempt to prohibit certain activities in an area along the city's shoreline.

Recent and Ongoing MPA Processes

State Processes

Channel Islands National Marine Sanctuary - State Waters

In April, 1998, a group of concerned recreational anglers, with support from the Channel Islands National Park, submitted a proposal to the Fish and Game Commission to close 20% of the waters within 1 mile of the northern Channel Islands to all fishing. Following nearly a year of commission meetings on the topic, Department and the Channel Islands National Marine Sanctuary (CINMS, which includes waters six miles around the northern Channel Islands - Anacapa, Santa Cruz, Santa Rosa, and San Miguel - and Santa Barbara Island) offered to establish a stakeholder process to discuss the issue at a local level.

The Fish and Game Commission accepted the offer and Department and CINMS established a marine reserves working group (MRWG) composed of representatives from diverse interest groups. The MRWG considered alternative networks of marine reserves (no-take MPAs) in both state and federal waters. The MRWG met monthly between July 1999 and June 2001 before forwarding their work to the Sanctuary Advisory Council (SAC). The MRWG achieved consensus on a problem statement, goals and objectives, and implementation recommendations for MPAs. Though the MRWG did not reach consensus on a single network proposal, they did provide more than 40 fully analyzed alternatives and areas of agreement and disagreement to the SAC. The SAC asked Department and CINMS to use the information to create a preferred alternative, which was presented to the commission in August 2001.

On October 23, 2002 the Fish and Game Commission voted to adopt the preferred alternative for MPAs within the state waters of the CINMS. These areas represent 19% of state waters within the sanctuary; they include 95 square nautical miles in 10 no-take state marine reserves and 7 square nautical miles in 2 limited-take state marine conservation areas. The new MPAs became effective on April 1, 2003.

The original MPA network proposed by Department and CINMS included additional area offshore of, and contiguous with, the new MPAs. Most of this area was in federal waters and all was within the sanctuary. A separate process is now underway to consider establishing MPAs in the federal waters.

The Channel Islands proposal came more than a year before the MLPA and was pursued independently of the MLPA process. While the stated goals of the two processes were very similar, the Channel Islands process was focused on a specific area. Furthermore, at Channel Islands only the state marine reserve classification, in which all extractive activity is prohibited, was formally considered for MPAs. However, the designation of state marine conservation areas was discussed throughout the process and included in the final recommendation.

A monitoring program is now in place within and adjacent to the new Channel Islands MPAs. The program is a cooperative venture among state and federal agencies, universities and other research institutions, and fishermen. The program builds on existing long-term monitoring programs and is obtaining data, intertidally and in shallow and deep water, at all of the MPAs in order to determine changes in species diversity, relative abundance, and size

distribution, with which to evaluate the effectiveness of the MPAs in meeting their established goals.

Federal Processes

Presidential Executive Order 13158

In May 2000, President Clinton signed Executive Order 13158 regarding marine protected areas. This order was reaffirmed in June 2001 by President George W. Bush. The executive order charges federal agencies, consistent with domestic and international law, to:

- Strengthen the management, protection, and conservation of existing MPAs and establish new or expanded MPAs;
- Develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the nation's natural and cultural resources;
- Avoid causing harm to MPAs through federally conducted, approved, or funded activities; and
- Consult with states, territories, tribes, regional fishery management councils, and other entities as appropriate to facilitate coordination of federal, state, territorial, and tribal actions to establish and manage MPAs.

The National MPA Center is working closely with Department to assist in the implementation of the MLPA wherever possible. They have offered technical expertise, in-kind services and financial assistance to the MLPA Initiative.

Channel Islands National Marine Sanctuary - Federal Waters

As noted above, most of the alternative MPAs developed by MRWG included federal as well as state waters. While the Fish and Game Commission had the authority to designate MPAs in state waters within the sanctuary, designation of MPAs outside state waters is a federal responsibility and requires the completion of a separate process.

Upon the commission's establishment of the MPAs in state waters, CINMS initiated the federal process to consider establishing a network of MPAs to complement the MPAs in state waters. They are working in conjunction with the Pacific Fishery Management Council (PFMC). As described previously, PFMC is given the opportunity to draft sanctuary fishing regulations to meet sanctuary goals and objectives. The focus of the current process is the preparation of a draft environmental impact statement (DEIS) which examines a range of management and regulatory alternatives associated with consideration of MPAs within the Sanctuary.

The DEIS is expected to be completed and released for comment in the spring of 2005. PFMC will comment on the DEIS for the Channel Islands and has already provided input on a preliminary range of options. PFMC has established a marine reserves subcommittee to review the CINMS DEIS and provide recommendations to the council members. The subcommittee has been meeting regularly for several years to discuss the issue of MPAs. This federal phase of the CINMS MPA process may take more than two years to complete.

Monterey Bay National Marine Sanctuary

The Monterey Bay National Marine Sanctuary (MBNMS) extends from Marin County south to Cambria in San Luis Obispo County and is the largest sanctuary on the West Coast. In 2001 MBNMS staff began a public process to review and update the sanctuary's 1992 management plan. Two years later, after extensive public outreach and input, the MBNMS produced a series of proposed action plans in its joint management plan review document, which have been approved by the Sanctuary Advisory Council (SAC) and are now being reviewed by the National Marine Sanctuary Program headquarters.

One of these action plans is titled "Special Marine Protected Areas." A formal working group with a diverse array of stakeholder representation was formed during the management plan review process. Due to the considerable interest in, and sensitive nature of, the topic, this group continues to meet three to four times per year under the guidance of the MBNMS superintendent. The Department of Fish and Game has a representative on the working group.

The stated goal of the Special MPA Action Plan is as follows:

"To determine the role, if any, of additional marine protected areas in maintaining the integrity of biological communities in the Monterey Bay National Marine Sanctuary, and to protect, where appropriate, restore and enhance natural habitats, populations and ecological processes. If additional MPAs are to be created, provide for the design of MPAs that are compatible with the continuation of long-term sustainable fishing in the Sanctuary, as fishing is a key cultural and economic component of the region.

The action plan will outline the framework for coordinating with and providing input to appropriate state and federal agencies on the need for, purpose, design and implementation of MPAs within the MBNMS region, whether initiated or coordinated by the sanctuary or other agencies. A multi-stakeholder workgroup will work together to implement the components of the action plan."

Recently the MBNMS SAC recommended that this action plan receive high priority by sanctuary staff. While there is no target date for the completion of the working group's activities, much useful information has already been generated, including a draft list of conservation goals and objectives related to MPAs and information on the socioeconomic value of different portions of Sanctuary waters.

The sanctuary working group efforts are being coordinated with the MLPA Initiative process, which are related in two important ways. Part or all of the state waters within the sanctuary may be within the MLPA Initiative central coast project region. Many of the members of the sanctuary MPA working group were part of the original regional working group in the Monterey-Santa Cruz area for the previous MLPA process.

Gulf of the Farallones National Marine Sanctuary

Staff at the Gulf of the Farallones National Marine Sanctuary recently formed a working group to discuss additional protection for estuarine areas called esteros, which border the sanctuary. While the additional protection focuses on water quality, which is not a stated goal of the MLPA process, one of the esteros is already a state-designated MPA. Currently, the working group is not considering MPAs within state waters outside the esteros.

California Coastal National Monument

Designated by presidential proclamation on January 11, 2000, the California Coastal National Monument (Monument) runs the entire length of the California coast and extends 12 nautical miles from the shoreline. The Monument encompasses thousands of unincorporated islands, rocks, exposed reefs, and pinnacles above mean high tide. Since 1983, the BLM has managed these resources in cooperation with Department; a memorandum of understanding formalizes this agreement and includes the Department of Parks and Recreation. The primary purpose of the Monument is to protect important biological and geological values. The islands, rocks, reefs, and pinnacles provide forage and breeding grounds for significant populations of birds and sea mammals.

In September 2004 the Bureau of Land Management (BLM) released for public review and comments a draft resource management plan (RMP)/draft environmental impact statement (EIS) for the Monument. The draft RMP/draft EIS focuses on protection of the scenic and geologic formations of the monument and the habitat they provide for seabirds, marine mammals, and vegetation. In the document, BLM states, "many of the regulations needed to manage the resources are already in place; therefore, this plan is not proposing any new regulations." However, the preferred alternative describes a process by which seasonal restrictions on fishing and other activities would be imposed around rocks and islands to protect sensitive populations of marine birds and mammals. BLM would need to work with the Fish and Game Commission to establish regulations within state waters, which are under state jurisdiction.

BLM is aware of the MLPA Initiative and has been encouraged to coordinate any efforts related to increased protection for marine birds and mammals with that effort.

National Park Service

The National Park Service (NPS) manages Point Reyes National Seashore, a federally-designated marine managed area (MMA) along the Marin County coast. Park Service staff have stated their intention to create an MPA around Bird Rock, a popular recreational fishing site in close proximity to a public launch ramp in Tomales Bay. NPS has chosen not to take their proposal to the Fish and Game Commission separately, and is aware of the MLPA Initiative. Bird Rock has existing state MMA status as an area of special biological significance (ASBS or water quality protection area).

Local and Regional Efforts within the Central Coast

San Mateo County Parks and Recreation Division

The San Mateo County Parks and Recreation Division (PRD) provides on-site management and enforcement for the Fitzgerald State Marine Park (formerly called Fitzgerald Marine Reserve), presently the only MPA in ocean waters between San Francisco and Monterey. PRD staff recently produced a final environmental impact report for the "Fitzgerald Marine Reserve Master Plan". The master plan includes supporting the reclassification of the park designation to a state marine reserve, which would by definition prohibit all extractive uses. Any increased restrictions on recreational fishing within the MPA are controversial. PRD is aware of the MLPA Initiative but has chosen not to take their proposal to the Fish and Game Commission. The county has no authority to establish an MPA or change the current designation.

City of Monterey

The City of Monterey has taken independent action to establish an underwater park in depths out to 60 feet between the Coast Guard breakwater and Hopkins Marine Station. The city has approved regulations which prohibit the use of spear guns and pole spears to take finfish. The Department of Fish and Game has informed the city that the city has no jurisdiction over the management of marine resources, and the state does not recognize the establishment of the city park. The MLPA process would be the proper forum to consider an increase in the degree of protection for this area.

City of Pacific Grove

As with the City of Monterey, the City of Pacific Grove has taken independent action to protect marine resources. Primarily due to grass roots efforts of a local conservation organization called the Tidepool Coalition, the city passed an ordinance which prevents all extraction of marine invertebrates within the intertidal area of the city limits, including extraction related to scientific collecting. Similar to the situation in Monterey, Department has informed the city that the city has no jurisdiction over the management of marine resources. Present state regulations prohibit the commercial harvest of all marine organisms except squid, sardines, mackerel, anchovies, and herring, and prohibit the recreational harvest of all marine plants, mollusks, and crustaceans out to a depth of 60 feet, in the area now designated as a Pacific Grove State Marine Conservation Area. In response to the city and Tidepool Coalition's concerns, Department instituted a policy prohibiting scientific collecting in the southern half of the MPA, although scientific collecting with a permit is technically allowed throughout the entire area. The Tidepool Coalition objects to this policy, but has yet to take a proposal for increased intertidal protection to the Fish and Game Commission. Through membership on a previous working group, the Tidepool Coalition was actively engaged in the MLPA process. The MLPA process would be the proper forum to consider an increase in the degree of protection for this area.

San Luis Obispo County

Department has been involved in reviewing and commenting on plans to mitigate for impacts to receiving waters by the operation of the Diablo Canyon Nuclear Power Plant by Pacific Gas and Electric Company (PG&E) since the conception and siting stage for the power plant. The most recent discussions began in the mid-1990s as a result of allegations that PG&E, the power plant owner and operator, were violating the terms of the existing National Pollution Discharge Elimination System permit (a discharge permit).

In response, PG&E suggested that creating new MPAs could serve as partial mitigation for the impacts associated with the operation of Diablo Canyon. Shortly after September 2001, a new, de facto no-take MPA was established within a one-mile radius of the Diablo Canyon power plant for national security reasons (no access is permitted). The Department does not believe that MPAs are appropriate or complete mitigation for impacts associated with power plants. The Department has drawn attention to the MLPA process and indicated that some mitigation funds could potentially be used for monitoring or management of existing areas.

Appendix I. Description of Existing State Marine Protected Areas

For descriptions of existing MPAs, please consult <http://www.dfg.ca.gov/mrd/mlpa/descriptions.html>.

The Marine Life Protection Act (MLPA) requires an analysis of the state's current MPAs, based on the preferred siting alternative for a proposed statewide network of MPAs. The analysis shall include "recommendations as to whether any specific MPAs should be consolidated, expanded, abolished, reclassified, or managed differently so that, taken as a group, the MPAs best achieve the goals" of the MLPA and conform to MLPA guidelines.

The Department of Fish and Game has assembled basic descriptions and analyses of existing MPAs at <http://www.dfg.ca.gov/mrd/mlpa/descriptions.html>. Since a preferred siting alternative has not yet been developed, these analyses of existing MPAs are preliminary and are intended as a starting point for the more detailed analyses called for in the MLPA. Each characterization contains a general description of the habitats and depth range, a summary of existing regulations, the primary objectives for establishing the MPA, a summary of relevant research and monitoring within the MPA, and relevant scientific literature citations.

Also included is a preliminary assessment of the overall effectiveness of each MPA. This preliminary assessment is based on a variety of criteria, including baseline monitoring studies, comparisons of factors such as species diversity and density, individual animal sizes, the ability to provide research, educational, and non-extractive recreational opportunities, and the ability of the regulations to be enforced. One problem in evaluating MPA effectiveness for many existing MPAs is the lack of clearly defined goals when they were established. Many of the estuarine MPAs do not have a preliminary assessment of overall effectiveness due to a current lack of available information.

A subsequent, more detailed, evaluation of each MPA will take place as the MLPA Initiative process focuses on individual regions and begins to develop and evaluate options for networks of MPAs for each region. Because one of the requirements of the MLPA is to "encompass a representative variety of marine habitat types and communities, across a range of depths and environmental communities", in the form of marine life refuges (defined as no-take areas in the act and now known as state marine reserves), the subsequent evaluations must consider the need for changing existing MPAs or adding new ones in order to meet this and other requirements of the MLPA.

The literature cited in these preliminary evaluations includes those studies found as of December 2004, and is intended to be an initial review. The literature citations are organized into four categories and listed by reference number from the literature cited section of this report:

1. Published references which relate to the effectiveness of the particular MPA,
2. Published references which relate to the use of the particular MPA as a site for research,
3. Unpublished references which relate to the effectiveness of the particular MPA, and

4. Unpublished references which relate to the use of the particular MPA as a site for research.

If no citations are listed in the description of an MPA, none could be found for that MPA. New references may be added to this report as they become available. At the end of this report is a general list of published and unpublished references that relate to MPAs, including theoretical studies of MPA design where the work was not specifically conducted within or adjacent to MPAs off California. More references are available on the Department of Fish and Game's website at <http://www.dfg.ca.gov/mrd/mlpa>.

The MPAs evaluated at the MLPA web site are organized geographically from north to south by county, as follows:

Humboldt County

- Punta Gorda State Marine Reserve

Mendocino County

- MacKerricher State Marine Conservation Area
- Point Cabrillo State Marine Conservation Area
- Russian Gulch State Marine Conservation Area
- Van Damme State Marine Conservation Area
- Manchester and Arena Rock State Marine Conservation Area

Sonoma County

- Del Mar Landing State Marine Park
- Salt Point State Marine Conservation Area
- Gerstle Cove State Marine Conservation Area
- Fort Ross State Marine Conservation Area
- Sonoma Coast State Marine Conservation Area
- Bodega State Marine Reserve

Napa County

- Fagan Marsh State Marine Park

Marin County

- Tomales Bay State Marine Park
- Point Reyes Headlands State Marine Conservation Area
- Estero de Limantour State Marine Conservation Area
- Duxbury Reef State Marine Conservation Area
- Corte Madera Marsh State Marine Park
- Marin Islands State Marine Park

San Francisco County

- Farallon Islands State Marine Conservation Area

Solano County

- Peytonia Slough State Marine Park

Alameda County

- Albany Mudflats State Marine Park
- Robert W. Crown State Marine Conservation Area

San Mateo County

- Redwood Shores State Marine Park
- Bair Island State Marine Park
- James V. Fitzgerald State Marine Park

Monterey County

- Elkhorn Slough State Marine Reserve
- Hopkins State Marine Reserve
- Pacific Grove State Marine Conservation Area
- Carmel Bay State Marine Conservation Area
- Point Lobos State Marine Reserve
- Julia Pfeiffer Burns State Marine Conservation Area
- Big Creek State Marine Reserve

San Luis Obispo County

- Atascadero Beach State Marine Conservation Area
- Morro Beach State Marine Conservation Area
- Pismo State Marine Conservation Area
- Pismo-Oceano Beach State Marine Conservation Area

Santa Barbara County

- Vandenberg State Marine Reserve
- Richardson Rock State Marine Reserve (San Miguel Island)
- Judith Rock State Marine Reserve (San Miguel Island)
- Harris Point State Marine Reserve (San Miguel Island)
- South Point State Marine Reserve (Santa Rosa Island)
- Carrington Point State Marine Reserve (Santa Rosa Island)
- Skunk Point State Marine Reserve (Santa Rosa Island)
- Painted Cave State Marine Conservation Area (Santa Cruz Island)
- Gull Island State Marine Reserve (Santa Cruz Island)
- Scorpion State Marine Reserve (Santa Cruz Island)
- Refugio State Marine Conservation Area
- Goleta Slough State Marine Park
- Santa Barbara Island State Marine Reserve

Ventura County

- Anacapa State Marine Reserve
- Anacapa State Marine Conservation Area
- Big Sycamore Canyon State Marine Reserve

Los Angeles County

- Abalone Cove State Marine Park
- Point Fermin State Marine Park
- Catalina Marine Science Center State Marine Reserve

- Farnsworth Bank State Marine Conservation Area
- Lover's Cove State Marine Conservation Area

Orange County

- Bolsa Chica State Marine Park
- Upper Newport Bay State Marine Park
- Robert E. Badham State Marine Park
- Crystal Cove State Marine Conservation Area
- Irvine Coast State Marine Park
- Laguna Beach State Marine Park
- Heisler Park State Marine Reserve
- South Laguna Beach State Marine Park
- Niguel State Marine Park
- Dana Point State Marine Park
- Doheny State Marine Park
- Doheny State Marine Conservation Area

San Diego County

- Buena Vista Lagoon State Marine Park
- Agua Hedionda Lagoon State Marine Reserve
- Batiquitos Lagoon State Marine Park
- Encinitas State Marine Conservation Area
- Cardiff and San Elijo State Marine Conservation Area
- San Elijo Lagoon State Marine Park
- San Dieguito Lagoon State Marine Park
- San Diego-Scripps State Marine Conservation Area
- La Jolla State Marine Conservation Area
- Mia J. Tegner State Marine Conservation Area

Appendix J. Glossary

The MLPA includes the definition of several key terms. These are as follows:

The following terms are defined in Fish and Game Code Section 2852:

“(a) "Adaptive management," with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood.”

“(b) "Biogeographical regions" refers to the following oceanic or near shore areas, seaward from the high tide line or the mouth of coastal rivers, with distinctive biological characteristics, unless the master plan team establishes an alternative set of boundaries (emphasis added):

- (1) The area extending south from Point Conception.
- (2) The area between Point Conception and Point Arena.
- (3) The area extending north from Point Arena.”

“(c) "Marine protected area" (MPA) means a named, discrete geographic marine or estuarine area seaward of the high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves and other areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses, including living marine resources, cultural and historical resources, and recreational opportunities.”

“(d) "Marine life reserve," for the purposes of this chapter, means a marine protected area in which all extractive activities, including the taking of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.”

Fish and Game Code Section 2860 (b) further clarifies permissible activities in “marine life reserves”:

“Notwithstanding any other provision of this code, the taking of a marine species in a marine life reserve is prohibited for any purpose, including recreational and commercial fishing, except that the commission may authorize the taking of a marine species for scientific purposes, consistent with the purposes of this chapter, under a scientific collecting permit issued by the department .“(emphasis added)

The MLPA uses but does not define other terms. The following working definitions are drawn from a survey of California and federal law and regulation as well as the scientific literature. Where definitions were available from state law, regulation, or management, these were selected. Otherwise, the definitions below are selected from federal law or the scientific literature. The source for each definition is noted.

Abundance: *Natural abundance* is the total number of individuals in a population protected from, or not subjected to, human-induced change (adapted from Department 2004 and Kelleher 1992). *Relative abundance* is an index of fish population numbers used to compare populations from year to year (Department 2002a).

Biodiversity: A component and measure of ecosystem health and function. It is the number and genetic richness of different individuals found within the population of a species, of populations found within a species range, of different species found within a natural community or ecosystem, and of different communities and ecosystems found within a region (Public Resources Code subsection 12220[b]).

Community: Natural community means a distinct, identifiable, and recurring association of plants and animals that are ecological interrelated (FGC subsection 2702[d]).

Ecosystem: The physical and climatic features and all the living and dead organisms in an area that are interrelated in the transfer of energy and material, which together produce and maintain a characteristic type of biological community (Department 2002b).

Ecosystem disturbance: A discrete event, either natural or human induced, that causes a change in the existing condition of an ecological system (Kaufmann 1994).

Ecosystem function: The processes through which the constituent living and nonliving elements of ecosystems change and interact, including biogeochemical processes and succession (Kaufmann 1994).

Ecosystem integrity: The ability of an ecosystem to support and maintain a balanced, harmonious, adaptive biological community that demonstrates species composition, diversity and functional organization comparable to that of natural habitat in the region (FAO 2003).

Ecosystem structure: The spatial arrangement of the living and nonliving elements of an ecosystem (Kaufmann 1994).

Habitat: The living place of an organism or community, characterized by its physical or biotic properties (Allaby 1998).

Intrinsic value: The value that that thing has “in itself,” or “for its own sake,” or “as such,” or “in its own right” (Zimmerman 2004).

Natural diversity: The species richness of a community or area when protected from, or not subjected to, human-induced change (drawn from Allaby 1998 and Kelleher 1992).

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Appendix K: Suggested Outline for Regional Management Plans of Marine Protected Areas

A principal vehicle for ensuring that regional MPA network components meet the goals and objectives of the MLPA is the management plan developed during the design of each regional network component. Besides guiding day-to-day management, research, education, enforcement, monitoring, and budgeting, a management plan also distills the reasoning for key elements of, or of specific MPAs within the network component that should be monitored, evaluated, and revised in response to new information and experience.

There follows a suggested outline for elements of regional MPA network component management plans. Much of the material required to complete a management plan for a regional MPA network component will already have been developed in the course of designing, evaluating, and establishing the regional MPA network component, as depicted in the Outline of Information Required for Proposals for Alternative Networks of Marine Protected Areas in Appendix F. This list of elements is suggestive only and the elements included in any specific regional plan should be appropriate to that region.

Suggested Outline of Management Plans for Regional MPA Network Components

I. Summary

- a. Name of the network component
- b. General description of the network component
- c. Objectives of network component
- d. Principal features of management

II. The Setting

- a. Description of region
 - i. Legal description of the boundaries of study area
 1. Rationale for boundaries
 - ii. Species or groups of species likely to benefit from MPAs [FGC §2856(a)(2)(B)]
 1. Distribution of these species in the region and beyond
 2. Status of these species in the region and beyond
 - iii. Representative or unique marine ecosystems in the region [FGC §2853(b)(1)]
 1. Distribution of these ecosystems
 2. Status of these ecosystems
 - iv. Distribution of representative and unique habitats in the region generally, and specifically for species likely to benefit.
 - v. Distribution of oceanic features that may influence target species, including currents and upwelling zones [FGC §2856(a)(2)(B)]

- vi. Current and anticipated distribution of human uses
 - 1. Aquatic, including commercial and recreational fishing, scuba diving, etc.
 - 2. Coastal terrestrial, including recreation, discharges, etc.
- vii. Current economic value and use of the area.
- viii. Current management of human activities affecting target species, ecosystems, and habitats.
- ix. Evaluation of current management of human activities affecting target species, ecosystems, and habitats in relations to the goals and objectives of the MLPA.

III. The Regional Network component

- a. Process used to develop the proposal
- b. Gap analysis
 - i. Description of pre-existing MPAs and other relevant marine managed areas such as state water quality protection areas
 - ii. Adequacy of existing management plans and funding
 - iii. Target habitats and ecosystems entirely unrepresented
 - iv. Target habitats and ecosystems insufficiently protected by pre-existing MPAs
 - v. Target habitats and ecosystems insufficiently protected by other management activities to meet the standards of the MLPA,
 - vi. Target habitats and ecosystems insufficiently protected by pre-existing MPAs and other management activities, without replicates in the region or with replicates too widely spaced.
 - vii. Existing economic activities or factors dependent on the areas involved.
- c. Regional goals and objectives for a network component of MPAs
 - i. Relation of goals and objectives to the MLPA generally and to resource and economic problems and opportunities in the region specifically
- d. General description of the network component and its management
 - i. Spacing of MPAs and overall regional level of protection
 - ii. Management measures
 - iii. Proposed monitoring for evaluating the effectiveness of the site in achieving its goals, including identification of those MPAs that will receive active monitoring
 - iv. Proposed monitoring of effects to economic and social factors and activities in coastal communities.
 - v. Proposed research programs,
 - vi. Proposed education programs,
 - vii. Enforcement needs and means of meeting those needs,
 - viii. Funding requirements and sources,
 - ix. Proposed mechanisms for coordinating existing regulatory and management authority,
 - x. Opportunities for cooperative state, federal, and local management,

IV. Design of the network component:

- a. How does the network component emphasize:

- i. areas where habitat quality does (or potentially can) support diverse and high-density populations,
 - ii. benthic habitats and non-pelagic species,
 - iii. hard bottom as opposed to soft bottom
 - iv. habitats associated with those species that are officially designated as overfished, with threatened or endangered species, and productive habitats such as kelp forests and seagrass beds?
- b. How does the network component include:
 - i. unique habitats,
 - ii. Help to include a variety of habitats,
 - iii. a variety of ocean conditions such as upwelling centers, upwelling shadows, bays, estuaries, and exposed and semi-protected coastlines?
- c. How does the network component incorporate or expand upon existing MPAs that are considered to be effective?
- d. How does the network component include a variety of sizes and types of MPAs that are dispersed in a network component that does the following:
 - i. Provide enough space within individual MPAs for the movement of juveniles and adults of many species,
 - ii. Achieve beneficial ratios of edge to area,
 - iii. Facilitate analysis of the effects of different-sized MPAs,
 - iv. Facilitate analysis of the effects of different types of MPAs,
 - v. Provide for biological connectivity,
 - vi. Enable the use of MPAs as reference sites to evaluate the effects of climate change and other factors on marine ecosystems, without the effects of fishing,
 - vii. Enable the use of MPAs as reference sites for fisheries management,
 - viii. Minimize the likelihood that catastrophic events will impact all replicate MPAs within a biogeographic region.
 - ix. If an MPA is less restrictive than a reserve, how do different uses and restrictions affect achieving the objectives immediately above?
- e. How does the network component use simple and easily recognizable boundaries to facilitate identification and enforcement of MPA regulations?
- f. Where feasible, how does the network component locate MPAs in areas where there is onsite presence to facilitate enforcement?
- g. How does the network component consider non-extractive uses, cultural resources, and existing fisheries and fishing regulations?
- h. How does the network component consider proximity to ports, safe anchorage sites, and points of access for all coastal users, to minimize negative impacts on people and coastal economies and increase benefits?
- i. How does the network component facilitate monitoring of MPA effectiveness by including well-studied sites, both in MPAs and unprotected areas?

- V. What are the socio-economic impacts of the proposed network component?
 - a. Current uses in region and likely impact of network component on these uses
 - b. Future uses in region and likely impact of the network component on these uses
 - c. Costs and benefits:
 - i. What uses are likely to benefit from the site, and how?
 - ii. What uses are likely to suffer from the site, and how?

- d. How does the network component consider positive and negative socioeconomic consequences and mitigate for negative impacts where necessary?
 - e. How will economic and social impacts be measured?
- VI. What is the improved marine life reserve component of the preferred network component? (FGC §2857[c])
- a. Which species will benefit from the proposed network component and how?
 - b. How does this network component meet the goals and objectives of the MLPA?
- VII. Description of individual MPAs within the preferred network component
- a. What are the boundaries of this MPA?
 - b. What is the total area of the MPA?
 - c. What is the total shoreline length of the MPA?
 - d. Does this MPA expand upon an existing MPA?
 - e. What is the overall goal of this MPA?
 - f. What are the objectives that serve this goal?
 - g. What species, populations, habitats, or ecosystem functions are of most concern in this area?
 - h. What are the chief threats to these features?
 - i. Which of these threats are amenable to management?
 - ii. What strategies are being pursued to address these threats?
 - iii. What additional restrictions or designations (e.g. water quality protection areas) would help address these threats?
- VIII. An assessment of the financial, human and physical resources required to establish and manage the MPA including:
- a. Staffing
 - b. Equipment and facilities
 - c. Training
 - d. Budget
 - e. Interpretation and education
 - f. Monitoring and research
 - g. Restoration
 - h. Surveillance
 - i. Enforcement
 - j. Contingency/emergency planning
 - k. Evaluation and review of effectiveness.
 - l. Potential partnerships

Appendices

Appendix L. Marine Protected Areas Enforcement Plan Framework

Enforcement Plan Challenges

Department of Fish and Game officers face many unique challenges as they enforce the laws relating to fish, wildlife, and habitat within the State and its offshore waters. The State of California includes 159,000 square miles of land area more than 1,100 miles of coastline, and more than 220,000 square miles of combined state and federal ocean waters. The State has more than 30,000 miles of rivers and streams, 4,800 lakes and reservoirs, and 80 major rivers.

California's habitat and wildlife diversity is unequalled by any other state. The state has three of the four North American Desert habitats and scores of high mountain peaks. California is home to more than 1,000 native fish and wildlife species and more than 6,300 native plant species. Of these, approximately 360 species are considered threatened or endangered.

The State's population is 32 million and growing. The Department issues nearly three million licenses and permits each year and commercial fisheries land in excess of 300 million pounds of fish and invertebrates annually. California's marine and freshwater recreational fisheries are a prime draw for both residents and visitors.

Enforcement Plan Options

Effective enforcement of Marine Protected Areas is an essential component to allow these areas to reach their potential in protecting and preserving the marine resources. The enforcement of MPAs can be difficult and time consuming even for highly trained personnel. Natural barriers to enforcement (such as placement of MPAs in remote or hard to access areas) must be considered and accounted for in the enforcement plan.

Remote observation techniques such as aircraft patrols, radar-linked global positioning system, vessel monitoring (transponders) for commercial vessels, and remote cameras are some of the options that could be part of any final plan. These options, however, still require some patrol effort to contact individuals or investigate possible violations.

Education and outreach is an essential part of the enforcement plan. One of the primary objectives in the enforcement action plan is to educate the public about the regulations, allowed fisheries (if any), and the marine environment within the MPAs. This can be accomplished utilizing school programs, workgroups, public involvement forums, printed materials, signs, displays, and public service announcements. Public aquaria in various cities along the California coast provide a unique opportunity to provide outreach and education. The Department will expand partnerships and work with aquaria to provide educational and outreach support.

The first step in developing a final plan will be to evaluate the number and types of access points into the area. The existing level of use and potential for both intentional and unintentional infractions will be considered. The total number of MPAs and their proximity to one another will impact the total number of officers needed for patrol. Finally, the level and type of enforcement will depend on the goals and objectives of the areas.

Option 1 - Existing Enforcement

Option 1 would utilize the existing Department resources (personnel, equipment, and budget) to patrol MPAs. This option would allow minimum enforcement efforts directed at the MPAs, and would not give adequate protection to a new, more comprehensive, network of MPAs. Using existing resources requires that some of the existing workload be eliminated while other tasks would receive minimal time in order to accomplish the additional MPA mandates. This option is neither feasible nor desirable. The legislated goals of the MLPA acknowledge the need for additional Department resources. Given the increased emphasis on MPAs established by the MLPA as well as the act's requirement that MPAs function to the extent possible as a network, the existing Department resources are not adequate for enforcement.

Option 2 - Additional Enforcement

Option 2 would utilize additional Department resources (personnel, equipment, and budget) to patrol the new MPA network. Additional resources would allow for wardens with an emphasis on MPA enforcement to patrol the MPAs and adjacent areas to achieve the desired level of enforcement and protection as required by the MLPA.

Currently, the number and array of MPAs that will be recommended for each region is not known. The level of desired protection for individual areas (e.g., no take or limited take) is also not known. Final decisions on a specific enforcement plan will be incorporated in the management plan recommendations for each regional MPA process. The following discussion includes the framework for that plan and specific considerations for the level of enforcement necessary.

The plan assumes enforcement activities of eight hours a day, five days a week (randomized for coverage on a variety of days and times). This would give basic enforcement and average protection to the MPAs. The more areas included and/or the farther apart areas are, the greater the required enforcement staff to provide adequate protection will be.

To achieve a minimum amount of coverage for a comprehensive set of MPAs, one squad of wardens consisting of four wardens and one lieutenant would be required in each region. While this squad would operate within the overall Department enforcement strategy and patrol both marine and inland areas, their primary objective would be enhanced MPA patrol.

In the Central Coast process, if the MPAs are spread across the entire 190 mile coastline the ability for one squad to thoroughly patrol the area would be reduced and a second squad would be recommended. One squad would cover the area from Pigeon Point to Big Sur, and the second squad would cover the area from Big Sur to Point Conception. These squads would work in conjunction with existing enforcement personnel to provide what might be an acceptable level of enforcement and protection to the MPAs.

Two squads of wardens would put a total of ten new enforcement personnel in the field patrolling the 190-mile stretch covered by this plan. These ten enforcement personnel would be integrated into the enforcement framework already in place in the central coast area and provide additional support for the increased emphasis on MPAs. They would have access to

other DFG personnel to assist as needed, and would have access DFG boats and aircraft to assist as needed with enforcement of MPAs.

Cost of Additional Enforcement Assets

Approximate Enforcement Start up Costs (Budget Year 1)

| Coverage | 1 Squad (4 Wdns, 1 Lt) | 2 Squads (8 Wdns, 2 Lts) |
|------------------------|------------------------|--------------------------|
| 24 hours/7 days a week | \$ 4,250,000 | \$ 8,500,000 |
| 16 hours/7 days a week | \$ 3,200,000 | \$ 6,400,000 |
| 8 hours/5 days a week | \$ 1,500,000 | \$ 3,000,000 |

The onetime start up costs include items like vehicles, vessels, radios, peace officer protective equipment, training, and related equipment.

Approximate Enforcement Yearly Costs*

| Coverage | 1 Squad (4 Wardens, 1 Lt) | 2 Squads (8 Wardens, 2 Lts) |
|------------------------|---------------------------|-----------------------------|
| 24 hours/7 days a week | \$2,000,000 | \$ 4,000,000 |
| 16 hours/7 days a week | \$ 1,500,000 | \$ 3,000,000 |
| 8 hours/5 days a week | \$ 500,000 | \$ 1,000,000 |

The yearly costs include salaries and overhead as well as ongoing training.

* At intervals of between 5 and 10 years certain equipment would need to be replaced as well as new wardens hired and trained, increasing these annual costs.

Remote Observation Options and Costs

Several remote observation technologies are available to assist in MPA enforcement and could potentially reduce the need for enforcement by officers in the field. This is particularly true for offshore areas or remote locations. Real time satellite surveillance is available through commercial providers but prohibitively costly at this time. The Department will pursue satellite surveillance options as a potential for future planning. The Department maintains and operates several aircraft capable of MPA patrol. The aircraft are operated on a shared basis with for all Department needs. Additional costs would accrue if MPA-specific aircraft patrols were required, though these costs would be limited to time and fuel. If significant aircraft patrols were needed, potential conflicts with other scheduled may arise.

Vessel Monitoring Systems (VMS) are becoming more prevalent in commercial fisheries, particularly in areas with spatial management in place. The Pacific Fishery Management Council (PFMC) has prepared background information on the potential use of VMS in the Pacific coast groundfish fishery² and a summary of this information is provided here. Prices for VMS systems range from \$1,800 to \$5,800 depending on the particular equipment and needs. According to the PFMC report, start up costs for the limited entry groundfish fishery would be around \$2.5 million (\$5000 per vessel). These costs would increase if VMS were required on all limited entry and open vessels to approximately \$7.5 million (assuming 1,000 open access vessels). Additionally, there are ongoing transmission costs of between \$1 and \$5 per vessel per day which could significantly increase long-term operational costs. The installation and

² Supplemental Enforcement Consultants Report, September, 2002.

transmission costs could, however, be born by the commercial fishermen as a permit requirement.

The majority of the commercial groundfish vessels are larger though their sizes range from 19 to 90 feet. This type of system has not been required previously for recreational fishermen or on smaller commercial vessels. Issues include both the electrical capabilities of smaller vessels and where funding for placement of VMS on recreational vessels would come from. With the large numbers of recreational anglers in California, VMS would likely not be a realistic option for this constituency.

The Department may be able to take advantage of VMS systems required by federal law in some fisheries. In these cases significant offshore coverage could be provided and help reduce offshore patrol needs. This may allow a greater focus on nearshore patrols and of fisheries where VMS is not a requirement.

Timeline for Implementation

If new enforcement staff are approved in the budgetary process, a minimum of one year is required to complete the hiring process and training to bring new wardens into the field. If State hiring lists are not pre-established, this time frame can be increased substantially. The ability to hire and train new staff is also dependent on State budget and hiring constraints. In any given area preliminary enforcement efforts will have to rely on existing enforcement staff with paid overtime or interagency agreements on a reimbursement basis. Final enforcement plans should take this into account and recommendations for implementation dates for MPA proposals should include this consideration.