

California Marine Life Protection Act Initiative Some “Water Side” Programs of Interest to the Central Coast MLPA Process

Federal, state, and local agencies support a variety of marine resource management programs that may have a significant link to the effectiveness of existing or future marine protected areas along the central coast. There follow brief descriptions of the kinds of programs the MLPA Initiative is profiling. This sampling focuses on marine protected areas.

Federal Governmental Programs

The National Marine Sanctuary Program manages four national marine sanctuaries off the California coast. The Monterey Bay National Marine Sanctuary encompasses much of the central coast, and conducts research and education, and coordinates efforts on reducing nonpoint source pollution, among other things. As part of its review of its management plan, the sanctuary has formed several working groups, one of which is evaluating the potential for establishing marine protected areas within the sanctuary. There is no target date for completing these discussions. If the sanctuary were to decide to establish MPAs within the sanctuary, it would have to amend its designation document and regulations. Establishing MPAs within state waters of the sanctuary will require the approval of the Governor. Establishing MPAs in federal waters, and possibly in state waters, will involve the PFMC.

The Pacific Fishery Management Council (PFMC) plays a lead role in managing fisheries in federal waters, including some groundfish species also managed by the California Department of Fish and Game. In 1999, the PFMC established an *ad hoc* marine reserves committee to evaluate the use of marine reserves as a fishery management tool. Lack of Congressional funding has prevented additional progress. If a national marine sanctuary determines that there is a need for controls on fishing, such as in establishing an MPA in federal waters, the PFMC must first be given the opportunity to draft any such fishing regulations.

The Sustainable Fisheries Act of 1996 requires the identification of essential fish habitat (EFH) for managed species as well as measures to conserve and enhance the habitat necessary for fish to carry out their life cycles. In February 2005, the National Marine Fisheries Service issued a draft environmental impact statement identifying a wide range of alternatives for groundfish EFH identified by the PFMC. The PFMC plans to identify its preferred alternative in June 2005.

The National Marine Protected Areas Center, which was established in 2000 by Presidential Executive Order, includes a science institute based in Santa Cruz and a technical and training institute in North Carolina. Both of these institutes sponsor research and training in a range of MPA matters relevant to the central coast MPA process.

The Bureau of Land Management (BLM) has management responsibility for the recently-established California Coastal National Monument, which includes thousands of rocks and pinnacles above mean high tide off the California coast. In September 2004, the BLM released a draft management plan for the monument, which includes a range of levels of restrictions on fishing and other activities.

State Governmental Programs

The California Department of Parks and Recreation manages coastal wetlands, estuaries, beaches and dune systems within state park units. Through state water-bottom leases, the department has management authority over underwater areas off some coastal state parks, but does not have authority over restrictions on the take of living marine resources. The Park and Recreation Commission may establish, modify, or delete marine reserves, parks, and marine conservation areas, but must have the concurrence of the Fish and Game Commission to restrictions on taking living marine resources.

Local Governmental Programs

The City of Monterey has sought to establish an underwater park to 10 fathoms off part of its shoreline, based on treaty doctrine. The Department of Fish and Game has informed the city that it does not have authority to implement restrictions it has adopted on the use of spear guns and pole spears to take finfish.

The City of Pacific Grove also has passed an ordinance preventing all extraction of marine invertebrates within the intertidal area of its city limits. As in the case of the City of Monterey, the Department of Fish and Game informed the city that it does not have the authority to implement such restrictions.