

## **California Marine Life Protection Act Initiative: Conceptual Overview**

California's extraordinary marine biological diversity is a vital asset to the state and nation. The productivity, wildness and beauty of our coasts and oceans are central to California's identity, heritage, and economy. At the same time, however, the impacts from coastal development, water pollution, certain modern fishing practices, and other human activities are altering and degrading our coastal and marine environment.

In the late 1990s, the California Legislature responded to declines in the state's marine environment with legislation intended to reduce these threats and protect our ocean. Among others, the 1999 Marine Life Protection Act ("MLPA" or "the Act") aims to protect California's marine natural heritage through the establishment of a network of marine protected areas, to be designed, created, and managed according to sound science in order to protect the diversity and abundance of marine life and the integrity of marine ecosystems. The Act recognizes that a combination of marine reserves, marine conservation areas and marine parks can help protect habitat and ecosystems, conserve biological diversity, provide a sanctuary for marine life, enhance recreational and educational opportunities, and provide scientific reference points to assist resource management decisions.

To date, the Marine Life Protection Act has not been implemented as quickly as intended. A realistic approach focuses on strategically prioritizing those program components that can be effectively implemented now, and completing the remaining components in later phases. Acknowledging the importance of protecting the state's ocean heritage, California aims to achieve the goals of the Act by pursuing the California Marine Life Protection Act Initiative, a cooperative effort funded by a public-private partnership, and enhanced by the advice of scientists, resource managers, experts, stakeholders and interested members of the public.

The objectives of the Initiative are as follows:

- € **Submit the Department's draft Master Plan Framework to the Fish and Game Commission by May 2005 for proposed adoption by the Commission in August 2005.** As provided in the Act, several components of the Master Plan will provide a statewide framework for the design and implementation of marine protected areas. To that end, a Master Plan Framework based on sound science will be prepared to specify programmatic goals and recommendations for the future design, implementation and management of networks of marine protected areas, including necessary monitoring, adaptive management, enforcement, and funding. The Master Plan Framework will build upon work already accomplished by the state under the Act, and will include a prioritized timeline and action plan to design and implement marine protected areas in phases by region between the years 2006 and 2011.
- € **Prepare a comprehensive strategy for long-term funding of planning, management and enforcement of marine protected areas by December 2005** by presenting a package of legislative and other recommendations to the Secretary for Resources to identify new sources

of revenue and ensure adequate resources for quality state oversight of the network of marine protected areas.

- € **Design and submit the Department's draft proposal for alternative networks of marine protected areas in an area along the central coast to the Fish and Game Commission by March 2006 for proposed adoption by the Commission by November 2006.** The Central Coast Marine Life Protection Act Project will produce a suite of alternative networks for an area along the central coast according to the Master Plan Framework, in a regional project that incorporates sound science, stakeholder input and general public participation. The adopted alternative will be implemented by the Department of Fish and Game.
- € **Develop recommendations for coordinating the management of marine protected areas with the federal government by November 2006.** The recommendations will draw from the recent reports of the United States Commission on Ocean Policy and the Pew Oceans Commission.
- € **Secure agreement and commitment among state agencies with marine protected area responsibilities by November 2006 to complete statewide implementation of the Master Plan by 2011.** By November 2006, the Resources Agency will negotiate a commitment among key public agencies and other interested parties to ensure that marine protected areas are designed and proposed for adoption by the Commission and implemented by the Department of Fish and Game in the remaining regions between 2006 and 2011 in accordance with the Master Plan Framework, and to dedicate funding for the ongoing management of the marine protected areas.

This Initiative will require:

- € **Leadership** - The Resources Agency and the Department of Fish and Game will provide direction and leadership for this Initiative, and will be responsible for presenting proposals and recommendations to the Fish and Game Commission that are based on sound public policy and science.
- € **Policy Advisors** - The Secretary for Resources will appoint a California MLPA Blue Ribbon Task Force, with members known for their intellect, integrity, experience in public policy and concern for the common good, to propose policies for marine protected area design and implementation; to oversee the preparation of the draft Master Plan Framework; to advise on the initial marine protected area project within the Central Coast; to provide recommendations for long-term funding of marine protected areas; and to provide recommendations for coordinating management of marine protected areas with federal agencies.
- € **Stakeholder Input** – As part of the overall scientific research strategy for both the development of the draft Master Plan Framework and a proposal for alternative networks of marine protected areas in an area along the central coast, data and other information will be

actively solicited from resource users and other stakeholders who possess first-hand knowledge about marine resources and socioeconomic factors.

- € **General Public Participation** – Participation from the general public will be solicited through periodic statewide and regional meetings and workshops, review and comment on key concepts, and other opportunities for timely and meaningful participation, in addition to hearings before the Fish and Game Commission.
- € **Science** – The best readily available biological and socioeconomic science will be used in drafting the Master Plan Framework, and in the design, implementation and adaptive management of the proposed alternative networks of marine protected areas. The Director of the Department of Fish and Game, in consultation with the Secretary for Resources, the Chair of the Fish and Game Commission, and the Chair of the Task Force, will appoint a Master Plan Science Advisory Team to provide research strategies and scientific analysis to the Task Force. The Director will also establish an external peer review process to evaluate the scientific basis of the Master Plan Framework and regional proposals for alternative networks of marine protected areas. Scientific data and information will also be solicited from stakeholders, and other researchers and experts.
- € **Resource Management and Technical Expertise** – State managers and biologists will work with qualified experts, including federal fisheries managers, university scientists, other researchers, and commercial and recreational fishermen, to collect and provide the best available information and technical knowledge.
- € **Interagency Coordination** – To encourage complementary planning and coordinated reviews and decisions, this process will leverage existing interagency coordinating teams such as the State Interagency Coordinating Committee for Marine Managed Areas, and will create new opportunities among relevant state and federal agencies.
- € **Public-Private Partnership** – Due to the limited staffing and funding resources of the Resources Agency and Department of Fish and Game, this proposal is dependent upon supplementing public funding with private resources to enhance the state's capacity to accomplish the science, analysis, planning, and coordination necessary to achieve the objectives on time. While private funding will support much of the costs of the Initiative, the work will be open and transparent.
- € **Phased Design and Implementation** – The Task Force will select an area along the central coast where it will oversee the development of a proposal for alternative networks of marine protected areas. The Task Force will present the proposal to the Department of Fish and Game, which will independently review and make any amendments or modifications to the draft documents that it determines appropriate. After exercising its independent judgment, the Department will submit a proposal for alternative networks of MPAs to the Commission. By focusing first within that select area, the Initiative will enable Department of Fish and Game personnel and the Master Plan Science Advisory Team to focus limited resources more productively. Other regional efforts to develop proposals for marine protected areas that are

not funded by this Initiative and that proceed ahead of the phased schedule provided by the Master Plan Framework may be presented to the State Interagency Coordinating Committee following the adoption of the Master Plan Framework. However, due to the need to concentrate available public and private resources and meet the objectives and timeline of the MLPA Initiative, the Department of Fish and Game will not be able to provide technical assistance in developing regional network proposals in advance of the phased timeline recommended by the adopted Master Plan Framework.

**California Marine Life Protection Act Initiative:  
Roles of Government and Non-government Participants**

Implementation of the California Marine Life Protection Act (MLPA) Initiative (Initiative) will be carried out by the Initiative's public and private partners, the Blue Ribbon Task Force, and the staff and contractors hired to support the Initiative, in cooperation with other government entities. This document was drafted collaboratively by the MOU partners and briefly describes the roles of the key organizations, entities and people that will be engaged in the Initiative.

**ORGANIZATIONAL PARTNERS**

The Fish and Game Commission (Commission) is the ultimate decision-making authority for implementation of the MLPA. Specifically, the Commission will make all final decisions on the Master Plan, the proposed regional networks of marine protected areas, and supporting CEQA documentation, all after completing its own process of public reviews. The principal mission of the other partners is to support the Commission in making sound policy decisions required by the MLPA. Although the Commission will not be involved in the day-to-day work of the Initiative, the Initiative will include regular opportunities for informational meetings and strategic consultation with the Commission.

The Resources Agency (Resources) will provide general oversight and public leadership for the Initiative and implementation of the MLPA. Besides providing policy direction for coordinating funding and staffing, the Resources Agency will make critical decisions in shaping the Initiative. The Secretary for Resources (Secretary) will select the Chair and other members of the MLPA Blue Ribbon Task Force (Task Force). The Secretary will convene and charge the members of the Task Force with meeting the objectives described below (under Task Force). Resources will also seek adequate current and future funding for the Resources and Department of Fish and Game personnel committed to the Initiative and for completing future phases of the MLPA.

The Department of Fish and Game (Department) will serve as the lead agency for the design and implementation of the MLPA Master Plan and networks of marine protected areas. The Department will continue its traditional support of Resources and the Commission. In consultation with the Secretary for Resources, the President of the Commission, and the Chair of the Task Force, the Director will select the members of the Master Plan Science Advisory Team (Science Team). Through the Initiative's Steering Committee, the Department will also be involved in developing the draft Master Plan Framework and proposed alternatives for marine protected areas along the central coast, and is ultimately responsible for presenting a final draft Master Plan and alternatives for marine protected areas to the Commission. The Department will also provide biological and other relevant information, participate in meetings as appropriate, review working documents, and act as lead agency under the California Environmental Quality Act (CEQA), among other activities.

The MLPA Blue Ribbon Task Force (Task Force) will be composed of seven to ten distinguished, knowledgeable and highly credible public leaders selected by the Secretary for

Resources. The charge to the Task Force will be to oversee the preparation of the draft Master Plan Framework, and the proposal for alternative networks of marine protected areas in an area along the central coast (Central Coast Project) for the Department to present to the Commission; to prepare a comprehensive strategy for long-term funding of planning, management and enforcement of marine protected areas, and to develop recommendations for improved coordination of managing marine protected areas with federal agencies involved in ocean management. The Task Force will also work to resolve policy disputes and provide direction in the face of uncertainty, while meeting the objectives of the MLPA. The Chair of the Task Force will select the Executive Director, Senior MLPA Project Manager, Operations & Communications Manager, and Central Coast MLPA Project Manager to the Initiative; work with the Director of the Department to convene and direct the Science Team; and serve as the principal link between the Task Force and Initiative staff. At least one member of the Task Force will serve as liaison to the Central Coast MLPA Project.

The Resources Legacy Fund Foundation (Foundation) will use its best efforts to obtain, coordinate and administer philanthropic investments to supplement public funding for the Initiative, provide strategic advice to the Resources Agency on public-private funding, and support the Operations & Communications Manager in managing private contracts for staffing the Initiative as described here.

#### STAFF

The Executive Director will be responsible for managing the activities of the Task Force, including identifying research and briefing needs and supporting the Task Force's deliberative process. The Executive Director will provide executive management of the Initiative, chair the Steering Committee, and directly supervise the work of the Senior MLPA Project Manager and the Operations & Communications Manager. The Executive Director will work in cooperation with the Department Policy Advisor through the Steering Committee to include Department information and consider Department policies and priorities in developing the draft Master Plan Framework. The Executive Director will be responsible for coordinating the work of the Task Force with state and federal agencies. The Chair of the Task Force will select the Executive Director.

The Department's Policy Advisor will serve as the Department's full-time manager and liaison to the Initiative and will be a member of the Steering Committee. The Policy Advisor will work in cooperation with the Executive Director through the Steering Committee to provide policy recommendations and to ensure that relevant data and other technical information within the Department's possession is coordinated with the development of the draft Master Plan Framework and Central Coast Project. The Policy Advisor will be responsible for keeping the Director of the Department, the Resources Agency, the Commission, and the Department's leadership informed about the progress of the Initiative. The Policy Advisor will also be responsible for coordinating research and review by Department staff, and regulatory implementation, in support of the work of the Task Force.

The Senior MLPA Project Manager (Senior Project Manager) will be responsible for preparing the Task Force to recommend to the Department a draft Master Plan Framework that satisfies the programmatic requirements of the MLPA. The Senior Project Manager will serve as principal staff to the Science Team, will be a member of the Steering Committee, and will supervise the Central Coast MLPA Project Manager. In assembling an early working draft Master Plan Framework, the Senior Project Manager will collect and synthesize available information and research, and address key scientific issues for resolution by the Science Team. Where the Science Team indicates that science presents uncertainties, or where the scientific options present policy ramifications, the Senior Project Manager will draft a policy analysis and report to the Task Force, to be reviewed by the Steering Committee. In assembling the draft Master Plan Framework, the Senior Project Manager will: work in cooperation with the Department's Statewide Technical Advisor through the Steering Committee to obtain policy recommendations and technical information from the Department; and coordinate with the Operations & Communications Manager to obtain other expert and technical assistance via contracts and implement an outreach plan to solicit information from stakeholders and the general public.

The Department's Statewide Technical Advisor will be responsible for coordinating research and review by other Department staff, and regulatory implementation, in support of the work of the Task Force, and will be a member of the Steering Committee. The Statewide Technical Advisor will work in cooperation with the Senior Project Manager through the Steering Committee to provide support to the Task Force and Science Team on issues relating to Department data and analysis.

The Central Coast MLPA Project Manager (Central Coast Manager) will manage the development of alternative proposals for marine protected areas, within a select area along the central coast that will be more narrowly defined by the Task Force. The Central Coast Manager will be a member of the Steering Committee and will be responsible for ensuring that a range of alternative networks of marine protected areas are developed that satisfy the MLPA and the draft Master Plan Framework, by: coordinating activities such as research and synthesis of biological and socioeconomic information, discussions of the Central Coast MLPA Stakeholder Group, participation of the Central Coast Science Advisory Sub-Team, environmental review, and general public outreach; and working with the Department's Regional Coordinator through the Steering Committee to ensure that Department data and analysis are incorporated into the alternative proposals.

The Department's Regional Coordinator will serve as the Department's full-time supervisor of the Central Coast MLPA Project, and will be a member of the Steering Committee. The Regional Coordinator work in cooperation with the Central Coast Manager through the Steering Committee and will coordinate with the Central Coast Manager to provide policy and technical input to the design of the alternative marine protected area networks, and to ensure that all necessary review by other Department staff is accomplished within the timeframes of the Initiative.

The Operations & Communications Manager will be responsible for executing privately-funded contracts on behalf of the Initiative for experts, technicians, consultants and other private contractors as identified by the Executive Director and other members of the Steering Committee, supervising and managing those contractors, managing and prioritizing the general operations and logistics of the Initiative, and assisting the Executive Director and the Steering Committee as otherwise needed to carry out the objectives of the Initiative. This person will also coordinate with the Department's communication staff to implement an internal and external communications and outreach plan to assist the Task Force with achieving its objectives. The communications plan will address: internal flow of communications between the public agencies and the privately funded partners, including but not limited to communications between the Task Force, the Resources Agency, the Department, and the Commission; contacts by and responses to the public by the Department with regard to the MLPA; an Internet-based source of information to stakeholders and the general public; media and press strategy, including public noticing of workshops, meetings and other Initiative actions; and coordination of messaging with other state ocean policies.

The Department will assign other Department staff as necessary to provide ongoing input, data analysis, review, and advice. These staff may include scientific, administrative, legal, enforcement, communications and outreach personnel. Similarly, the Foundation will retain additional experts on contract as requested to assist the Task Force with achieving its objectives.

#### COMMITTEES AND TEAMS

The Steering Committee will be chaired by the Executive Director, and will include the Senior Project Manager, the Department's Policy Advisor, Statewide Technical Advisor, and Regional Coordinator, the Operations & Communications Manager, and the Central Coast Manager. The Steering Committee will be responsible for coordinating all work necessary to achieve each of the objectives of the Initiative.

The Master Plan Science Advisory Team (Science Team) will be convened by the Director of the Department, in consultation with the Chair of the Task Force, the Secretary for Resources, and the President of the Commission. The Science Team will include the members required by the MLPA, including staff from the Department, the Department of Parks and Recreation, the State Water Resources Control Board, one member appointed from a list provided by Sea Grant, and thirteen to fifteen leading scientists knowledgeable in marine ecology, fisheries science, marine protected areas, economics and the social sciences. The role of the Science Team will be to assist the Task Force in developing a draft Master Plan Framework by reviewing supporting and draft documents, addressing scientific issues, and framing and referring policy challenges to the Task Force. The Science Team will report to the Task Force and the Director of the Department, and will be supported by the Senior Project Manager. A Sub-Team of the Science Team will also serve the Central Coast MLPA Project.

The Central Coast Science Advisory Sub-Team (Regional Science Sub-Team) will be composed of three to five members of the Science Team, and will work with the Central Coast MLPA

Project Manager to develop alternative networks of marine protected areas by reviewing supporting and draft documents, addressing scientific issues and information provided by the Central Coast MLPA Stakeholder Group, and framing and referring policy challenges to the Task Force. At least one member of the Science Sub-Team will attend each Central Coast MLPA Stakeholder Group meeting.

The Central Coast MLPA Stakeholder Group (Regional Stakeholder Group) will include key, affected members of the central coast region who are able and willing to provide information that will assist in the development of the proposed alternative networks of marine protected areas along the central coast. The Director of the Department and the Central Coast liaison of the Task Force will solicit nominations, and select from the nominees a representative group that will meet regularly over two years to provide input to the Central Coast Manager, primarily by providing information and other input for framing key scientific questions to be addressed by the Regional Science Sub-Team.