

# California Marine Life Protection Act Initiative

## Frequently Asked Questions

*Revised January 28, 2010*

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1. **What is the process for developing marine protected area (MPA) proposals within the north coast study region?** In previous study regions, groups and individuals "external" to the appointed regional stakeholder group have submitted MPA arrays and proposals, while the regional stakeholder group developed "internal" arrays and proposals. Complete external MPA proposals were included in the MPA planning process in a variety of ways: by the regional stakeholder group as elements of internal MPA proposals; as separate MPA proposals; and/or as ideas that informed the MPA planning process.

### ***Process Adaptations to Better Suit the North Coast Community***

To fully integrate the robust local knowledge available within the MLPA North Coast Study Region, community groups and individuals were invited to develop external MPA arrays as the first round of MPA proposal development. This revised approach allows members of the north coast community to build a foundation from which the MLPA North Coast Regional Stakeholder Group (NCRSG) can work to develop MPA proposals.

Similar to past study regions, complete external MPA arrays that include full geographic coverage of the study region and outline details of MPAs, including specific boundaries and proposed regulations, will be evaluated by the MLPA Master Plan Science Advisory Team (SAT), California Department of Fish and Game (DFG), California State Parks and MLPA Initiative staff, as well as reviewed by the MLPA Blue Ribbon Task Force (BRTF) and the public. External proposed MPA arrays, along with their evaluation results, will be presented to the NCRSG for consideration in MPA planning.

### ***North Coast Regional Stakeholder Group***

More than 80 individuals were nominated to the NCRSG and 30 were appointed in late January

by the director of the California Department of Fish and Game and the chair of the MLPA Blue Ribbon Task Force. The NCRSG is primarily tasked with developing MPA proposals for the north coast study region. During its initial meetings, the NCRSG will be provided with draft arrays developed by community groups, and the various evaluations and feedback received on those arrays, to be considered in MPA proposal development.

Building on lessons learned from previous study regions and the unique attributes of the north coast study region (in particular, the close relations that already exist among north coast stakeholders), the NCRSG will be composed of primary members only (in previous study regions, the stakeholder groups included both primary members and alternates). This process change will allow for more full-group discussions and increase the effectiveness of NCRSG deliberations.

- 2. What is the timeline for MPA planning in the north coast?** The MLPA Initiative is in the initial stages of the MPA planning process in the north coast. MPA proposals developed through the MLPA Initiative are crafted over three iterative rounds. In October, north coast communities were invited to develop draft MPA arrays as part of Round 1 of the MPA planning process. During Rounds 2 and 3, NCRSG members will have the opportunity to integrate ideas from the external arrays as they develop the next stage of MPA proposals. Input from community groups and the general public will continue to be included throughout the MPA proposal development process.

During each round of planning, MPA arrays and proposals are evaluated by the SAT. In addition, feedback is provided by the BRTF, DFG, California State Parks and MLPA Initiative staff. The public also has an opportunity to provide input during each round. The various forms of evaluation and input provide opportunities for refinement and improvement in successive rounds.

*(NOTE: all dates are subject to change)*

**Round 1 (draft external proposed MPA arrays developed by community groups)**

November – February 2010

**Round 2 (draft MPA proposals developed by NCRSG)**

March – May 2010

**Round 3 (final NCRSG MPA proposals developed by NCRSG)**

June – September 2010

**Develop BRTF recommendation(s), including preferred MPA proposal**

October 2010

**Present BRTF recommendation(s) to the California Fish and Game Commission**

December 2010

- 3. What does best readily-available science mean and how is it used in the MPA planning process?** Scientific guidelines for MPA planning are provided in the text of the Marine Life Protection Act; further details are outlined in the *California Marine Life Protection Act Master Plan for Marine Protected Areas*, as adopted by the California Fish and Game Commission after

substantial public input and scientific peer review. The methods and application of the guidelines in the master plan have been peer reviewed and found to be scientifically sound. Marine systems are highly complex and better information is constantly being generated by ongoing research. Recognizing this, and that complete information and knowledge will never exist to fully inform management decisions, the MLPA requires the use of best readily available science in decisions regarding the siting of new MPAs and any major modifications of existing MPAs (California Fish and Game Code §2855(a)).

Current information is based on a long history of scientific research and data gathering, not only in California, but also around the world on species distribution, spawning areas, life history characteristics and habitat relationships, among other topics. In keeping up with the best, readily-available science, the science guidance is reviewed, refined and improved in each study region as the planning process proceeds.

Best readily-available data is accessible in a format where it can be readily incorporated into the MPA planning process. In previous study regions, the MLPA Initiative worked to identify readily-available information by hosting a data outreach workshop and undertaking joint fact-finding with stakeholders and members of the public, as well as creating with the science advisory team a process for data to be submitted and considered in the process. While there will always be additional information that may further inform MPA planning, a large amount already exists to help California redesign its system of MPAs to achieve the goals of the MLPA.

Data are used in a variety of ways in the MLPA Initiative process. For example, information about the north coast study region is provided to stakeholders in a regional profile as well as an online decision support tool called MarineMap (<http://northcoast.marinemap.org/marinemap/>). The MLPA Master Plan Science Advisory Team (SAT) uses data to create guidelines and conduct evaluations of MPA proposals.

4. **Why is fisheries management not directly addressed in the MLPA?** Marine protected areas (MPAs) and the Marine Life Protection Act (MLPA) are intended to complement, rather than replace, existing fishery regulations. The MLPA is designed to improve our system of MPAs in order to protect marine life, habitat and ecosystems. MPAs address a broad array of ecosystem needs and, in particular, allow for interactions between both fished and unfished species to occur in a more natural setting. If any changes to fisheries regulations were required in response to MPAs, this would occur through existing systems established in fisheries management plans and other regulatory frameworks.
5. **How does the ecosystem management requirement in the Marine Life Management Act (MLMA) differ from the MLPA?** California's primary state fisheries management statute, the MLMA, acknowledges that conservation and management programs (such as that being developed under the MLPA) help ensure conservation and facilitate long-term protection of fishery resources. The purpose of habitat protection in the MLMA is to advance the "primary fishery management goal" of sustainability and so may only provide limited protection of a particular habitat. Conversely, although the MLPA considers fishery habitat, it also encompasses broader, ecosystem-based objectives that are not limited to only managing fisheries. Some goals of the MLPA simply cannot be achieved with traditional fisheries management.

A lessons-learned evaluation of the MLMA is currently underway as a joint venture between the California Ocean Protection Council, California Fish and Game Commission, and DFG. That

project is intended to evaluate the performance to date of the MLMA and provide recommendations to improve future MLMA efforts.

6. **Is there a minimum total area or pre-determined percentage of each study region or different type of habitat that is required to be in marine protected areas (MPAs)?** There is no total area or minimum percentages designated to be set aside for MPAs in each study region. There are also no explicit requirements for a percentage of a given habitat type. The MPA design process is based on the goals and objectives of the MLPA and a set of scientific guidelines, outlined in a master plan for MPAs, for achieving a sound network. These guidelines do not set a specific percentage to include in MPAs; rather they provide a range of guidance for individual MPA size, habitat types, distance between MPAs and information on key habitats and species likely to benefit from MPAs.
7. **If an area is designated an MPA will it always be an MPA?** Not necessarily. The adaptive management approach recommends that the MPAs be re-assessed approximately every five years, and following that assessment the MPA designation can change. The MLPA requires a reexamination of MPAs and the MPA network for effectiveness; as MPAs are re-assessed for effectiveness, changes may be necessary, either to individual MPAs or the network as a whole. This may mean changing allowances for extractive activities depending on how well MPAs are meeting their goals and could also mean that other previously closed sites may be proposed for re-opening. Just because an area limits one type of use or another this does not mean that it will always be that way.
8. **How do I know where an MPA is located? Are they all marked with buoys?** Most MPA boundaries are designed to use major onshore landmarks and simple due north/south or east/west lines for easy recognition. However it is ultimately up to the user to determine if he or she is within an MPA. Regulations and site specific maps are available at <http://www.dfg.ca.gov/mlpa/mpa.asp>. In some cases, boundaries that are complex or difficult to determine may be marked with buoys, though this is not realistic in some areas due to depths and ocean conditions.
9. **Is it illegal to travel through or anchor in a marine protected area (MPA) with catch on-board?** Transit and anchoring are generally allowed; the language is found in *Title 14 Section 632 subsections (a)(7) and (8)*. A few areas may restrict or prohibit transit and anchoring to protect a particularly vulnerable habitat or species, though all have allowances for anchoring or transit in emergencies.

Title 14, Section 632(a):

(7)Anchoring. Vessels shall be allowed to anchor in any marine protected area or marine managed area with catch onboard unless otherwise specified in subsection 632(b), areas and special regulations for use. Fishing gear shall not be deployed in the water while anchored in a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while anchored in a state marine recreational management area, state marine park or state marine conservation area. Anchoring regulations shall be consistent with federal law and allowances made for anchoring required by emergency or severe weather.

(8)Transit or Drifting. Vessels shall be allowed to transit through marine protected areas and marine managed areas with catch onboard. Fishing gear shall not be deployed in the water while transiting through a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the

water while transiting through a state marine recreational management area, state marine park or state marine conservation area.

- 10. What is the role of the MLPA Initiative's private funding partners?** The private partners in the MLPA Initiative help only to ensure funding of the MLPA process and have no say in the creation of any alternative MPA proposal or in the final adoption of MPAs. Funding partners are considered a partner of the California Natural Resources Agency and the California Department of Fish and Game, and their role in the MLPA process is clearly stated in a formal memorandum of understanding. The California Fish and Game Commission, which receives no private funding, is the final decision making authority under the MLPA.