

California Marine Life Protection Act Initiative
Summary of Recent and Ongoing Processes Related to
Marine Protected Areas in California
August 13, 2007

Several state, federal, and local agencies have either jurisdictional authority for or an institutional mandate to establish marine protected areas (MPAs) in California. This document describes these various entities and their roles and provides a summary review of recent or ongoing processes that are separate from, but related to, the Marine Life Protection Act Initiative.

The purpose of this document is to concisely summarize the institutional context of the MLPA Initiative. There are a broad range of agencies with direct responsibilities or institutional mandates that are related to MPA designation and implementation. The first part of the document lists recent and ongoing MPA processes; the second part gives an overview of state, federal and local agencies with concurrent activities along the California coastline. The third part of the document gives more in-depth summaries of recent and ongoing MPA processes.

I. List of Recent and Ongoing MPA Processes

These state, federal and local processes are described in more detail in Section III.

State Processes

- Channel Islands MPAs (California Department of Fish and Game) – State waters monitoring of an MPA network implemented in 2003 through a joint state/federal process
- California Marine Life Protection Act Initiative – Central Coast Process (California Resources Agency, California Department of Fish and Game, and Resources Legacy Fund Foundation) – State waters implementation of central coast MPAs under the Marine Life Protection Act (September 2007)

Federal Processes

- Presidential Executive Order on MPAs (National MPA Center) – Charges federal agencies with the task of establishing a national network of MPAs
- Channel Islands National Marine Sanctuary – Federal waters implementation of the joint state/federal MPAs recommendation
- Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries – in the final process of reviewing and updating their management plans and regulations
- Monterey Bay National Marine Sanctuary – Working group is reviewing the need for MPAs in the sanctuary
- Gulf of the Farallones National Marine Sanctuary – Working group is providing advice to the sanctuary on ecosystem protection issues
- California Coastal National Monument (U.S. Bureau of Land Management) – Established by presidential proclamation to protect important biological and geological values
- House Resolution 1187 – proposed bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary

- House Resolution 1907- The Coastal and Estuarine Land Protection Act – proposed bill to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities.

Local Processes

Fitzgerald State Marine Park (San Mateo County Department of Parks and Recreation) – Interest in changing the park designation to a state marine reserve. Fitzgerald State Marine Park is both a “state marine park” and an “area of special biological significance” (ASBS), designated by the State of California.

II. State, Federal and Local Agencies with MPA Interests and Their Authority to Establish MPAs

State Agencies

The California Department of Fish and Game has management authority over living marine resources within state waters (generally between zero and three nautical miles from shore or around offshore islands) as well as authority to regulate fisheries that deliver catch to California ports. Thus, DFG has some authority beyond state waters and often enforces regulations outside three nautical miles. DFG enforces laws established by the California Legislature and regulations established by the California Fish and Game Commission. The California Fish and Game Commission has authority to establish, modify, or delete state marine reserves and state marine conservation areas. The California Fish and Game Commission may establish fishing regulations for state marine parks, but must have the concurrence of the California State Park and Recreation Commission (see below) to establish, modify or delete a state marine park. Other California Fish and Game Commission fishing regulations may also affect or be affected by MPA designations.

Responsible for almost one-third of California's scenic coastline, the California Department of Parks and Recreation manages coastal parks, wetlands, estuaries, beaches, and dune systems within State Park units. State Parks rangers and permanent lifeguards enforce regulations established by the California Office of Administrative Law, as well as other state laws including fish and game regulations. While these state peace officers have the authority to enforce laws anywhere in the state of California, their primary duty is the protection of park resources and visitors.

State Parks rules and regulations identified in the California Code of Regulations, Title 14, Division 3, extend 1,000 feet water ward of the ordinary high water mark so long as the rule or regulation being applied is not inconsistent with any rule or regulation of any other public agency which is applicable to those tide or submerged lands (California Public Resources Code, Div.5, Chapter 1, Article 1, Section 5003.05). Through state water bottom leases, State

Parks also has certain management authority over some tidelands, submerged lands and offshore areas, including some designated marine protected areas.

The California State Park and Recreation Commission may designate, delete, or modify state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. However, the commission may not designate, delete, or modify a state marine reserve, state marine park, or state marine conservation area without the concurrence of the California Fish and Game Commission on any proposed restrictions upon, or change in, the use of living marine resources(California Public Resources Code (Div. 1, Chapter 1, Article 2, Section 538)).

The State Water Resources Control Board has regulatory authority over discharges into marine waters from point and nonpoint sources, as well as other water-quality related aspects. SWRCB has authority to create state water quality protection areas, which are a classification of marine managed areas (MMAs) and are not MPAs. Regional water quality control boards are the units within the SWRCB that oversee local management issues throughout the state.

Federal Agencies

Within the U.S. Department of Commerce the National Oceanic and Atmospheric Administration (NOAA) has several interests and jurisdiction, as described below, in marine resources.

The National Oceanic and Atmospheric Administration conducts research and gathers data about the global oceans and the atmosphere. A U.S. Department of Commerce agency, NOAA provides these services through five major organizations, two of which have direct interest in MPA issues: the National Ocean Service (under which the National Marine Sanctuary Program and National Marine Protected Areas Center is found) and NOAA Fisheries.

National MPA Center - The Executive Order on MPAs (see below) established the National MPA Center to oversee national efforts to create a national system of MPAs and to assist government agencies in participating in this effort. The National MPA Center also supports the MPA Federal Advisory Committee established under executive order as well as a Science Institute which provides scientific information and policy analysis to support the planning, management and evaluation of the nation's MPAs.

National Marine Sanctuaries - Within the north central coast study region, there are two national marine sanctuaries: Monterey Bay National Marine Sanctuary and Gulf of the Farallones National Marine Sanctuary. The Cordell Bank National Marine Sanctuary lies adjacent to the region in federal waters.

The sanctuaries' primary objectives are resource protection, research, and education. . Sanctuaries have broad authority for establishing regulations under the National Marine Sanctuaries Act (NMSA) to protect sanctuary resources. Designation documents identify the types of activities that may be subject to sanctuary regulations. They may

only be amended using the same procedures by which the original designation was made.

With regard to fishing, if a sanctuary designation document lists fishing as an activity that may be regulated and it is determined that fishing must be regulated in order to meet the sanctuary's goals, the secretary of commerce shall provide the appropriate regional fishery management council with the opportunity to prepare draft fishing regulations. If the regional council does not do so, or if the secretary determines that the draft regulations fail to fulfill the purposes and policies of the proposed action, the secretary may prepare draft fishing regulations under the National Marine Sanctuaries Act. The designation documents of three of the four California sanctuaries (Monterey, Gulf of the Farallones and Cordell Bank) do not currently allow for the imposition of fishing regulations.

Changes to designation documents are typically done during the management plan review process, which is currently ongoing at all four California sanctuaries. For marine sanctuaries located partially or entirely within state waters, the governor of that state may certify to the secretary that changes to the designation document are unacceptable; in such a case, those changes would not take effect in the area if the sanctuary lying in state waters.

National Marine Fisheries Service (NOAA Fisheries or NMFS) - NMFS has regulatory authority for marine finfishes, invertebrates, and marine mammals other than sea otters in waters 3-200 nautical miles from shore. Among other laws, NMFS derives its authority from the Magnuson-Stevens Fisheries Conservation Act of 1976. Under the Magnuson-Stevens Act, NMFS manages any fishery that is the subject of a fishery management plan (FMP) developed by regional fishery management councils (see below) as well as some non-FMP species.

Pacific Fishery Management Council (PFMC) - PFMC is one of eight regional fishery management organizations established by the Magnuson-Stevens Fisheries Conservation Act. The councils develop fishery management plans for fisheries within 200 miles of shore; these plans must be approved by the secretary of commerce and are implemented by NMFS. The PFMC currently has four approved fishery management plans which cover management of groundfish (over 80 species), salmon, coastal pelagic species (e.g., sardines and mackerel), and highly migratory species (e.g., tunas and billfish). The council has indicated its intent to begin working on an ecosystem fishery management plan in the near future.

National Estuarine Research Reserve System (NERRS) - NERRS is a network of terrestrial and aquatic areas established for long-term research, education and stewardship. A major aim of the NERR system is to establish representative sites in each major biogeographic region of California. Within California, there are three national estuarine research reserves, one each in Elkhorn Slough, the Tijuana River, and San Francisco Bay. NOAA manages them jointly with CDFG, California Department of Parks

and Recreation, and San Francisco State University, respectively. There are no national estuarine research reserves located in the north central coast study region. Long-term research, stewardship, and public education are the main objectives of the reserves. NOAA provides 70% of the sites' funding, while the state partner is required to provide the remaining 30%. Enforcement activities generally are the responsibility of the state partners (California Marine Life Protection Act Initiative 2007).

The U.S. Department of Interior also has several agencies with responsibility for ocean and coastal resources, which are described below.

United States Fish and Wildlife Service (USFWS) - USFWS conserves, protects and enhances populations of fish, other wildlife, and plants and manages the system of National Wildlife Refuges. The system includes the following coastal refuges in California: Castle Rock, Humboldt Bay, San Pablo Bay, Marin Islands, Farallons, Don Edwards, San Francisco Bay, Salinas River, Guadalupe-Nipomo Dunes, Seal Beach, San Diego Bay, and the Tijuana Slough.

The Farallon National Wildlife Refuge is the only refuge within the north central coast study region. This refuge was established in 1909 mainly to protect seabird and marine mammal resources, with an expansion to include Southeast Farallon Island in 1969. The islands host the largest seabird breeding colony in the lower 48 states, and the world's largest colonies of three species. The Farallon Islands State Marine Conservation Area includes seasonal closures off certain portions of the Farallon Islands to help protect breeding seabirds and marine mammals. A detailed map depicting the closures is found at <http://www.fws.gov/sfbayrefuges/Farallon/Pictures/map.jpg>. A draft comprehensive conservation plan (CCP) for the Farallon Refuge has been completed and a final CCP is expected in late 2007. The CCP addresses the future management of the refuge, which includes working with other state and federal agencies on marine protected area development near the islands.

USFWS has also been working with the National MPA Center in the development of a National MPA system to help protect trust resources such as seabirds. In addition, for several years USFWS has been working with CDFG, NOAA, and others to restore seabird breeding colonies in the north central coast study region that were impacted from oil spill and gill-net mortality. The focal restoration site has been a Common Murre colony at Devil's Slide Rock (or, Egg Rock), San Mateo County. Recent efforts include the Seabird Colony Protection Program, which aims to help restore impacted seabird colonies by reducing human disturbance from boats, aircraft, and other factors.

National Park Service (NPS) - NPS has several park lands located along the California coast including Redwood National Park, Point Reyes National Seashore, Golden Gate National Recreation Area, Channel Islands National Park and the Cabrillo National Monument. Parks in the north central study region are Point Reyes National Seashore and the Golden Gate National Recreational Area. The typical seaward boundary of

coastal national park lands extends to 1000 feet offshore, with the exception of the Channel Islands National Park which has a seaward boundary that extends to one nautical mile.

At Point Reyes National Seashore, the State of California (California Legislative Act 1965) ceded the submerged lands to the federal government out to the 1000 foot offshore boundary. The National Park Service works with the appropriate state (primarily DFG) and federal agencies to cooperatively manage the coastal zones within their boundaries. Adjacent to the Golden Gate National Recreation Area, there are several underwater areas (mostly former military properties) that remain the property of the federal government (California Marine Life Protection Act Initiative 2007).

U.S. Bureau of Land Management (BLM) - BLM has management responsibility for the recently established California Coastal National Monument, an aggregation of thousands of rocks and pinnacles above mean high tide in state and federal waters off California. BLM works cooperatively with the appropriate state and federal agencies with authority to regulate the extraction of living marine resources, including DFG, for marine resource issues within state waters.

U.S. Minerals Management Service – U.S Minerals Management Service manages the nation's natural gas, oil and other mineral resources on the outer continental shelf.

U.S. Geological Survey (USGS) - USGS is the earth science research and information agency and has conducted research on the continental shelf in the study region (California Marine Life Protection Act Initiative 2007).

The U.S. Department of Defense has installations along the California coast for which there has been shown to have conflicts between military activities and protection of natural resources offshore of the bases. The Department of Defense and DFG have made efforts in the past to allow for military activities within MPAs located offshore of military installations. Governor Schwarzenegger's *Protecting Our Ocean, California's Action Strategy* of September 2004 declares that state agencies should coordinate ocean and coastal management activities that impact military facilities or operations with the U.S. Department of Defense (California Marine Life Protection Act 2007). There are several U.S. Coast Guard facilities in the study region, but no military bases.

The U.S. Coast Guard is the primary maritime law enforcement agency (California Marine Life Protection Act Initiative 2007). The U.S. Coast Guard has a station in Bodega Harbor and eastward of the Golden Gate Bridge at Point Bonita.

The U.S. Army Corp of Engineers plans, designs, constructs, operates, and maintains a wide variety of water infrastructure to support U.S. national economic interests (navigation structures, channels, shore protection, flood control, and restoration projects) (California Marine Life Protection Act Initiative 2007).

The U.S. Environmental Protection Agency (USEPA), Office of Waters, is responsible for implementing the Clean Water Act and Safe Drinking Water Act, and other portions of laws focused upon pollution prevention and watershed management. The USEPA manages the National Estuary Program which identifies, restores, and protects nationally significant estuaries, but does not confer MPA-type status. The San Francisco Bay falls under the jurisdiction of the National Estuary Program, however, the bay itself is not part of the north central coast study region.

Local Agencies

Many county, city, and local organizations have taken interest in MPA issues within their jurisdictions. None has regulatory or management authority over living marine resources, nor the statutory authority to establish MPAs. Even so, several county and city areas were established with the intent of protecting marine resources and in some cases function as MPAs.

The following local agencies are discussed in greater detail in section III:

San Mateo County Parks and Recreation Division - San Mateo County has management responsibility over the terrestrial portion of the Fitzgerald Marine Reserve and co-management responsibility with DFG over the Fitzgerald State Marine Park (the marine portion). San Mateo County has no regulatory authority over harvest of marine resources, but can restrict activities or access from shore.

III. Recent and Ongoing MPA Processes

State Processes

Channel Islands National Marine Sanctuary - State Waters

In April 1998, a group of concerned recreational anglers, with support from the Channel Islands National Park, submitted a proposal to the California Fish and Game Commission to close 20% of the waters within one mile of the northern Channel Islands to all fishing. Following nearly a year of commission meetings on the topic, DFG and the Channel Islands National Marine Sanctuary (CINMS, which includes waters six miles around the four northern Channel Islands: Santa Barbara, Anacapa, Santa Cruz, Santa Rosa, and San Miguel) offered to establish a stakeholder process to discuss the issue at a local level.

The commission accepted the offer and DFG and CINMS established a Marine Reserves Working Group (MRWG) composed of representatives from diverse interest groups. The MRWG considered alternative networks of marine reserves (no-take MPAs) in both state and federal waters. The MRWG met monthly between July 1999 and June 2001 before forwarding their work to the Channel Islands National Marine Sanctuary Advisory Council (SAC). The MRWG achieved consensus on a problem statement, goals and objectives, and implementation recommendations for MPAs. Though the MRWG did not reach consensus on a

single network proposal, they did provide more than 40 fully analyzed alternatives and areas of agreement and disagreement to the SAC. The SAC asked DFG and CINMS to use the information to create a preferred alternative, which was presented to the commission in August 2001. On October 23, 2002 the commission voted to adopt the preferred alternative for MPAs within the state waters of the CINMS. These areas represent 19% of state waters within the sanctuary; they include 95 square nautical miles in 10 no-take state marine reserves and 7 square nautical miles in 2 limited-take state marine conservation areas. The new MPAs became effective on April 1, 2003.

The original MPA network proposed by DFG and CINMS included additional area offshore of, and contiguous with, the new MPAs. Most of this area was in federal waters and all was within the sanctuary. A separate process is now underway to consider establishing MPAs in the federal waters.

The Channel Islands process was initiated approximately one year before the MLPA became law. While the goals of the two processes were very similar, the Channel Islands process was focused on a specific area. Furthermore, at Channel Islands only the state marine reserve classification, in which all extractive activity is prohibited, was formally considered for MPAs. However, the designation of state marine conservation areas was discussed throughout the process and included in the final recommendation.

A monitoring program is now in place within and adjacent to the new Channel Islands MPAs. The program is a cooperative venture among state and federal agencies, universities and other research institutions, and fishermen. The program builds on existing long-term monitoring programs and is obtaining data, intertidally and in shallow and deep water, at all of the MPAs in order to determine changes in species diversity, relative abundance, and size distribution, with which to evaluate the effectiveness of the MPAs in meeting their established goals.

California Marine Life Protection Act Initiative – Central Coast Study Region

In 1999, the legislature approved and the governor signed the Marine Life Protection Act (MLPA; Stats.1999, Chapter 1015). DFG attempted to implement the MLPA in two separate processes beginning in 2000 and 2002. In August 2004, the California Resources Agency, California Department of Fish and Game, and Resources Legacy Fund Foundation launched an effort to implement the MLPA. Rather than attempting to design a single network of MPAs for the entire state at one time, a series of five regions was developed, beginning with an area along the central coast.

After an intensive stakeholder process, the central coast region (Pigeon Point to Point Conception) is near implementation. On April 13, 2007 three MPA network component alternatives were presented to the California Fish and Game Commission. The commission voted to adopt the preferred alternative which establishes 29 MPAs along the central coast. Thirteen no-take state marine reserves were adopted along with 15 state marine conservation areas and 1 state marine recreational management area. These MPAs cover approximately

203 square nautical miles and approximately 18% of the state waters in the central coast study region.

Federal Processes

Presidential Executive Order 13158

In May 2000, President Clinton signed Executive Order 13158 regarding marine protected areas. This order was reaffirmed in June 2001 by President George W. Bush. The executive order charges federal agencies, consistent with domestic and international law, to:

- Strengthen the management, protection, and conservation of existing MPAs and establish new or expanded MPAs;
- Develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the nation's natural and cultural resources;
- Avoid causing harm to MPAs through federally conducted, approved, or funded activities; and
- Consult with states, territories, tribes, regional fishery management councils, and other entities as appropriate to facilitate coordination of federal, state, territorial, and tribal actions to establish and manage MPAs.

National MPA Center- Draft Framework for Developing the National System of MPAs

The National MPA Center recently completed a *Draft Framework for Developing the National System of MPAs*. Publication of the final framework is anticipated in late 2007 or early 2008. The draft framework provides comprehensive national goals and flexible guidance for a variety of partnership efforts among federal, state, tribal, and local governments and stakeholders. It proposes guidance for how existing MPA sites, programs, and stakeholders can work together to better share information and coordinate their MPA management efforts, develop the necessary scientific information to make more informed management decisions, and improve the stewardship and effectiveness of existing MPAs.

The National MPA Center is working closely with DFG to assist in the implementation of the MLPA wherever possible. They have offered technical expertise, in-kind services and financial assistance to the MLPA Initiative.

Integration of Marine Protected Areas Science and Fisheries Science and Management

Marine protected areas (MPAs) have been used for decades to manage the nation's marine resources, and to preserve both fisheries and marine biodiversity. Consequently, there is an urgent need for scientists from both disciplines to integrate their specialized knowledge and expertise in the development of guidelines and methods for the design, implementation, monitoring, and management of MPAs as tools for both fisheries and biodiversity conservation. Furthermore, a more systematic and integrative approach to understanding how fisheries affect the ability of MPAs to protect ecosystem function would greatly improve the dialogue between agencies and programs focused on ecosystem integrity and agencies responsible for managing sustainable fisheries.

To begin this integration, the National Marine Protected Areas Center and NOAA's Southwest Fisheries Science Center, Fisheries Ecology Division have convened an expert group of fisheries and conservation biologists, sociologists, and economists to develop the scientific information necessary to integrate MPAs and conventional fisheries management strategies. The working group is participating in a series of focused workshops over a span of four to five years to discuss and define critical concepts and issues. The working group has formed several teams thus far, each charged with tackling a specific subset of the overall issues including

- A summary of changes to stock assessment reference points due to marine reserve implementation and new approaches;
- The effects of marine reserves on stock and yield;
- The trade-offs between indicators of fishing yield and ecosystem status;
- An evaluation of how spatial variation in fishing intensity affects yield;
- An evaluation of maternal effects in and outside of MPAs;
- A review of connectivity, sustainability, and yield.
- Barriers to implementing MPAs.

H.R. 1907- The Coastal and Estuarine Land Protection Act: This proposed bill authorizes the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities.

The proposed bill directs the secretary of commerce to establish a Coastal and Estuarine Land Protection Program to protect the environmental integrity of undeveloped coastal and estuarine areas. It authorizes the secretary to make program grants to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property that will further the goals of an approved Coastal Zone Management Plan or Program, a National Estuarine Research Reserve management plan, or a regional or state watershed protection plan. The plan prohibits any more than 75% of the funding for any project under this Act from being derived from federal sources.

As of April 23, 2007, H.R 1907 has been referred to the House subcommittee on Fisheries, Wildlife, and Oceans for further discussion.

H.R. 1187-Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act

This proposed bill declares it is U.S. policy to protect and preserve living and other resources of the Gulf of the Farallones National Marine Sanctuary (Farallones NMS) and Cordell Bank National Marine Sanctuary (Cordell Bank NMS) marine environments. H.R 1187 proposes to make certain adjustments to expand the boundaries of the Farallones NMS and the Cordell NMS to further protect vital oceanographic features such as the upwelling zone located near Point Arena.

The act would prohibit within the Farallones NMS and the Cordell Bank NMS: (1) the leasing, exploration, development, production, or transporting by pipeline of minerals or hydrocarbons;

(2) the conduct of aquaculture (with exceptions); and (3) subject to limitation, the discharge of materials, substances, or introduced species or a harmful change in the salinity. It would also prohibit the conduct of aquaculture within Monterey Bay, Gulf of the Farallones, and Cordell Bank National Marine sanctuaries.

The act directs the secretary of commerce to complete: (1) an interim supplemental management plan for each sanctuary that focuses on protective resource management in the areas added by this act; and (2) a revised comprehensive management plan for each of the sanctuaries. It requires the secretary to review the operations of the Farallones NMS to determine whether area added to it by the act shall be designated as a new and separate NMS.

As of March 2, 2007, H.R 1187 has been referred to the House subcommittee on Fisheries, Wildlife, and Oceans for further discussion.

Channel Islands National Marine Sanctuary - Federal Waters

As noted above, most of the alternative MPAs developed by MRWG included federal as well as state waters. While the California Fish and Game Commission had the authority to designate MPAs in state waters within the sanctuary, designation of MPAs outside state waters is a federal responsibility and requires the completion of a separate process.

Upon the Commission's establishment of the MPAs in state waters, CINMS initiated the federal process to consider establishing a network of MPAs to complement the MPAs in state waters. They are working in conjunction with the Pacific Fishery Management Council (PFMC). As described previously, PFMC is given the opportunity to draft sanctuary fishing regulations to meet sanctuary goals and objectives.

NOAA's National Marine Sanctuary Program has released a final rule and final environmental impact statement (FEIS) for the establishment of marine reserves and conservation areas within the CINMS. The purpose of the action is to maintain the natural biological communities, and to protect, restore and enhance natural habitats, populations, and ecological processes. This action complements the State of California's establishment of a network of marine reserves and conservation areas within the state waters of the CINMS in 2003.

In this final rule, NOAA is issuing final regulations for the federal-waters portion of the sanctuary. The action establishes approximately 110.5 square nautical miles of marine reserves and 1.7 square nautical miles of marine conservation area in the CINMS. All extractive activities (i.e., removal of any sanctuary resource) would be prohibited in marine reserves. Lobster harvest and recreational fishing for pelagic species (with hook and line only) are allowed within the marine conservation area, while all other extractions are prohibited. Regulations proposed under this rulemaking are written in a manner so as to avoid unnecessary redundancy with regulations officially declared by NOAA under the Magnuson-Stevens Fishery Conservation and Management Act. The final rule will become effective after 45 days of continuous session of Congress, which is expected to occur on or about July 27, 2007.

NOAA has decided to defer a final decision and is seeking additional comment on the state-waters portion of the Sanctuary pending action by the State of California to extend the boundaries of several existing state-waters zones to the three mile state-federal waters boundary which is expected to occur in August 2007.

Northern CA Sanctuaries Joint Management Plan Review

The National Marine Sanctuary Program is currently reviewing comments on the draft management plans, proposed rules and draft environmental impact statement for Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries after extensive public input, issue prioritization, and recommendations from each site's sanctuary advisory council. This includes a review of resource protection, education and research programs, the program's resource and staffing needs, as well as the regulatory goals and sanctuary boundaries.

The draft management plans (DMPs) for the Cordell Bank, Gulf of the Farallones and Monterey Bay National Marine sanctuaries focus on key issues and opportunities affecting the three sanctuaries. The draft plans contain information about each sanctuary's environment, priority management issues and actions proposed to address them, regulations, staffing and administration, operational and programmatic costs, and performance measures. They address important sanctuary programs such as public awareness and understanding, conservation science, water quality, introduced species, wildlife protection, emergency response and enforcement, and maritime heritage. The draft plans, released in October 2006, represent a major revision of each site's original management plan and are the result of several years of study, planning, and extensive public input.

Each DMP contains four principal sections: an introduction to the National Marine Sanctuary Program and the specific sanctuary, an overview of the sanctuary setting (including physical, biological, human and operational components), a set of action plans, and a series of appendices. Action plans are the means by which a sanctuary identifies and organizes the wide variety of management tools it employs to manage and protect its marine resources. Action plans allow the sanctuary to clearly articulate the programs, projects and regulations it uses to address the resource issues identified for its management plan and to fulfill the purposes and policies of the National Marine Sanctuaries Act. Each action plan addresses a priority resource management issue through a series of strategies. Within each strategy is a suite of related activities that sanctuary staff will engage in over the next five years.

The final response to comments, final management plans, and final environmental impact statement are expected to be released in fall 2007.

Monterey Bay National Marine Sanctuary

The Monterey Bay National Marine Sanctuary (MBNMS) extends from Marin County south to Cambria in San Luis Obispo County and is the largest sanctuary on the West Coast. In 2001 MBNMS staff began a public process to review and update the sanctuary's 1992 management plan. Two years later, after extensive public outreach and input, the MBNMS produced a series of proposed action plans in its joint management plan review document, which have been

approved by the sanctuary advisory council (SAC) and are now being reviewed by the National Marine Sanctuary Program headquarters.

One of these action plans is titled "Special Marine Protected Areas." A formal working group with a diverse array of stakeholder representation was formed during the management plan review process. Due to the considerable interest in, and sensitive nature of, the topic, this group continues to meet four to six times per year under the guidance of the MBNMS superintendent. DFG has a representative on the working group.

The stated goal of the MPA Action Plan is as follows:

"To determine the role, if any, of additional marine protected areas in maintaining the integrity of biological communities in the Monterey Bay National Marine Sanctuary, and to protect, where appropriate, restore and enhance natural habitats, populations and ecological processes. If additional MPAs are to be created, provide for the design of MPAs that are compatible with the continuation of long-term sustainable fishing in the Sanctuary, as fishing is a key cultural and economic component of the region.

The action plan will outline the framework for coordinating with and providing input to appropriate state and federal agencies on the need for, purpose, design and implementation of MPAs within the MBNMS region, whether initiated or coordinated by the sanctuary or other agencies. A multi-stakeholder workgroup will work together to implement the components of the action plan."

The MBNMS SAC recommended that this action plan receive high priority by sanctuary staff. While there is no target date for the completion of the working group's activities, much useful information has already been generated, including a draft list of conservation goals and objectives related to MPAs and information on the socioeconomic value of different portions of sanctuary waters.

The sanctuary working group efforts are being coordinated with the MLPA Initiative process, which are related in two important ways; 1) part or all of the state waters within the sanctuary may be within the MLPA Initiative central coast and north central coast project regions 2) many of the members of the sanctuary MPA working group overlap with members of the MLPA's regional stakeholder groups. Additionally, the Sanctuary is a partner in the implementation of state MPAs through research, monitoring, and education. These coordinated efforts inform and guide the sanctuary's consideration of MPAs in federal waters.

Gulf of the Farallones National Marine Sanctuary

Staff at the Gulf of the Farallones National Marine Sanctuary formed a Living Resource and Habitat Protection working group to develop a strategy to protect Estero Americano and Estero de San Antonio, two estuarine areas within the Sanctuary that need an enhanced level of protection to improve water quality. While the protection of water quality is not a stated goal of the MLPA process, one of the esteros is already a state-designated MPA. Currently, the working group is not considering MPAs within state waters outside the esteros.

California Coastal National Monument

Designated by presidential proclamation on January 11, 2000, the California Coastal National Monument (Monument) runs the entire length of the California coast and extends 12 nautical miles from the shoreline. The Monument encompasses thousands of unincorporated islands, rocks, exposed reefs, and pinnacles above mean high tide. Since 1983, the BLM has managed these resources in cooperation with DFG; a memorandum of understanding formalizes this agreement and includes the California Department of Parks and Recreation. The primary purpose of the Monument is to protect important biological and geological values. The islands, rocks, reefs, and pinnacles provide forage and breeding grounds for significant populations of birds and sea mammals.

In September 2004 the U.S. Bureau of Land Management (BLM) released for public review and comments a draft resource management plan (RMP)/draft environmental impact statement (EIS) for the Monument. The draft RMP/draft EIS focuses on protection of the scenic and geologic formations of the monument and the habitat they provide for seabirds, marine mammals, and vegetation. In the document, BLM states, "many of the regulations needed to manage the resources are already in place; therefore, this plan is not proposing any new regulations." However, the preferred alternative describes a process by which seasonal restrictions on fishing and other activities would be imposed around rocks and islands to protect sensitive populations of marine birds and mammals. BLM would need to work with the Fish and Game Commission to establish regulations within state waters, which are under state jurisdiction.

BLM is aware of the MLPA Initiative and has been encouraged to coordinate any efforts related to increased protection for marine birds and mammals with that effort.

National Park Service

The National Park Service (NPS) manages Point Reyes National Seashore and Golden Gate National Recreation Area; both are federally designated marine managed areas (MMA) along the Marin County coast. The two parks are now updating their general management plans and are working cooperatively with DFG and the MLPA process to ensure consistency between the two planning processes.

Military Establishments

Three military establishments exist within the north central coast study region: a U.S. Coast Guard training center in Petaluma, a U.S. Coast Guard Station in Bodega Bay, and a U.S. Coast Guard Station at Point Arena. None of these establishments have associated spatial closures in the marine environment.

Power Plants

Currently, there are no coastal power plants or associated spatial closures that operate within the study region. Tidal and wave energy projects are being considered in the study region, however, information available to the MLPA Initiative indicates that such projects are still in a

nascent stage of development, and there has been no formal regulatory review by federal or state agencies.

Local and Regional Efforts within the North Central Coast

San Mateo County Parks and Recreation Division

The San Mateo County Parks and Recreation Division (PRD) provides on-site management and enforcement for the James V. Fitzgerald State Marine Park. The area, formerly designated James V. Fitzgerald Reserve - a marine life refuge - was reclassified pursuant to the Marine Managed Areas Improvement Act implementation process. PRD staff recently produced a final environmental impact report for the "Fitzgerald Marine Reserve Master Plan". The master plan includes supporting the reclassification of the park designation to a state marine reserve, which would by definition prohibit all extractive uses. PRD is aware of the MLPA Initiative but has not made a formal proposal to the California Fish and Game Commission. The county has no authority to establish an MPA or change the current designation.

References Cited

- California Marine Life Protection Act Initiative. 2007. California Marine Life Protection Act (MLPA Draft Regional Profile of the North Central Coast Study Region (Pigeon Point to Alder Creek (Point Arena)). Sacramento, CA.
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- California Code of Regulations, Title 14 Div.5, Chapter 1, Article 1, Section 5003.05
- California Code of Regulations, Title 14 Div. 1, Chapter 1, Article 2, Section 538