# California Marine Life Protection Act Initiative
# Blue Ribbon Task Force

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**To:** **MLPA South Coast Regional Stakeholder Group and Authors of Draft External MPA Proposals**

**From:** **MLPA Blue Ribbon Task Force**

**Subject:** **Summary of Key Guidance for Developing Round 2 Draft MPA Proposals**

**Date:** **April 24, 2009**

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On April 16, 2009 the MLPA Blue Ribbon Task Force (BRTF) met and discussed guidance to the MLPA South Coast Regional Stakeholder Group (SCRSG) and authors of draft external MPA proposals regarding the development of Round 2 draft MPA proposals. This memorandum conveys key aspects of the BRTF's guidance. The BRTF directs MLPA Initiative staff to make operational this guidance in the process design for developing draft MPA proposals in Round 2 of the MLPA South Coast Project.

## Reiterate and Update Guidance Provided in the MLPA North Central Coast Study Region

Stakeholders should strongly consider the guidance given to the MLPA North Central Coast Regional Stakeholder Group in a memorandum dated February 20, 2008 (attached), and first provided to the SCRSG on January 13, 2009. The BRTF noted two changes to this guidance for the MLPA South Coast Study Region. First, in Round 2, no more than five to six draft MPA proposals should be forwarded to the BRTF for consideration, ultimately leading to no more than three proposals in Round 3. Second, previous guidance from the north central coast regarding salmon fishing does not apply in the south coast. Revised guidance for the south coast study region therefore includes:

1. Place great weight on the results of the MLPA Master Plan Science Advisory Team (SAT) evaluations of marine protected area (MPA) proposals.
2. Place strong emphasis on MPAs that meet the SAT guidelines for "preferred" size and spacing (note that the SAT spacing guidelines do not apply to the offshore islands; see "Scientific Evaluations" below). Proposals should include MPAs with "very high" or "high" levels of protection. Marine reserves are the "backbone" of any proposed network. Proposals may include MPAs with "moderate-high" levels of protection; the BRTF will seriously consider such proposals and will use all SAT-evaluated levels of protection when considering MPA alternative proposals and their socio-economic consequences.
3. Cross-interest support for the final MPA proposals is very important and will be given great weight.
4. Forward no more than five to six alternative MPA proposals in Round 2 and strive for convergence where possible.

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5. Give strong consideration to the California Department of Fish and Game (DFG) feasibility criteria. Provide specific rationale for any deviations from the recommendations in the feasibility analysis conducted by DFG.
6. The main focus of the SCRSG is in developing alternative MPA proposals. In some instances special closures may offer geographically-specific protection from threats, such as disturbance, that are not necessarily addressed by MPAs. The SCRSG may elect to include recommendations for special closures so long as this does not detract from completing the primary task of developing alternative MPA proposals. Special closures should be used sparingly and selectively.

**Cross-Interest Support**

SCRSG members are charged with creating cross-interest MPA proposals in each work group that focus on "middle-ground" options that assumes the pursuit of "cross-interest" support within the work groups. Cross-interest support constitutes support across a broad range of consumptive and non-consumptive interests.

The BRTF recognizes that some Round 1 draft arrays developed by the SCRSG have been influenced by positional bargaining and, as a result, many MPA ideas have been replicated in multiple draft arrays and proposals: this replication results in multiple, similar proposals that do not reflect cross-interest support. Proposals that do not reflect cross-interest support will carry less weight in the MLPA Initiative process and may not carry forward to the final round of MPA proposal development.

For draft MPA arrays developed by the SCRSG, the BRTF notes that Round 1 was focused on exploring a range of ideas in order to maximize the gathering of information and feedback. However, in developing draft MPA proposals in Round 2, the gems work groups should focus on finding middle-ground solutions.

Specific to external MPA proposals, the BRTF notes several observations that should be considered in Round 2:

- Draft External MPA Proposal A and Draft External Proposal B appear to be similar in geographic overlap and may represent an opportunity for convergence;
- Draft External MPA Proposal B does not meet DFG feasibility guidelines in several locations;
- Draft External MPA Proposal C has significant socioeconomic impacts in comparison to other proposals.

**Scientific Evaluations**

The SCRSG and authors of draft external MPA proposals should incorporate feedback from the SAT, especially results from evaluations of habitat representation, habitat replication, MPA size, and MPA spacing. Results of the bioeconomic modeling help to address contributions of MPAs proposed at the offshore islands, where the BRTF has agreed that the spacing guidelines do not apply. In this way, the bioeconomic models represent a useful tool and should be utilized in conjunction with, but not in place of, the other SAT analyses.

**Water Quality**

Water quality is important to consider in MPA planning, and the SAT is providing excellent information regarding both opportunities for siting MPAs, such as in areas of special biological significance, and areas to be avoided. Stakeholders should incorporate this information into MPA planning, but note that water quality considerations are secondary to the ecological function goals and guidelines of the Marine

Life Protection Act and the *California Marine Life Protection Act Master Plan for Marine Protected Areas*.

**California Department of Fish and Game Feasibility Criteria**

Stakeholders should strongly consider the DFG feasibility criteria and address feedback from DFG in developing Round 2 proposals. Proposals that do not meet DFG feasibility criteria should include a specific rationale as to why they do not. Stakeholders should pay particular attention to enforceability of MPAs, including clear and simple boundaries and regulations. In addition, stakeholders should provide clear goals and objectives for all proposed MPAs. Stakeholders should avoid proposing MPAs that provide minimal amounts of protection and provide clear rationale where MPAs of this nature are included in Round 2 draft proposals.

Stakeholders should recognize that the development of fisheries regulations is outside the purview of the MLPA Initiative and that the DFG guideline to avoid proposing fisheries regulations within the MLPA process should be followed.

**Funding**

The MLPA Initiative is focused on the planning phase of implementing the MLPA. The BRTF already provided feedback to the State of California in the first phase of the MLPA Initiative regarding options for long-term funding and recommendations for which options to pursue. The BRTF is very much in support of identifying funding for long-term implementation and management, but issues of long-term funding do not affect the current MPA planning process.

**Military Use Areas and Pending Military Closures**

For Round 2 of MPA proposal development, the BRTF approved the following MOTION (as stated on April 16, 2009 with staff-suggested clarifying language):

- In military use areas at San Clemente and San Nicolas islands, MLPA South Coast Regional Stakeholder Group (SCRSG) members and [authors of] external proposals may include pending military closures or propose new [marine protected areas] (MPAs) in Round 2
- SCRSG members and [authors of] external proposals should continue to work with military representatives to address military uses and interests
- Science advisory team should evaluate MPAs in military use areas and pending military closures using the best analysis tools readily available
- Reiterate Round 1 guidance for the mainland; allowing new MPAs to be proposed within military use areas
- Direct stakeholders and [authors of] external proposals to consider available information on where different kinds of military uses occur that may be inconsistent with MPA goals
- In at least one of the five to six Round 2 proposals, the BRTF would like to see the pending military closures [included] and no additional MPAs at San Clemente and San Nicolas islands. If one of the Round 2 proposals does not include just the military closures at the islands, then the BRTF requests that one of the proposals be evaluated twice, one time with just the pending military closures at the islands and one time as originally proposed. [Staff note: The intent of this language is to ensure that at least one Round 2 proposal includes the pending military closures and at least one proposal does not in order to better understand the impact of the pending military closures. Staff will ensure that the evaluation of Round 2 proposals includes both scenarios.]

Additional staff clarification of the above motion:

- Identification of pending military closure MPAs: SCRSG work groups should specifically articulate whether the pending military closures are or are not included in their draft proposals. Pending military closures may be included in an MPA proposal as an "undesignated" MPA. Alternatively, stakeholders may propose a new MPA in the same location as the pending military closure, or in a different geographic location around the military islands.
- For evaluation purposes, the same guidance applies as for Round 1: If a work group chooses to include a pending military closure(s) in its draft MPA proposal, regardless of whether it is identified as an undesignated MPA or a state MPA, it will be evaluated as part of the proposal using a “very high” level of protection. This evaluation approach is a “placeholder” approach pending SAT guidance regarding the expected conservation benefits of military closures or proposed MPAs subject to military activities. For example: If a work group does not include any proposed draft MPAs in geographic areas that are the same, or overlap with, a pending military closure, the pending military closures will not be included in the work group’s draft MPA array, will not be evaluated, and will not contribute towards meeting the goals and objectives of the MLPA. Conversely, if a work group does include a draft MPA (either undesignated or state MPA) in a geographic area that is the same, or overlaps with, a pending military closure, the draft MPA will be included in the work group’s draft MPA array and will be evaluated using a “very high” level of protection to determine how it is contributing toward the goals and objectives of the MLPA.

BRTF discussion on military use areas and pending military closures will continue in mid-May, when new information is expected from the SAT. The SAT is comparing the ecological values of the pending military closures with other proposed MPA designs at different locations around San Clemente and San Nicolas Islands. The SAT is also analyzing how military activities may affect the ability of the pending military closures or proposed MPAs to meet the ecological goals of the Marine Life Protection Act. If the SAT is unable to provide specific or detailed guidance regarding the likely conservation benefits of military closures or proposed MPAs subject to military activities at its May meeting, the BRTF is likely to make a policy determination on these issues at its May meeting based on the available information.

**Use of Best Readily Available Substrate Data**

Stakeholders and members of the SAT should utilize the best readily available information in developing MPA proposals in the MLPA South Coast Study Region. The BRTF recognizes that fine scale substrate data are not available for the study region in nearshore areas and in some locations around offshore islands, but notes that the data available for MPA planning are comparable, and in some cases superior to, datasets readily available in the MLPA central coast and north central coast study regions. The BRTF recognizes that the SAT has developed methods for addressing these data gaps consistent with previous study regions and that MLPA Initiative staff is developing a strategy for both clarifying those methods for stakeholders and incorporating additional information as appropriate. The BRTF finds the treatment of data gaps adequate and directs the SCRSG to move forward with the readily available data.

# California Marine Life Protection Act Initiative
# Summary of MLPA Blue Ribbon Task Force Guidance to the North Central Coast Regional Stakeholder Group
# February 14, 2008 BRTF meeting

***Prepared February 20, 2008***

At its February 14 meeting, the MLPA Blue Ribbon Task Force (BRTF) provided the following guidance to the MLPA North Central Coast Regional Stakeholder Group (NCCRSG) and the MLPA Initiative team of staff and contractors (I-Team) as they work to complete the MLPA Initiative process for the North Central Coast Study Region.

1. NCCRSG members should place great weight on the results of the MLPA Master Plan Science Advisory Team (SAT) evaluations of marine protected area (MPA) proposals.

2. In preparing the final round of proposals, NCCRSG members should place strong emphasis on MPAs that meet the SAT guidelines for "preferred" size and spacing. Proposals should include MPAs with "very high" or "high" levels of protection. The BRTF considers marine reserves to be the "backbone" of any proposed network. The BRTF recognizes that proposals may include MPAs with "moderate-high" levels of protection. The BRTF will seriously consider such proposals and will use all SAT-evaluated levels of protection when considering MPA alternative proposals and their socio-economic consequences, as outlined above.

3. The BRTF deliberated on the levels of protection assigned by the SAT to MPAs that allow salmon trolling. Specifically, the BRTF agreed that MPAs that allow salmon trolling at depths less than 50 meters should be characterized as providing a “moderate-high” level of protection for the North Central Coast.

   In reaching its decision, the BRTF noted that in the SAT evaluation for the MLPA Central Coast Study Region, MPAs allowing salmon trolling in less that 50 meters water depth were assigned a “moderate” level of protection. The BRTF also recognized that for the MLPA North Central Coast Study Region, the SAT had reached a split vote on the issue of salmon trolling at depths less than 50 meters, and that the SAT acknowledged that resolving this issue would likely require policy direction from the BRTF.

4. The BRTF stressed that cross-interest support for the final MPA proposals is very important and will be given great weight.

5. The BRTF asked that in March the NCCRSG forward no more than three alternative MPA proposals, where there are currently five draft MPA proposals. BRTF members applauded the cross-interest work in developing the draft MPA proposals and asked that the NCCRSG continue to strive for convergence.

6. The BRTF asked that RSG members give strong consideration to the Department of Fish and Game Feasibility guidelines. In the final MPA proposals, the NCCRSG should provide specific rationale for any deviations from the recommendations in the feasibility analysis conducted by the California Department of Fish and Game.

7. The BRTF considered the merits of including recommendations for special closures, for marine bird and marine mammal protection, in the final MPA proposals. The BRTF reaffirmed that the main focus of the NCCRSG in developing final proposals should be on MPAs rather than special closures, as the primary charge of this group is to develop alternative MPA proposals for the north central coast. The BRTF also recognized that in some instances special closures may offer geographically-specific protection from threats such as disturbance that are not necessarily addressed by MPAs.
    a. The NCCRSG may elect to include recommendations for special closures in their final proposals so long as this does not detract from completing the primary task of developing alternative MPA proposals.
    b. Special closures should be used sparingly and selectively.
    c. Refinement of special closures options may require an additional meeting of the NCCRSG Special Closures Work Group.