



Marine Life Protection Act



CDFG Feasibility Guidance Reminders and Response to SCRSG Questions

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Work Session Questions

- Work Sessions 1 & 2: Most questions related to design guidance and feasibility
- Responses have direct relevance to completing initial draft marine protected area arrays this week
- Draft responses within handout; formal memo to follow from California Department of Fish and Game (DFG)



Goals of Feasibility Guidance

- Allows for creative solutions grounded within “reality check”
- To provide viable mechanisms to integrate ideas into proposals
- Resulting MPAs enforceable
- MPA designs user-friendly for the public
- Round 1 – Expect a lot of feedback to help improve feasibility for Round 2



Applying “SMR” Designation

- Several questions raised:
 - Is educational tidepooling appropriate?
 - Can public piers be included?
 - Placing SMR in area under restoration?
 - Placing SMR in area with sewage outfall?
 - Implications for:
 1. Future harbor/channel maintenance (aka dredging)
 2. Future restoration efforts
 3. Potential desalination plants, etc.



Applying "SMR" Designation

- General answer:
 - The MLPA cannot supersede otherwise lawful activities not in commission's authority to regulate
 - Consider prospects to meet goals at each site



Brendan Reed



Dredging in MPAs

- Permitting is outside commission authority
- MPAs not intended to impact harbor/channel maintenance
- MPA rationale: Include intent to allow continued harbor/channel maintenance when relevant
 - Example: Morro Bay SMRMA



MPAs vs Fishery Management Regulations

- MPAs = area designations
 - Limit take (by gear and target and sector)
 - Refers to existing fishing regulations; specifies which can continue there

- Should not propose new fishery management regulations for inside MPAs
 - No different bag limits, seasons, size limits, etc.
 - California Fish and Game Commission has a separate process (defined cycle) to consider new fishery regulations



SMRMAs

- SMRMA = State Marine Recreational Management Area
- Only to replace MPA designation where hunting occurs
 - This is California Fish and Game Commission policy direction
 - Commission regulates hunting separately
 - Will be evaluated by SAT based on allowed subtidal uses
- DFG will provide list of hunting areas

- For Round 1 – Recommend using MPA designations (unless known hunting occurs); update in later rounds



Considering Tribal Uses in MPA Planning

Desire to accommodate concerns for traditional or cultural practices in the marine environment. How?

- Permit for traditional/cultural collections in the marine environment?
 - No legal DFG permit exists
 - There may be possibilities for MPAs managed by State Parks
- Special take allowances for California Natives?
 - Cannot give exclusive use of natural resources to any user group
 - Any change to this would require legislation
- MPAs named for historic/cultural names?
 - Valid to consider



MPA Design

- Does it have to extend to 3 miles?
 - A Master Plan recommendation
 - to accommodate array of species movements
 - If MPAs extend less than 3 miles, follow feasibility guidelines
 - i.e., hanging corners at readily determinable lines of latitude and longitude, etc.



Restricting Activities

- Can we restrict other activities in MPAs?
 - e.g., tidepooling access, motorboats, swimming
- Other activities may be restricted if:
 - resource protection goal is justified for that particular MPA
 - Within commission authority



Some activities are regulated by others...

