

**California MLPA Blue Ribbon Task Force**  
**Summary of Interim Guidance to the South Coast Regional Stakeholder**  
**Group with Regard to Military Use Areas and Pending Military Closures**  
*March 2, 2009*

At its February 26, 2009 meeting in Santa Barbara, California, the MLPA Blue Ribbon Task Force (BRTF) received presentations from the U.S. Department of Defense regarding pending military closures and military use areas, from the MLPA Master Plan Science Advisory Team regarding the ecological characteristics and linkages of these areas, and from staff regarding background information and potential actions. The BRTF unanimously approved the motion below, with two modifications and a request.

**Motion**

***Proposed Guidance for the MLPA South Coast Regional Stakeholder Group (SCRSG) for Round 1 of Developing Marine Protected Area Arrays***

For the mainland:

- Allow the regional stakeholder work groups to propose marine protected areas (MPAs) within military use areas on the mainland (in the two “draft MPA arrays”)
- Resolve conflicts with military uses in later rounds

For the islands:

- Allow the SCRSG work groups to propose MPAs within military use areas at the islands in one of two “draft MPA arrays” within their work groups
- Direct the SCRSG work groups to include only pending military closures in the second of two “draft MPA arrays” within their work group
- Resolve conflicts with military uses in later rounds

***Proposed Guidance for External MPA Proposals for Round 1 of Developing Draft Marine Protected Area Proposals***

Do not include pending military closures in draft external proposals and evaluate any proposed MPAs in military use areas as submitted.

***Proposed Guidance for the MLPA Master Plan Science Advisory Team (SAT) for Round 1 of Evaluating Draft Marine Protected Area Proposals***

- Direct the SAT to evaluate MPAs proposed within military use areas with a level of protection based on proposed allowed uses (i.e. not considering military activities in level of protection)
- Direct the SAT to evaluate pending military closures with a level of protection of “very high” (analogous to a state marine reserve), since no fishing is allowed

***Proposed Guidance for Next Rounds***

- Consider results of evaluation of SCRSG draft MPA arrays and draft external proposals

- Continue discussion of military use areas and pending military closures
- Discuss and consider any proposed MPAs within military use areas on the mainland and at the islands
- Provide further guidance on three decision points outlined above

### **Modifications to the Motion**

1. Encourage the U.S. Department of Defense (DoD) to share information about the potential impacts of its activities on military use areas and marine protected areas in order to help determine the consistency of military use areas with MLPA goals and guidelines. Encourage SCRSG members to confer with DoD representatives to identify potential solutions that best meet the goals and guidelines of the MLPA with minimal conflict with DoD mission-critical activities.
2. The direction the BRTF is currently taking is an interim step toward making a policy decision at the next meeting in April. The decision to assign a very high level of protection for MPAs designated within the DoD's proposed safety zones and federal military closures is merely a "placeholder" pending further review and may need to be changed as new information is gathered. Toward this end, the DoD's Environmental Impact Statement for the pending closures at San Clemente Island, cooperative agreements with other agencies that operate within or adjacent to military use areas, and other informative documents shall be gathered and posted to the MLPA website.

### **MLPA Blue Ribbon Task Force Request**

The BRTF also requested that a policy and legal analysis of the proposed safety zones, federal military closure areas, and military use areas be performed before the next BRTF meeting on April 15, 2009. In general, this analysis would include, but not be limited to, the following areas of research:

1. The legal and jurisdictional limitations if the State of California does or does not designate the proposed military closures as MPAs, including the role the state would play in enforcement, monitoring and research for either scenario.
2. An examination of where the State of California has encountered similar situations before and how it was resolved.
3. A review of the current cooperative agreements on San Nicolas Island and their applicability as a potential model to use for MLPA implementation.
4. An analysis of whether the approach taken by the SAT regarding water quality (i.e., augmenting levels of protection with specific water quality information) would be appropriate for military use areas.
5. A review of historical examples provided by the DOD where military activities were curtailed and negatively impacted in order to comply with state regulations to determine if they are analogous to MPA designation and MLPA implementation.