

# Key Outcomes Memorandum

**Date:** May 6, 2009

**To:** Members, MLPA South Coast Regional Stakeholder Group (SCRSG)

**From:** Rebecca Tuden, CONCUR, Inc.

**Re:** Key Outcomes Memorandum – April 28, 2009 SCRSG Meeting

**cc:** MLPA Initiative staff and contractors, California Department of Fish and Game staff, and California Department of Parks and Recreation staff (collectively known as the I-Team)

---

## Executive Summary – Key Outcomes

On April 28, 2009, the Marine Life Protection Act (MLPA) South Coast Regional Stakeholder Group (SCRSG) participated in its fifth meeting in Oxnard, CA. **Key outcomes** from the meeting are as follows:

- Received a presentation from BRTF member Bill Anderson on key BRTF guidance provided to SCRSG members for Round 2 of their marine protected areas (MPAs) proposal development. The presentation included an emphasis on creating cross-interest proposals in each of the gems groups and defined cross-interest as “a broad range of consumptive and non-consumptive interests as represented through the SCRSG”.
- Received a presentation from I-Team staff on how to make the BRTF guidance operational in the SCRSG gems groups. The I-Team instruction explained that external proposals were not to be fully “internalized” into the work being done by the SCRSG work groups. Instead, the SCRSG members are to develop one, single, cross-interest proposal in each work group, and SCRSG members will have the opportunity to determine which proposals, including the external proposals, will be forwarded for Round 2 evaluation at the May 21, 2009 SCRSG meeting.
- Received an overview of all ten Round 1 MPA arrays/proposals: the existing MPAs, draft external proposals A, B and C, and six SCRSG-generated draft MPA arrays, including areas of convergence and a summary of key evaluation points for each proposal.
- Received evaluations of each of the ten Round 1 MPA arrays/proposals from the MLPA Master Plan Science Advisory Team (SAT), including size and spacing, habitat representation and replication, bioeconomic modeling, marine birds and mammals, and results from the analysis of potential socioeconomic impacts to commercial and recreational fisheries.
- Discussed that the SAT methods and evaluations are guidelines for MPA placement. The SCRSG members are responsible for optimizing achievement of the six MLPA goals as best they can, and it will be impossible to achieve all goals in every instance. The SCRSG members were encouraged to be explicit about the tradeoffs and the decisions reached on which guidelines or interests were intended to be met with the placement of a given MPA.

- The California Department of Fish and Game (DFG) provided an evaluation of the Round 1 MPA arrays/proposals and how well they met DFG's feasibility guidelines for developing MPA designs, regulations and boundaries.
- The California Department of State Parks and Recreation (State Parks) discussed each of the MPA proposals and how well they conformed with State Parks guidance and the Master Plan for State Parks.
- During the meeting and in a letter signed by a subset of SCRSG members, SCRSG members raised concerns about the MLPA process and urged that it would be preferable to delay development of Round 2 proposals in order to accommodate additional data and guidance from the military. BRTF Chair Don Benninghoven suggested that extra time potentially could be made available in the summer months if SCRSG members felt more time was needed. He further added that the MLPA process created a unique situation in that the SCRSG members were on the ground floor creating public policy. He also noted that more data was available earlier in the south coast study region than prior study regions. During the discussion, SCRSG members voiced their support for continuing and moving forward with Round 2 MPA proposal development.

**Key next steps** are listed in Section III below.

#### **I. Meeting Objectives, Participants and Materials**

On April 28, 2009, the MLPA South Coast Regional Stakeholder Group (SCRSG) participated in a meeting in Oxnard, CA. This Key Outcomes Memorandum summarizes the meeting's main results.

##### **The primary objectives of the meeting were to:**

- *Receive and discuss MLPA Master Plan Science Advisory Team (SAT), California Department of Fish and Game, California Department of Parks and Recreation, and MLPA staff evaluations of Round 1 SCRSG "draft marine protected area (MPA) arrays" and draft external MPA proposals*
- *Receive and discuss MLPA Blue Ribbon Task Force (BRTF) feedback on SCRSG draft MPA arrays and draft external MPA proposals*
- *Receive and discuss BRTF guidance on developing Round 2 "draft MPA proposals"*
- *Assess approach for convergence on draft MPA options within and across work groups*
- *Begin discussion of potential revisions to draft MPA arrays and draft external MPA proposals with an eye toward finishing draft MPA proposals at the end of the May 21 SCRSG meeting*

60 SCRSG members (primary and alternates) participated in the meeting.

MLPA Blue Ribbon Task Force (BRTF) members Don Benninghoven (chair), Meg Caldwell and Bill Anderson attended portions of the meeting.

MLPA Master Plan Science Advisory Team (SAT) members Larry Allen, Steve Murray, Dominic Gregorio, and Dan Robinette, attended portions of the meeting. Dr. Will White gave a presentation on behalf of the SAT.

MLPA Initiative, California Department of Fish and Game (DFG), and California Department of Parks and Recreation (State Parks) staff—collectively known as the “I-Team”—staffed the meeting.

Meeting materials may be found on the MLPA website at [http://www.dfg.ca.gov/mlpa/meeting\\_042809.asp](http://www.dfg.ca.gov/mlpa/meeting_042809.asp)

## **II. Key Outcomes**

### **A. Welcome, Introductions, and Updates**

The I-Team indicated that the order of items on the agenda had been changed and that the discussion of the BRTF guidance to the SCRSG and the direction to the work groups for Round 2 had been moved to the start of the meeting. Staff highlighted key documents provided to SCRSG members in the materials. Staff informed SCRSG members that the next BRTF meeting (planned for May 18) will include further discussion and guidance for MPA placement in military use areas and also consider fisheries management and water quality issues. I-Team staff gave a status report on the revised regional profile for the MLPA South Coast Study Region which is expected to be released in May 2009. Staff also highlighted the finer scale of substrate data that is now available on MarineMap and invited SCRSG members with additional data to contribute to follow the process provided in the use of substrate data memo (Briefing Document A.8).

### **B. BRTF Guidance**

Blue Ribbon Task Force Member (BRTF) Bill Anderson summarized the key guidance for evaluating the Round 1 proposals provided in an April 24, 2009 memo to the SCRSG members. He reiterated the BRTF’s support of previous guidance provided in the MLPA North Central Coast Study region and highlighted the BRTF’s guidance to maintain flexibility for design of MPA proposals with relation to military use areas. He discussed the meaning of cross-interest proposals (“a broad range of consumptive and non-consumptive interests as represented through the SCRSG”) and explained that “middle-ground”, in the context of the SCRSG process, means that the core needs of all SCRSG members are integrated to generate a proposal that all SCRSG members can live with.

### **C. Direction to Work Groups for Continuing Round 2**

I-Team staff gave a presentation describing how the guidance from the BRTF on cross-interest and middle-ground proposals would be implemented. In particular, SCRSG members will continue with the gems group and are charged with creating a single, cross-interest proposal in each work group in Round 2. These proposals should not be attempts to fully integrate the external proposals into the SCRSG process, but instead, efforts to use the creativity and knowledge of the SCRSG members as well as cross-interest deliberation to create new options. It was described that SCRSG members will have the opportunity to determine which of the proposals move forward for evaluation and into Round 3; then, at the beginning of Round 3, the

intention is for SCRSG members to select which MPA proposal they wish to work on. I-Team staff also clarified that work groups that came to agreement on single Round 2 proposals would automatically have their proposals move forward as one of the five to six proposals for Round 2 evaluation. The discussion on this topic suggested that SCRSG members were skeptical of reaching agreement within the work groups but recognized the importance of following the BRTF guidance and I-Team direction.

## **D. Evaluations of the Draft MPA Arrays and Draft External MPA Proposals**

### **Overview of Proposals**

The I-Team staff presented the overview of the MPA arrays/proposals submitted for evaluation in Round 1 including: existing MPAs (proposal 0); external proposals A, B and C; and six proposals generated from the SCRSG work groups. This summary included maps identifying the key geographic overlaps across the proposals and the relative level of protection and percent coverage of MPAs in each proposal. The presentation identified key planning issues for moving forward into Round 2 including a shift away from information gathering and toward integration of information and the inclusion of special closures and water quality evaluation into Round 2.

### **Habitat Representation and Replication**

SAT Member Dr. Steve Murray presented the evaluation results for habitat representation and replication, which are indicators for how well the Round 1 MPA proposals achieve Goals 1 and 4 of the MLPA. His presentation discussed the availability of different habitats across the study region (including mainland and islands) and noted that the proposals had a highly variable representation of all habitats. All proposals included habitat representation from the existing MPAs at the Northern Channel Islands. Dr. Murray confirmed that the habitat calculations used the most current data set and the data used for the evaluations is available on Marine Map. Dr. Murray clarified the use of persistent kelp for the purpose of evaluating kelp habitat representation. A habitat type that is most difficult to replicate, due to its patchy distribution and rarity, is deep rocky bottom (greater than 100m) habitats. It was also noted that all of the Round 1 MPA proposals included a broad range of habitats, but habitats in MPAs having below moderate-high protection are not included in evaluations for habitat representation and replication.

### **Habitat Size and Spacing**

SAT member Dr. Larry Allen presented the evaluation results for MPA size and spacing, which are indicators for how well the proposals met Goals 2 and 6 of the MLPA. Dr. Allen pointed out that the SAT guidelines are not rules and may be difficult to meet in some cases. For example, it may be impossible to meet the spacing guidelines for rocky habitats greater than 30 meters depth and sandy bottom habitats greater than 200 meter depth due to gaps between patches of these habitats in the south coast study region. The number and size of MPAs varied markedly across the submitted proposals. It was noted that few of the SMCAs were included in the size and spacing analysis as they did not afford moderate-high protection.

### **Bioeconomic Modeling**

Dr. Will White, speaking on behalf of the SAT, provided a description of the bioeconomic modeling and the relative ranking of the MPA arrays/proposals. Key points made by Dr. White were that the relative ranking of MPA arrays/proposals is not sensitive to the model used (UCD

or UCSB) or the assumption about fishery management outside MPAs (conservative, MSY, or unsuccessful). However, the assumption about fishery management does influence the total conservation value or fishery yield predicted by the models. For conservative and MSY type management, there is a trade-off between MPA size and fishery yield. While larger MPAs produce greater conservation value, fishery yield is reduced. For unsuccessful management, larger MPAs have greater conservation value and greater fishery yield. Some SCRSG members suggested that California currently has a conservative fisheries management approach. However, DFG staff indicated that no official decision on the type of fisheries management approach has been made.

### **Marine Birds and Mammals in the MLPA South Coast Study Region**

SAT member Dan Robinette provided a presentation evaluating how each of the submitted MPA proposals fared for the marine birds and mammals in the study region. It was noted that this evaluation only included SMRs and that, for future evaluations, SMCAs will be reviewed for the level of protection they may afford. Bays and estuaries provide critical habitat for many of the marine bird species, and this habitat was limited in many of the MPA proposals.

### **Ecotrust Fisheries Use and Values Project**

Dr. Sarah Kruse of Ecotrust summarized the results of potential impacts to commercial and recreational fisheries for each of the Round 1 arrays/proposals. In reviewing the results of the analysis for the different ports and commercial and recreational sectors, it was noted that both the percentage amount for each fishery and the total dollar amount should be considered. It was also noted that potential socioeconomic impacts were evaluated for proposed MPAs in waters surrounding St. Catalina Island. In port-level evaluations, potential impacts of MPAs around Catalina were considered for mainland ports; a separate evaluation was not conducted for ports on Catalina Island. For the evaluation of Round 2 proposals, Ecotrust will separate data from the Northern Channel Islands from other areas because no new MPAs will be established in this region.

## **E. Additional Evaluations of Draft MPA Arrays**

### **California Department of Fish and Game Evaluation**

California Department of Fish and Game (DFG) staff provided the results of their feasibility evaluation of Round 1 proposals and included further guidance on how MPAs should be designed so that they meet DFG's identified feasibility criteria. Examples of feasibility design concerns in the Round 1 arrays included hanging corners, multiple zoning, intertidal MPAs, and complex regulations. DFG reiterated that meeting the design guidelines was important to ensure adequate protection, implementation, and enforcement of the MPAs. DFG clarified that a state marine recreational management area (SMRMA) is only applicable where there is waterfowl hunting and that proposals with fisheries management regulations are not in the purview of the MLPA. In cases where MPAs were intentionally designed for specific objectives that prevented the MPA from meeting the design guidelines, SCRSG members were encouraged to be explicit about the rationale as to why design guidelines could not be met.

### **Goal 3 Analysis**

I-Team staff presented the Goal 3 analysis of the draft proposals. The Goal 3 analysis provides a relative ranking of the proposals (there are no specific guidelines). The analysis indicated that all of the proposals were an improvement over the existing MPAs.

### **F. Water Quality in the MLPA South Coast Study Region**

Dominic Gregorio, SAT member from the State Water Resources Control Board, gave a presentation summarizing the water quality guidance for the study region and indicated that Round 2 MPA proposals would receive an evaluation of the water quality concerns. The draft evaluation methods (intended to be finalized at the upcoming SAT meeting) are based on presence/absence of key water quality concerns: entrainment, storm water outfalls, and industrial/municipal outfalls and co-location with areas of special biological significance.

### **G. Discussion of Work Group Direction**

During meeting discussions and in a letter signed by a subset of the stakeholder group, SCRSG members raised concerns about the MLPA process and urged that it would be preferable to delay development of Round 2 proposals in order to accommodate additional data on issues such as kelp habitat and the pending guidance from the BRTF on the military use areas. BRTF Chair Don Benninghoven suggested that extra time potentially could be made available in the summer months if SCRSG members felt more time was needed. He further added that the MLPA process created a unique situation in that the SCRSG members were on the ground floor creating public policy and that it created a challenge to get the information to people directly involved with the resource. He also noted that more data was available earlier in the south coast study region than in prior MLPA study regions. During the discussion of the timeline and data concerns, SCRSG members voiced their support for continuing and moving forward with Round 2 MPA proposal development.

### **H. Public Comment**

The extensive public comment focused on the following suggestions and concerns:

- Concerns related to the significant, potential, negative, economic impact of different MPA draft arrays/proposals and placement of specific MPAs. Members of the public requested that SCRSG members consider alternative measures instead of full closures and avoid placing MPAs in areas of most significant impact including La Jolla, Del Mar and Point Conception.
- Concern related to access and safety for kayak fishermen and spear fishermen and the impacts to those users if an SMR is placed in La Jolla.
- Concern that the timeline is moving too fast, that data is being revised without notice, and that more definitive guidance on key issues such as military use areas is needed. It was suggested that the timeline be modified to allow more time for considering the data and generating key policy guidance.

Other comments included:

- Concern that placement of MPAs may restrict necessary monitoring activities associated with sanitation districts or outfalls. A request to conduct a special evaluation of the sediment contamination at Palos Verdes.
- There was also a comment from the Chumash tribe supporting the preservation of the ecological integrity of the ocean and integrating cultural preservation activities into the placement and designation of MPAs.
- A question was raised about how the management of areas will change with the designation of an MPA (e.g. Carpinteria Salt Marsh Reserve)

## I. Questions and Clarifications

Throughout the meeting, SCRSG members posed a range of clarifying questions and provided comments regarding the process, science and policy aspects of the guidelines, and informational presentations. I-Team staff responded to most of these questions during the meeting and will provide responses to the remaining policy and science questions that were not fully answered at the meeting. Key comments and questions from SCRSG members that were identified for further review and follow-up include:

- What is the policy guidance regarding special closures in the northern Channel Islands?
- Will the habitat data used in the analysis be updated with new/outside data that becomes available?
- How is kelp coverage being evaluated by the SAT?
- Can rocky bottom habitat that does not currently support kelp growth be considered kelp habitat if it has the potential to grow kelp or has supported kelp growth in the past?
- Is aerial photographic data for surfgrass and kelp being incorporated into the data used for the habitat analysis?
- Why were only a select (7) number of years used in the estimation of persistent kelp and not 7 consecutive years?
  - a. How were the years evaluated in terms of being warm vs. cold-water years?
  - b. Do the selected years reflect the frequency of ENSO events typical to the region (one every 4 to 7yrs)?
- Has the SAT's guidance regarding the spacing guidelines changed?
- How should the level of success of fisheries management practices be considered in the process?
- Can individual MPA's be ranked for their ability/potential to provide bird and mammal protection?
- Why didn't any of the evaluations show 100% protection in estuarine habitats?
- Can the SAT do a habitat quality evaluation of the Palos Verdes Shelf in relationship to water quality/pollutant impacts?

**J. Objectives for May 19-20, 2009 Work Sessions and May 21 SCRSG Meeting**

The SCRSG will hold its next work sessions in Santa Ana on May 19 and 20, 2009. The main objective for the work sessions is to further develop the draft MPA proposals for Round 2 evaluations.

The next SCRSG meeting will be in Santa Ana on May 21, 2009. The key objective will be to complete the draft MPA proposals and identify which, including the external proposals, are forwarded for review and evaluation.

**III. Recap of Next Steps****A. Key next steps for SCRSG members**

Continue to work with fellow gems' group members to create a single, cross-interest proposal for the end of Round 2. Specific "homework" actions were identified during the April 29 work session.

**B. Key next steps for I-Team staff**

Prepare responses to outstanding process, policy and science questions raised by SCRSG members.