



California Marine Life Protection Act Initiative

c/o California Resources Agency
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To: MLPA Blue Ribbon Task Force
From: Michael DeLapa, Central Coast Project Manager
Date: January 20, 2006

**Subject: QUALITATIVE STANDARDS OF THE MLPA AND QUALITATIVE GUIDELINES
OF THE MLPA MASTER PLAN FRAMEWORK**

Summary

The purpose of this memo is to assist the MLPA Blue Ribbon Task Force (BRTF) in its review of candidate MPA packages for the central coast by identifying substantive tests and key concepts in the Marine Life Protection Act (MLPA; Fish and Game Code, sections 2850-2863) and MLPA Master Plan Framework (as adopted by the California Fish and Game Commission in August 2005). Nothing in this memo shall impute decision-making authority to the BRTF, whose deliberative role is properly confined to broad policy issues. The entities with primary decision-making authority are the California Department of Fish and Game and the California Fish and Game Commission.

Sections 2853 and 2857 of the MLPA provide a variety of standards for judging candidate MPA packages while Section 2853 identifies the six goals of the act. Section 2857 addresses the design of a preferred alternative, including specific requirements for the design of an improved marine life reserve component. Appendix A of this memo provides the full text of these sections.

In addition, the MLPA (Section 2855(a)) requires that the commission 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."

The commission adopted a master plan framework in August 2006. The framework provides additional design guidance, based on best readily available science. Appendix B provides excerpts of the master plan relevant to the MLPA's requirements for MPA size, number, type of protection, location and other MPA network design features.

Qualitative Standards of the MLPA

1. Pursuant to Section 2853 (redesign of MPA system, goals and elements of program), does the package [emphasis added]:

- Increase the coherence and effectiveness of California's MPA system at protecting the state's marine life, habitat, and ecosystems?
- Meet the six goals of the act?
 - i. To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
 - ii. To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
 - iii. 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.
 - iv. To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
 - v. To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
 - vi. To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.
- Include all of the following elements:
 - i. An improved marine life reserve component consistent with the guidelines in subdivision (c) of Section 2857?
 - ii. Specific identified objectives, and management and enforcement measures, for all MPAs in the system?

[Note: other requirements described in this section will be met later in the MLPA planning process]

2. Pursuant to Section 2857 (workshops and a preferred siting alternative, does the package:
- Include MPA networks with an improved marine life reserve component and is designed according to each of five guidelines?
 - i. Each MPA shall have identified goals and objectives.
 - ii. 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.
 - iii. 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.

- iv. 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.
- v. 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.
 - Take into account the existence and location of commercial kelp beds?

Qualitative Guidelines of the MLPA Master Plan Framework

1. Pursuant to the adopted MLPA Master Plan Framework, does the package:

- Represent every 'key' marine habitat in the MPA network?
- Include MPAs from the intertidal zone to deep waters offshore to protect the diversity of species that live in different habitats and those that move among different habitats over their lifetime?
- 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), based on adult neighborhood sizes and movement patterns, to protect adult populations?
- Are placed within 50-100 km (31-62 m or 27-54 nm) of each other to facilitate dispersal of important bottom-dwelling fish and invertebrate groups among MPAs, based on currently known scales of larval dispersal?

Appendix A: Relevant Provisions of the California Marine Life Protection Act (MLPA)

2853. (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.

2857. (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.

Appendix B: Relevant Excerpts from the MLPA Master Plan Framework as Adopted by the California Fish and Game Commission in August 2005

Science Advisory Team Guidance on MPA Network Design (page 38)

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 statewide 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 may be modified if new science becomes available that indicates changes. Additionally, changes may 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.

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.