

**California MLPA Master Plan Science Advisory Team
Responses to a Science Question Posed at the
December 11-12, 2007 NCCRSG meeting
*Revised February 15, 2008***

The following are responses of the MLPA Master Plan Science Advisory Team (SAT) to a question posed at the December 11-12, 2008 MLPA North Central Coast Regional Stakeholder Group (NCCRSG) meeting. These responses have been prepared by a work group of the SAT and MLPA staff. SAT responses were adopted by the SAT at its January 23, 2008 meeting.

- 1. What level of protection would a state marine conservation area (SMCA) at the southeast Farallon Islands receive if that SMCA included the use of a seasonal special closure to protect critical periods for seabirds and marine mammals while allowing uses such as commercial abalone diving during less critical times of the year, noting that the allowed uses would strictly adhere to the frameworks set forth in fishery management plans and the Abalone Recovery Management Plan (ARMP)?**

Background: Members of the NCCRSG and the public are concerned that a state marine reserve (SMR) at the Farallons would negate the potential for a future commercial abalone fishery at the Farallons. Therefore, they would like to consider designing an SMCA that could incorporate other stakeholder concerns, such as protections for seabirds and marine mammals, while allowing for extractive uses that minimize habitat damage and conform to existing management plans. Note that in one of the draft marine protected area (MPA) proposals a stipulation was inserted that states if through the mechanisms provided in the ARMP a commercial abalone fishery was allowed at the Farallons any MPA would be reexamined for possible allowance of the commercial take of abalone.

This response was discussed and adopted by the SAT at its January 23, 2008 meeting.

SAT Response: The level of protection assigned to an MPA that allows commercial or recreational abalone harvest is addressed in the *DRAFT MLPA Evaluation Methods for MPA Proposals* document. An SMCA allowing commercial abalone diving at the southeast Farallon Islands would receive the same level of protection as recreational abalone fishing even if seasonal special closures were in place during critical periods for seabirds and marine mammals. Despite the use of special closures for the protection of seabirds and mammals impacts to subtidal communities would be the same as from recreational abalone harvest thus would not raise the level of protection. Commercial abalone fishing is likely to have a greater impact than that for recreational fishing, due to the use of dive gear and the lack of deep water refugia.

- a) What provisions are there to ensure that the potential for a future commercial abalone fishery at the Farallones is not ruled out with the designation of an SMR?

Staff response: Any decision regarding a potential commercial abalone fishery at the Farallon Islands would be discussed as a separate fisheries management decision by the California Fish and Game Commission. If new MPAs are established at the Farallones that prohibit the take of abalone, the commission would have to weigh the options of either

changing those MPAs to allow the take of abalone, or leaving them in place. Concerns regarding potential future abalone diving locations should certainly be raised now, so that they can be considered in the final MPA siting decisions.

The California Fish and Game Commission always has the discretion to change an MPA and has done so in other cases to allow commercial fisheries. The commission recently modified the regulations at Dana Point to allow commercial take of lobster. This changed an existing state marine park into a state marine conservation area.

Another example of this type of process is found at San Miguel Island. MPAs were established at San Miguel during the abalone fishery moratorium. Those MPAs do not cover the entire historic fishing grounds and the commission is presently engaged in a process to begin consideration of a potential new abalone fishery. While the commission has not indicated whether it will change the MPAs, it has indicated a willingness to receive information on whether a new fishery is warranted. Any future consideration of commercial abalone fishing at the Farallones would follow a similar process.