

**California State Parks' Evaluation of Round 3 MPA Arrays
October 19, 2009**

As both a trustee and managing agency overseeing nearly 30% of the State's coastline, State Parks has a responsibility to ensure that MPA proposals are consistent with management objectives of existing state park units and to evaluate those MPAs proposed for inclusion into the Park system for consistency with State Park policies, goals and objectives. In November 2008 the SCRSG were presented with the State Parks Guidelines¹, in April they received the first round evaluations² and in July they received the second round evaluations³.

In order to provide the SCRSG with the State Parks perspective, State Parks committed to review the draft arrays. The State Parks review was limited in scope and covered only proposed MPAs adjacent to State Park terrestrial units and included State Park lands managed by others.

In reviewing the proposed MPAs, the primary considerations were: 1) consistency of the proposed MPA designation with State Park unit purpose; 2) recognizable boundaries for management; 3) non-adjacent proposed SMPs and SMRAs and; 4) existing State Park underwater units. Within the tables that follow, are comments specific to each proposed MPA.

Consistency of the proposed MPA with a State Park unit is determined by both the unit's designation and its General Plan. The classification of a State Park System unit forms the foundation on which all management and development policies are based. Within the South Coast Region there are three basic land State Park designations that may abut an MPA; these are State Park, State Beach and Natural Preserve. Each has its own specific purpose. A State Park preserves outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California, while making available for public enjoyment and education in a manner consistent with the preservation.⁴ State Beaches are a class of State Recreational Areas which are operated to provide outdoor recreation opportunities. State Beach may consist of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities.⁵ Within either a State Park or State Beach, there may be designated internal units. Natural Preserves are units within the boundaries of state park units of outstanding natural or scientific significance. Natural preserves function to preserve such features as rare or endangered plant and animal species and their supporting ecosystems. Their

1 California State Parks Guidelines for Creating Marine Managed Areas, November 2008

2 California State Parks' Evaluation of Round 1 MPA Arrays, April 28, 2009

3 California State Parks' Evaluation of Round 2 MPA Arrays, July 28, 2009

4 PRC § 5019.53

5 PRC § 5019.56 (c)

management goals and objectives mirror those of the MMAIA. Although the goal is allow for the natural dynamics of ecological interaction to continue without interference, habitat manipulation is permitted in those areas where it is necessary to preserve the species or associations that constituted the basis for the establishment of the natural preserve.⁶

RESULTS

Protection of natural resources within existing State Park underwater units -

Each of the proposed arrays would significantly reduce the protections currently afforded State Parks units. Within the study region, State Parks has six existing underwater units, part of the statewide development of underwater parks. These units are extensions of the terrestrial unit through either long term lease or direct State Park ownership. Ownership or lease of the underwater substrate gives State Parks additional management capabilities. MPA classification enhances the protection and management of the units and affords opportunity to meet Goal 3 objectives. In the final draft arrays all of the existing units were excluded or had their boundaries modified. It is the intent of State Parks to maintain these units within the State Parks system and to maintain or enhance their protections.

Conflicts with terrestrial State Park units –

For the most part, the proposed MPAs were not inconsistent with State Park management plans, goals or priorities. There are however, in every array, examples of MPAs inconsistent with terrestrial Park unit classifications. The MMAIA requires MPAs and terrestrial units be managed "...to achieve the objectives of both areas."⁷ An SMR that encompasses a large portion of a Park unit classified as a State Beach places the purposes of the two in conflict. At each round of array evaluations, Sate Parks highlighted for the RSG where these conflicts occurred.

Enforcement issues related to MPAs adjacent to State Parks -

Boundary based upon latitude and longitudes create difficulties for shore based enforcement of MPAs. In particular, MPA boundaries that meet the shore along non-descript portions of beach are problematic – difficult for rangers to delineate, impossible for visitors. Where they occur within Park units, these issues must be remedied either through alignment with park boundaries or through the use of landmarks.

A further difficulty arises from strict adherence to north-south/east-west guidance, occurs where the boundary of a proposed MPA creates odd angles along the coast. Within State Park units, where millions of visitors will approach MPAs from the land, odd angles further complicate education, management and enforcement. In general, boundaries that are perpendicular to shore are easier to convey to the public. During the round 3

⁶ PRC §5019.71.

⁷ Marine Managed Areas Improvement Act §36601(c)

development, DFG provided the RSG a variance from north-south/east-west MPA boundaries guidelines.

Group 1

MPA	Score	protection * 2	enforcement	conflict * 2	Comments	Current Allowed Uses	Proposed Allowed Uses
Refugio SMCA	-2	-	0	0	<p>Protection – RSG group proposes removal of this existing MPA. The change in allowed uses would decrease protection and open up area to potential increased commercial extraction.</p> <p>The area includes significant natural values as well as extremely sensitive archeological sites. The shallow-relief reefs and interspersed sand substrate environments of this site contribute to high biological diversity. The Refugio area was once a popular trading ship anchorage. Prehistoric Chumash stone bowls have been found within this site. There is a right hand surf break at the point at Refugio, and a classic surf spot at El Capitan which is very popular with the locals. It is also popular for SCUBA diving, swimming, recreational fishing and sea kayaking</p>	<p>Prohibits all recreational take except chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, worms, and finfish.</p> <p>Prohibits all commercial take except kelp; crabs, ghost shrimp, jackknife clams, sea urchins, worms, and finfish</p>	No Restrictions
Big Sycamore SMR	-2	-	0	0	<p>Protection - Deletion of this unit removes the only "genuine no-take" reserve along the south coast. Current regulations restrict take as well as access. Located off of Point Magu State Park, the reserve is within an ASBS and begins at the 30 foot depth contour.</p>	<p>Prohibits all take</p> <p>Restricts Access</p>	No Restrictions
Doheny SMCA	-2	-	0	0	<p>Protection - Change in allowed uses would decrease protection.</p> <p>Doheny State Beach includes an existing underwater recreation area and the Doheny Beach Marine Life Refuge which was designated in 1969 by the Legislature to protect tidepool invertebrates.</p>	<p>Prohibits all recreational take except lobster; rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, California sheephead, bonito, California halibut, sole, turbot and sanddab. Finfish may only be taken by hook</p>	No Restrictions

					Although small, over 1.6 million people visited Doheny SB in 07/08. Doheny has existing interpretive program for intertidal area and exclusion out of the array would orphan any MPA tie-in and dilute Goal 3 objectives.	and line or by spear. Prohibits all commercial take except lobster.	
Laguna SMR very high	1	+	-	0	Protection - positive increases protection of resources within the park. Enforcement issue - angle of boundary is not perpendicular to shore. This increases the difficulty in determining if a user is in or out of the reserve.		Take of all living marine resources is prohibited.
Kashtayit SMP low	1	+	-	0	Enforcement issue - proposed boundaries do not align with Park boundaries.		The intent of this MPA is to allow recreational take of all finfish, marine invertebrates except for rock scallops and mussels, giant kelp by hand harvest.
Point Dume SMCA high	2	+	0	0	pos		The take of all living marine resources is prohibited except: 1. The recreational take of Pelagic finfish by Spearfishing; Pacific bonito by Spearfishing; and White seabass by Spearfishing. 2. The commercial take of Coastal pelagic finfish by Pelagic seine; Market squid by Pelagic seine; Market squid by Dip net; and Swordfish by Harpoon.
Point Dume SMR very high	2	+	0	0	pos		Take of all living marine resources is prohibited.
Los Penasquitos Marsh SMR very high	-2	0	0	-	Protection – MPA provides no change from proposal 0. The proposed MPA falls within an existing Natural Preserve, a no-take designation. Conflict – Ongoing management activities within the Natural Preserver are inconsistent with an SMR designation.		Take of all living marine resources is prohibited.
San Elijo Lagoon SMR very high	0	+	0	-	Protection – MPA provides a slight increase in protection, by removing the already very limited recreational hook and line fishing currently allowed. Conflict - Ongoing management activities are inconsistent with an SMR designation.		Take of all living marine resources is prohibited.

Crystal Cove SMCA moderate low	-3	-	-	0	<p>Protection – Neg. proposal would decrease the protection</p> <p>Leased from State Lands for the expressed purpose of “Underwater park for the management and preservation of resource values for public use, enjoyment, and education”. The SMCA overlays an ASBS</p> <p>Anchor damage from has been noted on reefs. Old lobster traps litter the bottom of Crystal Cove State Park.</p>	<p>Prohibits all recreational take except chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, worms, and finfish.</p> <p>Prohibits all commercial take except algae (except giant kelp and bull kelp); crabs, ghost shrimp, jackknife clams, sea urchins, and worms, and finfish</p>	<p>The take of all living marine resources is prohibited except:</p> <ol style="list-style-type: none"> 1. The recreational take of Lobster by Diving; Urchin by Diving; Finfish by Hook and line; and Finfish by Spearfishing. 2. The commercial take of Lobster by Trap; Urchin by Diving; and Market squid by Pelagic seine.
Tijuana River Mouth SMCA moderate high	1	+	-	0	<p>Protection – pos</p> <p>Enforcement Issue - southern boundary avoids outfall (a secondary design consideration), but it does not align with a landmark.</p>		<p>The take of all living marine resources is prohibited except:</p> <ol style="list-style-type: none"> 1. The recreational take of Coastal pelagic finfish by Dip net; and Pier fishing (any target) by Hook and line. 2. The commercial take of Coastal pelagic finfish by Pelagic seine.
Del Mar SMR very high	-1	+	-	-	<p>Protection – Proposal would increase protection of natural resources</p> <p>Conflict - SMR designation in conflict with Torrey Pines State Beach.</p> <p>Enforcement Issue - southern boundary lacks landmark.</p>		<p>Take of all living marine resources is prohibited.</p>
Cardiff-San Elijo	-2	-	0	0	<p>Protection - deletion of the MPA would eliminate current protections</p> <p>This existing underwater recreation area with significant natural and cultural features. Extensive and diverse giant kelp forests occur on rather flat rocky shelf substrate with submerged California Indian sites</p>	<p>Prohibits all recreational take except chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, and worms and finfish.</p>	No Restrictions

Group 2

MPA	Score	protection * 2	enforcement	conflict * 2	Comments	Current Allowed Uses	Proposed Allowed Uses
Cardiff-San Elijo SMCA	-2	-	0	0	<p>Protection - deletion of the MPA would eliminate current protections</p> <p>This existing underwater recreation area with significant natural and cultural features. Extensive and diverse giant kelp forests occur on rather flat rocky shelf substrate with submerged California Indian sites.</p>	<p>Prohibits all recreational take except chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, and worms and finfish.</p>	No Restrictions
Big Sycamore SMR	-2	-	0	0	<p>Protection - Deletion of this unit removes the only "genuine no-take" reserve along the south coast. Current regulations restrict take as well as a access. Located off of Point Magu State Park, the reserve overlays an ASBS and begins at the 30 foot depth contour.</p>	<p>Prohibits all take</p> <p>Restricts Access</p>	No Restrictions
Refugio SMCA	-2	-	0	0	<p>Protection – RSG group proposes removal of this existing MPA. The change in allowed uses would decrease protection and open up area to potential increased commercial extraction.</p> <p>The area includes significant natural values as well as extremely sensitive archeological sites. The shallow-relief reefs and interspersed sand substrate environments of this site contribute to high biological diversity. The Refugio area was once a popular trading ship anchorage. Prehistoric Chumash stone bowls have been found within this site. There is a right hand surf break at the point at Refugio, and a classic surf spot at El Capitan which is very popular with the locals. It is also popular for SCUBA diving, swimming, recreational fishing and sea kayaking</p>	<p>Prohibits all recreational take except chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, worms, and finfish.</p> <p>Prohibits all commercial take except kelp; crabs, ghost shrimp, jackknife clams, sea urchins, worms, and finfish</p>	No Restrictions

Doheny SMCA	-2	-	0	0	<p>Neg - Change in allowed uses would decrease protection.</p> <p>Although small, over 1.6 million people visited Doheny SB in 07/08. Doheny has existing interpretive program for intertidal area and exclusion out of the array would orphan any MPA tie-in and dilute Goal 3 objectives.</p>	<p>Prohibits all recreational take except lobster; rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, California sheephead, bonito, California halibut, sole, turbot and sanddab. Finfish may only be taken by hook and line or by spear.</p>	
Point Mugu SMRMA very high	0	0	0	0	No additional benefit to designation, MPA provides no change to existing regulations and prohibitions.		<p>The take of all living marine resources is prohibited except: current allowed waterfowl hunting. Take of all living marine resources is prohibited.</p>
Del Mar SMR very high	-1	+	-	-	<p>Protection – Increases protection of natural resources.</p> <p>Enforcement Issue – MPA boundary lacks landmark. Over 1.5 million visitors to this beach access the beach from parking lots along the road. Without a clear landmark, it is impossible for visitors or rangers to know where the MPA begins or ends.</p> <p>Conflict - SMR designation in complete conflict with Torrey Pines State Beach - Shore fishing. SMR designation incompatible with management activities within Los Penasquitos Natural Preserve, including sand dredging and beach nourishment.</p>		
Laguna North SMCA moderate low	-3	-	-	0	<p>Protection - Change in allowed uses would decrease protection of key species - lobsters and kellet's welk, by allowing commercial take. Within Crystal Cove SMCA, commercial take of lobster is prohibited.</p>	<p>Prohibits all recreational take except chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, worms, and finfish.</p> <p>Prohibits all commercial take except algae (except giant kelp and bull kelp); crabs, ghost shrimp, jackknife clams, sea urchins, and worms, and finfish</p>	
Point Dume SMCA high	2	+	0	0	Protection – increases protection of natural resources.		<p>The take of all living marine resources is prohibited except: 1. The recreational take of Pelagic</p>

M.2

finfish by Spearfishing; Pacific bonito by Spearfishing; and White seabass by Spearfishing.

2. The commercial take of Coastal pelagic finfish by Pelagic seine; Market squid by Pelagic seine; Market squid by Dip net; and Swordfish by Harpoon.

Group 3

MPA	Score	protection * 2	enforcement	conflict * 2	Comments	Current Allowed Uses	Proposed Allowed Uses
Refugio SMCA	-2	-	0	0	<p>Protection – RSG group proposes removal of this existing MPA. The change in allowed uses would decrease protection and open up area to potential increased commercial extraction.</p> <p>The area includes significant natural values as well as extremely sensitive archeological sites. The shallow-relief reefs and interspersed sand substrate environments of this site contribute to high biological diversity. The Refugio area was once a popular trading ship anchorage. Prehistoric Chumash stone bowls have been found within this site. There is a right hand surf break at the point at Refugio, and a classic surf spot at El Capitan which is very popular with the locals. It is also popular for SCUBA diving, swimming, recreational fishing and sea kayaking</p>	<p>Prohibits all recreational take except chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, worms, and finfish.</p> <p>Prohibits all commercial take except kelp; crabs, ghost shrimp, jackknife clams, sea urchins, worms, and finfish</p>	
Doheny SMCA	-2	-	0	0	<p>Protection - Change in allowed uses would decrease protection.</p> <p>Although small, over 1.6 million people visited Doheny SB in 07/08. Doheny has existing interpretive program for intertidal area and exclusion out of the array would orphan any MPA tie-in and dilute Goal 3 objectives.</p>	<p>Prohibits all recreational take except lobster; rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, California sheephead, bonito, California halibut, sole, turbot and sanddab. Finfish may only be taken by hook and line or by spear.</p> <p>Prohibits all commercial take except lobster.</p>	

Big Sycamore SMR	-2	-	0	0	Protection - Deletion of this unit removes the only "genuine no-take" reserve along the south coast. Current regulations restrict take as well as a access. Located off of Point Magu State Park, the reserve overlays an ASBS and begins at the 30 foot depth contour.	Prohibits all take Restricts Access	
Tijuana River Mouth SMCA Moderate High	1	+	-	0	Protection - pos		The take of all living marine resources is prohibited except the recreational take of Pier fishing by Hook and line; Pier fishing by Hoop net; and Pier fishing by Dip net. Take of all living marine resources is prohibited.
Point Dume SMR Very High	2	+	0	0	Protection - pos		
Swami's SMCA High	-1	+	-	-	Protection – Increases protection of natural resources. Conflict - State Beach designation and Park general plan. Proposed regulations would be counter to MMAIA directive. Enforcement issues - Boundary does not align with landmark or park unit boundary. With over 3.2 million visitors to Cardiff and San Elijo State Beaches during 07/08, It would be impossible for the vast majority of park user to know where the restrictions begin or end. Without a landmark, the proposed boundary should be inclusive of the park unit. Avoidance of outfall is a secondary consideration. The inclusion of the outfall would not change the water quality of the proposed MPA.		The take of all living marine resources is prohibited except the recreational take of Pelagic finfish by Spearfishing.
Newport Coast SMCA Moderate Low	-2	-	0	0	Protection – the proposed change in allowed uses would decrease protection of key species by allowing the commercial take of lobsters and kelle's welk as well as other commercial take currently not permitted. Proposed regulations are more complex than original.	Prohibits all recreational take except chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, worms, and finfish. Prohibits all commercial take except algae (except giant kelp and bull kelp); crabs, ghost shrimp, jackknife clams, sea urchins, and worms, and finfish	Commercial and recreational take of sheephead, rockfish, rays, sharks, marine plants and invertebrates is prohibited, except (a)the recreational take of lobster and urchin is allowed and (b)the commercial take of lobster, including incidental catch taken under the authority of a lobster permit (see note), and urchin is allowed (c)the take of species not mentioned above and allowed under general take

Lachusa SMCA High	2	+	0	0	Protection – provides increased protection of natural resources.
Bolsa Chica SMR Very High	0	0	0	0	MPA offers no improvement of protection over existing based upon RSG statement "Forthcoming guidance from department managers regarding allowed take/adjacent ecological reserve are intended to be incorporated/accommodated." Allowed management practices are inconsistent with an SMR designation.
Mugu Lagoon SMRMA Very High	0	0	0	0	Protection - MPA offers no improvement of protection over existing MPA.
Batiquitos Lagoon SMR Very High	0	0	0	0	Protection - no change from poposal 0 Based upon RSG statement "Forthcoming guidance from department managers regarding allowed take/adjacent ecological reserve are intended to be incorporated/accommodated." the designation would provide no more protections than presently exist within the ecological reserve. Allowed management practices are inconsistent with an SMR classification.
San Elijo Lagoon SMR	2	+	0	0	Protection – proposed MPA provides a slight change, limited recreational hook and line fishing currently allowed; the proposal would

regulations is allowed (d)however, when fishing from the Newport Bay East Jetty the take of all species allowed under general take regulations is allowed.

NOTE: Current allowed incidental catch includes: FGC 8250.5 (b) Crab (other than Dungeness), Kellet's whelk, and octopus.

The take of all living marine resources is prohibited except:

1. The recreational take of Pelagic finfish by Spearfishing; Pacific bonito by Spearfishing; White seabass by Spearfishing Coastal pelagic finfish by Dip net; and Market squid by Dip net.
2. The commercial take of Swordfish by Harpoon.

Take of all living marine resources is prohibited.

The take of all living marine resources is prohibited except:
current allowed waterfowl hunting.

Take of all living marine resources is prohibited.

Take of all living marine resources is prohibited.

Very High

eliminate all fishing.

Allowed management practices are not consistent with an SMR designation.