

**California Marine Life Protection Act Initiative**  
**Additional Responses to Questions Raised at the April 28 Meeting and**  
**April 29 Work Session of the**  
**MLPA South Coast Regional Stakeholder Group**  
*Revised May 18, 2009*

This document provides additional responses to questions that were captured by staff in the MLPA South Coast Regional Stakeholder Group (SCRSG) meeting on April 28 and at the work session on April 29, 2009. Responses are provided by the MLPA Initiative (I-Team) and the California Department of Fish and Game (DFG). Some responses are preliminary in nature; as additional information becomes available, further responses will be transmitted to the SCRSG.

- 1. *What is the policy guidance regarding special closures in the northern Channel Islands? While the SCRSG is being asked to provide input on existing special closures in the Northern Channel Islands, can the SCRSG propose new special closures as well?***

*I-Team Response:* The I-Team has requested further guidance from staff of the California Fish and Game Commission and, until such clarification is received, it is suggested that the SCRSG members remain focused on their primary task of developing alternative marine protected area (MPA) proposals.

- 2. *Will the habitat data used in the SAT analyses be updated when new or additional data becomes available?***

*I-Team Response:* As new habitat data becomes available, MLPA staff and the MLPA Master Plan Science Advisory Team (SAT) will review this data as outlined in the *Draft Protocol for Evaluating Incoming Data from Sources External to the Master Plan Science Advisory Team*. The I-Team and SAT will attempt to use additional information to the greatest extent possible. However, staff will focus on the use of data that are readily available and meet approved data quality standards. Staff and the SAT are aware that changes to habitat data may impact MPA design and evaluation, thus the value added to the MLPA process by any new habitat data will be carefully weighed against the challenges caused by changes to habitat data. In the future, if any data layer is changed, the I-Team will inform the SCRSG by email.

***Questions 3-6 all pertain to kelp and can be answered in part by referring to the staff memorandum entitled, Use of Kelp Data in the MLPA Initiative Process, transmitted to the SCRSG via email on May 8, 2009 and distributed again for the May 21, 2009 meeting. Additional responses follow.***

- 3. *How is kelp coverage being evaluated by the SAT?***

*I-Team Response:* The SAT is addressing kelp coverage in the Round 2 evaluations of habitat representation, habitat replication, and MPA spacing. Three different measurements will be included in these evaluations, including "kelp persistence," "maximum kelp," and "hard substrate" in the 0 to 30 meter depth range.

**4. Can rocky bottom habitat that does not currently support kelp growth be considered kelp habitat if it has the potential to grow kelp or has supported kelp growth in the past?**

*I-Team Response:* The SAT provides analysis of rocky habitats that may support growth of kelp by considering hard substrate in the 0 – 30 meter depth range as rocky habitat only; it will not be used as a proxy for kelp.

**5. Is aerial photographic data for surfgrass and kelp being incorporated into the data used for the habitat analysis?**

*I-Team Response:* There exists an excellent and comprehensive dataset, for kelp, which includes aerial photographic data; this has been incorporated into the kelp dataset that has been compiled by the California Department of Fish and Game. However, there does not yet exist a comprehensive dataset for surfgrass, therefore aerial photographic data has not been incorporated into the surfgrass dataset.

**6. For the 7 years used in estimating persistent kelp, why were only select years used rather than consecutive years? How were fluctuations in temperature and the occurrence of El Niño-Southern Oscillation events incorporated?**

*I-Team Response:* Comprehensive GIS kelp data that cover the entire south coast study region are available from the California Department of Fish and Game for seven specific years (1989, 1999, 2002, 2003, 2004, 2005 and 2006). The SAT uses all of this available information in evaluating kelp coverage. Comprehensive data for seven consecutive years are not available. These data reflect years of comparatively higher and lower kelp coverage, which were influenced by atmospheric and climatic variations, to encompass the range of coverage, including El Niño years.

**7. Is the SAT considering re-evaluating the spacing guidelines due to the complexity of transport?**

*I-Team Response:* The SAT's guidance for MPA spacing is to place MPAs no more than 31-62 miles apart to allow for the exchange of young (i.e., larvae) between adjacent MPAs in a network. The spacing guideline is based on available data on the dispersal of young marine fish and invertebrates. The SAT determined that this guideline applies to the mainland coast of southern California, where movement of young is likely to be consistent with other locations. However, due to the complex geography and ocean circulation around the Channel Islands, the SAT determined that movement of young that originate at the Channel Islands is likely different from other locations along the mainland coast. The SAT recommended that the spacing guideline not be applied to MPA design and evaluation at the Channel Islands and that other guidelines, including MPA size, habitat representation and replication, and

consideration of birds and mammals be used to design MPAs at the Channel Islands.

Results from the bioeconomic modeling evaluation of MPA proposals take into account the locations and sizes of all proposed MPAs, including those at the Channel Islands. The modeling evaluations (taking into account MPA spacing along the mainland) provide insight into which MPA configurations contribute most to population sustainability and fishery yield. During the SAT meeting on May 5, 2009, Dr. Ray Hilborn introduced an alternate approach to MPA design, that did not use the MPA spacing guideline, and recommended that this be used in lieu of the spacing guideline. Although the SAT is considering the information presented by Dr. Hilborn, the SAT has not recommended a change to the MPA spacing guideline for the MLPA South Coast Study Region.

**8. *How should the level of success of fisheries management practices be considered in the process?***

*I-Team:* DFG provided memos during the previous study regions that addressed the perceived overlap that occurs between fisheries management practices and the MLPA process. These memos clearly stipulate how and where the line is drawn that separates these two different types of tools, both of which are used as complementary strategies to improve the management of marine resources (attached without maps). An update and discussion will be held at the June 4, 2009 meeting of the MLPA Blue Ribbon Task Force.

**9. *Can individual MPAs be ranked for their ability to provide marine bird and mammal protection?***

*I-Team Response:* The SAT designed the bird and mammal evaluation to provide information about the protection afforded to birds and mammals by proposed MPAs. The evaluation was not designed to compare one MPA to another, or to compare MPAs against a set of guidelines; therefore, MPAs cannot be ranked.

In Round 1 evaluations, only MPAs with a state marine reserve (SMR) designation were considered to provide benefit to marine birds and mammals, and the evaluation focused on the species likely to benefit list. State marine conservation areas (SMCAs) and state marine parks (SMPs) were considered to provide no benefit to marine birds and mammals.

In Round 2, the evaluation will consider both SMRs and SMCAs meeting certain criteria as providing benefit to marine birds and mammals. Details on the criteria used to determine whether or not SMCAs provide benefits can be found in the updated version of chapter 9 (transmitted to the SCRSG via mail on May 14, 2009) – Protection of Marine Birds and Mammals, in the *Draft Methods Used to Evaluate*

*Marine Protected Area Proposals in the MLPA South Coast Study Region.* Other additions to Round 2 evaluations include the consideration of protection afforded to sea otters and the protection of neritic foraging areas used by both marine birds and mammals, which are also outlined in the updated chapter 9.

**10. If a gem group (or groups external to the SCRSG) proposed complete protection of all estuarine habitat, why did the evaluations indicate that less than 100% of estuarine habitat was protected?**

*I-Team Response:* Estuarine habitat includes both estuaries and bays (including Mission Bay and San Diego Bay). Based on this definition, no draft MPA proposal or array in Round 1 included every estuary in the south coast study region; therefore, no proposal included protection for 100% of estuarine habitats.

**11. Will the SAT perform a habitat quality evaluation of the Palos Verdes Shelf?**

*I-Team Response:* The SAT is currently looking into potential ecological impacts to the Palos Verdes shelf from the Portuguese Bend landslide complex and the U.S. Environmental Protection Agency's superfund site at Whites Point. Results are forthcoming.

**12. If a gem group (or groups external to the SCRSG) proposes an MPA within an area that contains underwater manmade structures, such as pipelines or outfalls, how will this impact the maintenance of these structures?**

*I-Team Response:* We have previously said that maintenance of existing structures would not be impeded due to the establishment of an MPA. However, legal counsels of the management agencies are considering the appropriate designations for such areas; this information is forthcoming.

**13. Is it possible to establish, during this process, areas to be co-managed by the tribes and the California Department of Fish and Game (DFG)?**

*DFG Response:* This question constitutes a form of fisheries management that falls outside of the purview of MLPA. The concept may be discussed with DFG and with the California Fish and Game Commission for consideration, regardless of whether co-management is proposed within an MPA or elsewhere.

**14. What is the level of protection (LOP) for aquaculture leases and aquaculture activities?**

*I-Team Response:* The LOP is dependent upon the method of culture and the species that is cultured. During the MLPA North Central Coast Project, MPAs that were proposed within an area leased for shellfish aquaculture received an LOP of

low due to the impacts of habitat alteration from method of culture. For the south coast study region, the SAT is currently evaluating which LOP to assign for shellfish aquaculture and finfish aquaculture. If a gem group (or groups external to the SCRSG) proposes an MPA within an area that is currently used for aquaculture, the stakeholders should propose an SMCA designation that allows for continued aquaculture under valid permits and provide the following information in order for the SAT to assign an LOP:

- 1) Clearly indicate that the proposed MPA includes an active aquaculture facility or aquaculture lease;
- 2) Indicate whether the proposers recommend that the aquaculture activity to continue, or recommend that the lease not be renewed upon lease expiration and the area be converted to a different designation.
- 3) Provide the name of the aquaculture facility

**15. *Are the military use areas at La Jolla and Point Loma in San Diego County compatible with MPA designations?***

*I-Team Response:* The SAT provided an initial analysis of military activities in the study region at its May 15 meeting and presented more detailed information at the May 18-19, 2009 MLPA Blue Ribbon Task Force (BRTF) meeting. See Briefing Document A.1 for the May 21, 2009 SCRSG meeting.

**16. *Can modifications be made to special closures, such as increasing the distance from shore covered and/or decreasing the wattage of lighting allowed, to provide more protection to birds from lighting disturbance associated with the market squid fishery?***

*I-Team Response:* The I-Team is consulting with the California Fish and Game Commission regarding the status of existing special closures at the Northern Channel Islands. In particular, the team is seeking clarification if the special closures were included in commission guidance to keep the status quo at the Northern Channel Islands. Special closures in other areas may be considered. Current recommendations for special closure distances are based on measured distances of bird flushing and disturbance events in the north central coast. Any consideration of lighting effects and potential distances would require a review by the SAT of existing studies. This question will be forwarded to the SAT pending a response from the Commission in support of considering special closure revisions at the Northern Channel Islands.