

Marine Life Protection Act



Photo by Dave Rude

**California Department of Fish and Game
Feasibility Analysis of Draft MPA Arrays, and Draft External Proposals**

South Coast Regional Stakeholder Group Meeting
April 28, 2009 • Oxnard, CA
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Overview of Department Role

The MLPA Initiative Memorandum of Understanding (MOU) explains Department's role:

- The Department *will*
 - Provide a statement of feasibility criteria
 - Provide advice on feasibility aspects of MPA proposals
 - Provide advice on prospects of MPA proposals to achieve MLPA goals

Overview of Department Role, cont.

- The Department *will not*
 - Make recommendation for preferred alternative
 - Support any individual stakeholder proposal
- Purpose of DFG evaluation:
 - To ensure proposals meet Department feasibility guidelines and goals of MLPA

DFG Feasibility Evaluation

Components of Evaluation :

- Enforcement Feasibility
 - Enforceability
 - MPA design
 - Boundaries
 - Take regulations
- Identified goals and objectives for MPAs
- Prospects of proposals to meet the MLPA goals



DFG Feasibility Evaluation – Round 1

- DFG Evaluations of Round 1 are intended to ensure that MPAs have:
 - Simple regulations, easy to enforce & understand
 - Reasonable goals and objectives for each proposed MPA
 - Good prospects to meet MLPA goals

- Next round: should greatly improve if the SCRSG implements suggested changes



Feasibility- MPA Design and Regulations

- Frequently noted design elements that decrease MPA feasibility:
 - Boundaries not at whole minutes of latitude and longitude or at landmarks
 - Boundaries not due North/South or East/West, or parallel to shore
 - Boundaries use distance offshore or depth contours



Feasibility- MPA Design and Regulations

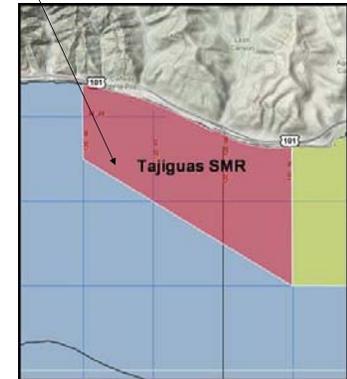
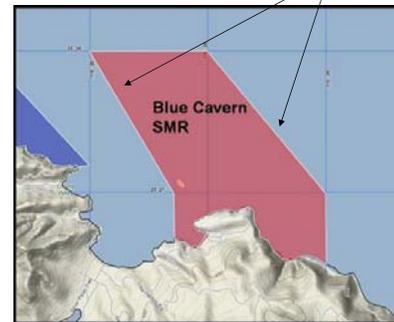
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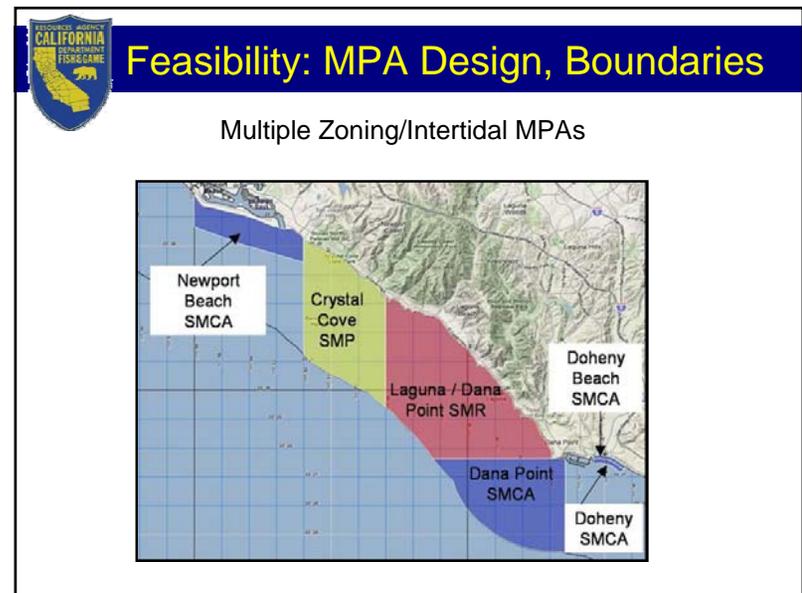
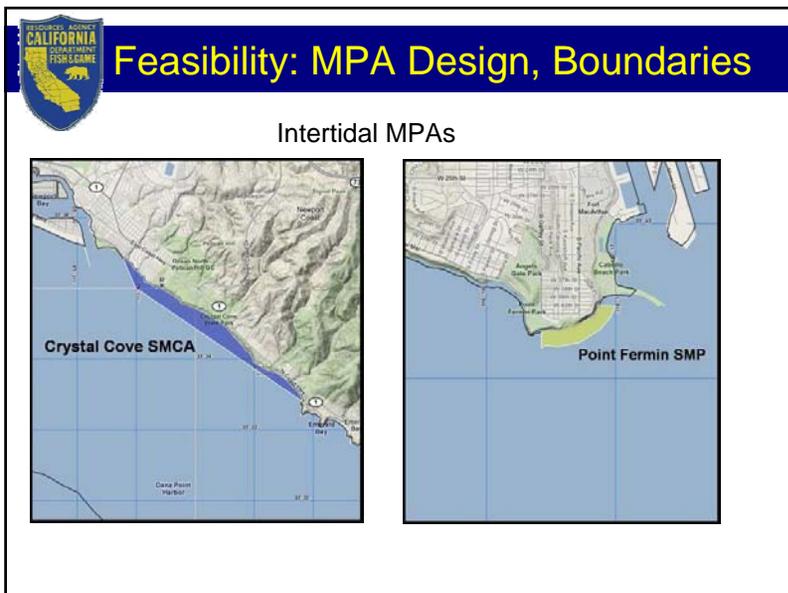
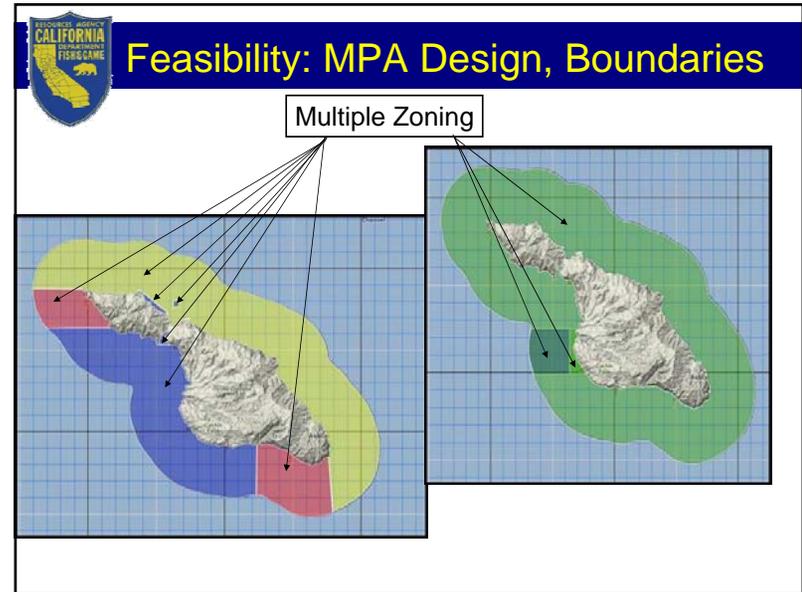
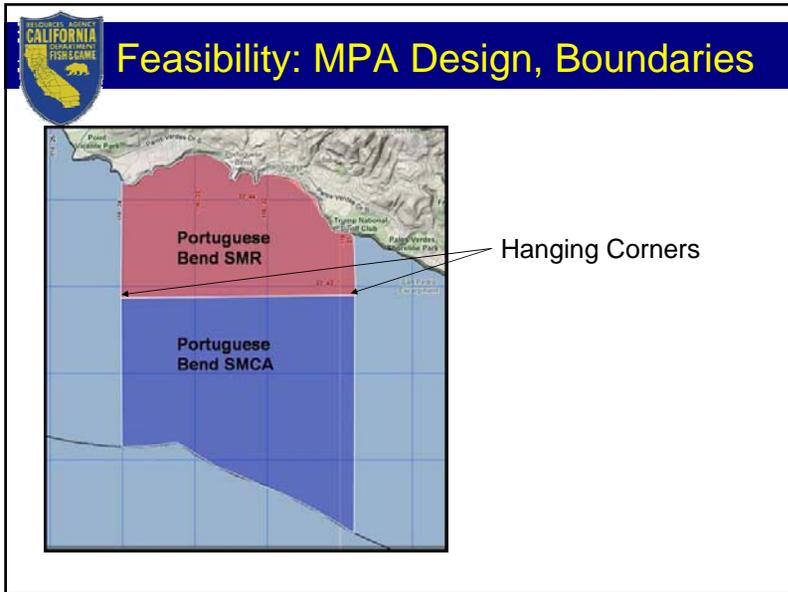
- “Floating corners” in offshore waters not at clear lines of latitude and longitude
- Use of diagonal lines unanchored
- Multiple zoning or complex designs
- MPAs with complex regulations

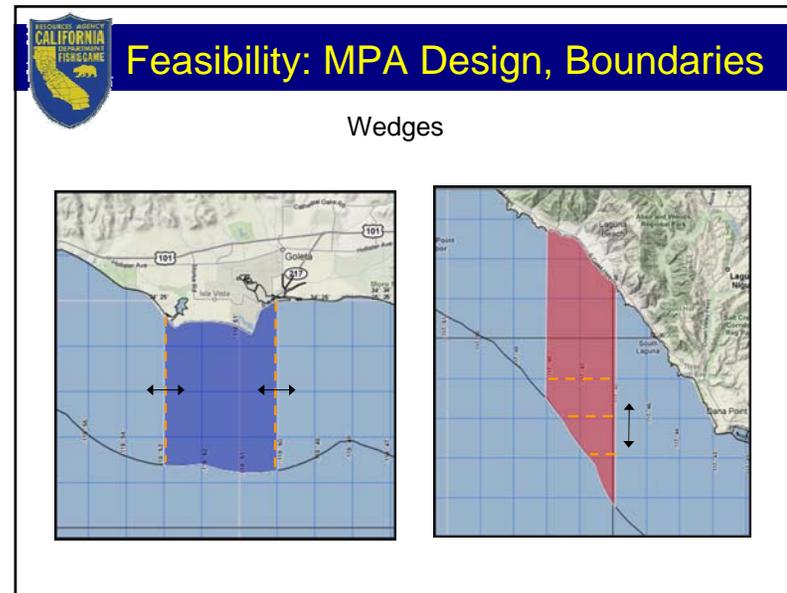
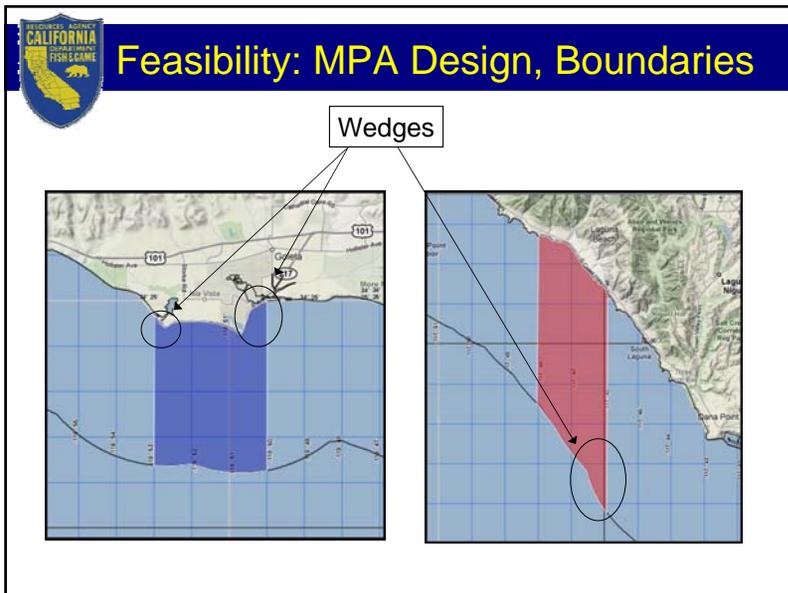


Feasibility: MPA Design, Boundaries

Incorrect use of diagonal lines







Complex Regulations - Example

Existing MPA – Crystal Cove SMCA
(South Coast)

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.
2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis* spp.) and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

Complex Regulations - Example

Existing MPA – Crystal Cove SMCA

Problems:

- Too many exceptions
- Minor differences between sport and commercial not readily noticed
- Awkward allowances (e.g., worm take)
- Unclear what MPA protects



Simple Regulations - Example

Existing/ Improved MPA – Portuguese Ledge SMCA
(Central Coast)

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish.



Simple Regulations - Example

Existing MPA - Portuguese Ledge SMCA
(Central Coast)

Good Points

- Simple allowed take
- All pelagic species allowed, no exceptions
- Commercial and recreational both the same



Goals and Objectives

- Purpose
 - Collectively fulfill network objectives
 - Drive MPA design (where, boundaries, regulations, type)
 - Inform monitoring activities
 - Influence future adaptive management
- SCRSG South Coast Regional Objectives
 - Developed to meet MLPA goals in south coast
 - Considered and selected as MPAs are developed



MPA Site Specific Rationale

- A concise statement of what the MPA is designed to achieve
- Why it contributes to each identified goal (i.e. specific ecological and/or conservation rationale for placing an MPA at this location).
- Identification of biological reasoning or protection goals (i.e., what you want to protect)



Goals and Objectives Review

Frequently noted concerns in Round 1:

- No goals & objectives identified
- MPA rationale:
 - not included, or
 - inadequate – doesn't state what MPA would achieve
 - e.g., "retains existing MPA"
 - e.g., "uses existing regulations"
- Goals & objectives are included, but too broad
 - i.e., all goals & objectives are provided
- Inappropriate use of goals & objectives in relation to science guidelines



Summary of DFG Evaluation of Round 1 MPAs

MPA Array Name	Total # of MPAs ¹	# of New, Modified, or Retained MPAs ²	Goals & Regional Objectives Included (%)	Site Specific Rationales Included (%)	Regulations Simple/Clear (%)	Boundaries Meet Guidelines (%)
External A	38	25	52%	52%	68%	56%
External B	50	37	35%	35%	43%	8%
External C	47	34	100% ³	100%	94%	79%
Lapis A	44	31	13%	100%	65%	32%
Lapis B	54	41	63%	100%	61%	41%
Opal A	45	32	38%	100%	66%	28%
Opal B	52	39	28%	100%	74%	31%
Topaz A	48	35	63%	89%	80%	49%
Topaz B	55	42	36%	83%	57%	36%

¹Includes the 13 Northern Channel Island MPAs (does not include the proposed military closures).

²Number used for calculating percentages.

³This proposal included all of the goals and regional objectives for almost every MPA proposed.



Issues that Reduce Prospects to Meet Goals

Round 1 includes high numbers of MPAs that:

- Do not meet the Department's feasibility guidelines
- Provide inadequate protection (some MPAs allow ALL existing take)
- Do not adequately improve existing MPAs
- Decrease prospects for network success



Summary: Factors Affecting Success

Draft MPA Proposal/ Array Name	MPAs that Don't Meet All Feasibility Guidelines ¹ (%)	MPAs Below Moderate-High LOP (%)	# of Existing MPAs Retained with Inadequate Improvement
External A	76%	56%	8
External B	100%	70%	19
External C	21%	12%	1
Lapis A	94%	55%	14
Lapis B	80%	44%	8
Opal A	94%	53%	13
Opal B	95%	36%	9
Topaz A	74%	26%	7
Topaz B	93%	62%	10

* Note: Percentages do not include the 13 Northern Channel Island MPAs (or proposed military closures).

¹ Meets feasibility guidelines including: boundaries, regulations and includes goals, regional objectives and site-specific rationales.



Highlight on Policy/Legal Issues

Issues in Round 1 requiring policy or legal input:

- ❑ Improper MPA Designation
 - SMR in aquaculture lease area
 - SMRMA (State Marine Recreational Management Area)
- ❑ Cultural Take Provisions
- ❑ Different Fisheries Management Regulations
- ❑ Catch and Release MPAs
- ❑ New Management Strategies



Feasibility: Aquaculture Leases

- ❑ Guidance in North Central Coast :
 - Use “SMCA” designation for area with existing aquaculture lease
- ❑ Existing leases occur at:
 - Offshore Santa Barbara
 - Agua Hedionda



Feasibility: Use of SMRMAs

- ❑ Guidance in North Central Coast:
 - **Use SMRMA only to replace MPA designation where waterfowl hunting occurs**
 - This is Fish and Game Commission policy direction
 - MPA-like protection
 - Avoid conflict with hunting regs (FGC 1590, 1591)
- ❑ Round 1: Inappropriate use of SMRMA designation in some proposals



Issue: Cultural Take

- ❑ **Exclusive Allowances:** Cultural take
 - Must identify marine species, species group, and method of take
 - Allowed take regulations for living marine resources need to apply to everyone for MLPA.



Issue: Inconsistent Fishing Regulations

- ❑ Examples from draft MPA arrays/proposals:
 - Different bag limit
 - Different size limit
 - # and type of hooks
- ❑ Does not meet feasibility guidelines for enforceability
- ❑ Fisheries management changes must go to the Commission



Issue: Unique Management Schemes

- ❑ Examples from draft MPA arrays/proposals:
 - Gives fishery management oversight to an Advisory Committee
 - Creates Territorial User Privilege Areas
 - Creates limited entry permits in an MPA (“grandfather” clause)
- ❑ Proposals such as these constitute fisheries management, which is not in the purview of the MLPA



Feasibility: Catch and Release MPAs

- ❑ DFG Enforcement has concerns
 - Memo 1: *DFG guidance on bag limits, size limits, and catch and release fishing in MPAs (Aug 21, 2007)*
 - Memo 2: *Law Enforcement Division’s guidance on catch and release fishing in MPAs (Jan 7, 2009)*
 - Memo 3 (*new*): Handout today



Recommendations for Round 2 Proposals

1. Clearly state goals, regional objectives, & rationales for each MPA
 - Focused & narrow scope
 - Highlight purpose/what protects
2. Existing MPAs: State which were retained, modified or eliminated *and why*
3. Include clear take allowances for each MPA
4. Provide written boundary descriptions (should match shape in MarineMap)
...(continued)...



Recommendations for Round 2 Proposals

(continued)

5. Improve feasibility
 - Conform lines to guidelines
 - Reduce/simplify multiple zoning
 - Correct designations (e.g., SMRMAs)
6. Avoid new fishery management regulations
7. Address policy/legal issues as advice is available



Department Evaluation of Round 2

- Detailed review of goals & objectives
 - Individual MPAs
 - Regional MPAs (e.g., connectivity)
 - Options to remedy
- Further feasibility feedback
 - Options to remedy
- Prospects to meet MLPA goals
- NEW: Review of adjacent management areas

- Department staff are available for questions.