



## Marine Life Protection Act



Photo by Dave Rude

**California Department of Fish and Game  
Feasibility Analysis of Draft MPA Arrays and  
Draft External Proposals**  
MLPA Blue Ribbon Task Force Meeting  
April 15, 2009 • Dana Point, CA  
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## DFG Feasibility Evaluation

Department of Fish and Game evaluation components:

- Feasibility:** enforceability, MPA design, boundaries, take regulations
- Goals and objectives**
- Likelihood of proposals to meet the MLPA goals**



## DFG Feasibility Evaluation

- Why?** Primary mechanism for DFG input (feedback *now*, not DFG proposal later); improve prospects of MPA network success
- Source: DFG evaluation components specified in the MLPA MOU
- DFG guidelines outlined in document - *"Feasibility Criteria and Evaluation Components for Marine Protected Area Proposals. 12 November 2008"*



## Feasibility Evaluation - Draft MPA Arrays

- Evaluations completed by DFG
  - Proposal 0 (provided previously)
  - 6 internal SCRSO draft MPA arrays
  - 3 external draft MPA proposals
- Outcomes:
  - 1° Focus: feasibility, plus goals & objectives observations
  - Report for SCRSO (April 28) : Detailed evaluation & suggestions for all MPAs
  - Summary for BRTF
  - Next round: should greatly improve if the SCRSO implements suggested changes

**Feasibility- MPA Design and Regulations**

- ❑ Frequently noted design elements that decrease MPA feasibility:
  - Boundaries not at whole minutes of lat/ long or at landmarks (e.g., points, headlands, buoys);
  - Boundaries not due N/S, E/W direction or parallel to shore;
  - Boundaries based on distance offshore or depth contours;

**Feasibility- MPA Design and Regulations**

(Continued)

- “Floating corners” in offshore waters not at clear lines of lat/ long;
- Doughnut designs (when MPAs surround one another);
- MPAs with complex regulations;
- Use of unanchored diagonal lines.

**Feasibility: MPA Design, Boundaries**

Incorrect use of diagonal lines

Blue Cavern SMR

Tajiguas SMR

**Feasibility: MPA Design, Boundaries**

Portuguese Bend SMR

Portuguese Bend SMCA

Hanging Corners

**Feasibility: MPA Design, Boundaries**

Multiple Zoning

**Feasibility: MPA Design, Boundaries**

Intertidal MPAs

**Complex Regulations - Example**

Existing MPA – Crystal Cove SMCA  
(South Coast)

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.
2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis* spp.) and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

**Complex Regulations - Example**

Existing MPA – Crystal Cove SMCA

Problems:

- Too many exceptions
- Minor differences between sport and commercial not readily noticed
- Awkward allowances (e.g., worm take)
- Unclear what MPA protects



## Simple Regulations - Example

Existing/ Improved MPA – Portuguese Ledge SMCA  
(Central Coast)

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish.



## Simple Regulations - Example

Existing MPA - Portuguese Ledge SMCA  
(Central Coast)

Good Points

- ☺ Simple allowed take
- ☺ All pelagic species allowed, no exceptions
- ☺ Commercial and recreational both the same



## Goals and Objectives (G&O)

- ☐ Purpose
  - Collectively fulfill network objectives
  - Drive MPA design (geographic placement, boundaries, regulations, designation)
  - Guide monitoring activities
  - Influence future adaptive management
- ☐ South Coast Regional Objectives
  - Developed by SCRSG to meet MLPA goals in south coast
  - Considered and selected as MPAs are developed
  - MPA-specific rationale also included



## Goals and Objectives Review

Frequently noted concerns in Round 1:

- ☐ No goals & objectives (G&O) identified for an MPA
- ☐ Site-specific rationale for each MPA is:
  - not included, or
  - inadequate – doesn't state what MPA would achieve
    - e.g., “retains existing MPA”
    - e.g., “uses existing regulations”
- ☐ Stated G&O are too broad (i.e., all G&O are provided for an MPA)
- ☐ Inappropriate use of G&O in relation to science guidelines



### Summary of DFG Evaluation of Round 1 MPAs

MPA Array Name	Total # of MPAs <sup>1</sup>	# of New, Modified, or Retained MPAs <sup>2</sup>	Goals & Regional Objectives Included (%)	Site Specific Rationales Included (%)	Regulations Simple/Clear (%)	Boundaries Meet Guidelines (%)
External A	38	25	52%	52%	68%	60%
External B	50	37	35%	35%	43%	11%
External C	47	34	100% <sup>3</sup>	100%	94%	79%
Lapis A	44	31	13%	100%	65%	42%
Lapis B	54	41	63%	100%	61%	46%
Opal A	45	32	38%	100%	66%	31%
Opal B	52	39	28%	100%	74%	31%
Topaz A	48	35	63%	89%	80%	49%
Topaz B	55	42	36%	83%	57%	36%

<sup>1</sup>Includes the 13 Northern Channel Island MPAs (does not include the proposed military closures).  
<sup>2</sup>Number used for calculating percentages.  
<sup>3</sup>This proposal included all of the goals and regional objectives for almost every MPA proposed.

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- ### Likelihood to Meet the Goals of MLPA
- Round 1 includes high numbers of MPAs that:
- Do not meet the Department’s feasibility guidelines
  - Provide inadequate protection (includes new MPAs that allow ALL existing take)
  - Do not adequately improve existing MPAs



### Summary: Factors Affecting Success

Draft MPA Proposal/ Array Name	MPAs that Don’t Meet All Feasibility Guidelines <sup>1</sup> (%)	MPAs Below Moderate-High LOP (%)	# of Existing MPAs Retained with Inadequate Improvement
External A	76%	56%	7
External B	100%	70%	19
External C	21%	12%	1
Lapis A	94%	55%	13
Lapis B	78%	44%	8
Opal A	94%	53%	12
Opal B	95%	36%	9
Topaz A	74%	26%	7
Topaz B	93%	62%	9

\* Note: Percentages do not include the 13 Northern Channel Island MPAs (or proposed military closures).  
<sup>1</sup> Meets feasibility guidelines including: boundaries, regulations and includes goals, regional objectives and site-specific rationales.

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- ### Highlight on Policy/Legal Issues
- Issues in Round 1 requiring policy or legal input:
- Improper MPA Designation
    - SMR in aquaculture lease area
    - SMRMA
  - Cultural Take Provisions
  - Different Fisheries Management Regulations
  - Catch and Release MPAs
  - New Management Strategies



## Feasibility: Aquaculture Leases

- ❑ Guidance for MPA designation in areas with existing aquaculture lease given in North Central Coast :
  - Use “SMCA” designation for area with existing aquaculture lease
- ❑ Existing leases occur at:
  - Offshore Santa Barbara
  - Agua Hedionda (\* private lease - more information needed)



## Feasibility: Use of SMRMAs

- ❑ Guidance for State Marine Recreational Management Area (SMRMA) designation use provided in North Central Coast:
  - **Use SMRMA only to replace MPA designation where waterfowl hunting occurs**
  - This is Fish and Game Commission policy direction
    - For MPA protection w/o conflicting with hunting regulations (FGC 1590, 1591)
- ❑ Round 1: Inappropriate use of SMRMA designation



## Issue: Cultural Take

- ❑ **Exclusive Allowances:** Cultural take
  - The Department of Fish and Game can not exclusively give a right to take living marine resources to any one group over another.
  - Allowed take regulations must apply to everyone.



## Issue: Different Fisheries Regulations

- ❑ Examples from draft MPA arrays/proposals:
  - Different gear restrictions
  - Different bag limit
  - Different size limit
- ❑ Constitutes fisheries management, should be brought separately to the Commission
- ❑ Does not meet feasibility guidelines for enforceability
- ❑ DFG Memo: *Department of Fish and Game guidance on bag limits and size limits in MPAs. February 10, 2009*



## Issue: Unique Management Schemes

- ❑ Examples from draft MPA arrays/proposals:
  - Gives fishery management oversight to the Catalina Island Advisory Committee,
  - Creating Territorial User Privilege Areas,
  - Creating limited entry permits within an MPA (“grandfather” clause)
  
- ❑ Proposals such as these constitute fisheries management, which is not in the purview of the MLPA



## Feasibility: Catch and Release MPAs

- ❑ The SAT assigned a generalized LOP.

However...

- ❑ DFG Enforcement has concerns
  - DFG Memos:
    - *Department of Fish and Game guidance on bag limits, size limits, and catch and release fishing in MPAs. August 21 2007.*
    - *Law Enforcement Division’s guidance on catch and release fishing in MPAs. January 7, 2009*
  - Enforcement feedback on specific areas being developed for SCRSG meeting.



## Recommendations for Round 2 Proposals

1. Clearly state goals, regional objectives, & site-specific rationales for each MPA
  - Focused & narrow scope
  - Highlight purpose/what protects
2. State which existing MPAs were retained, modified or eliminated *and why*
3. Include clear take allowances for each MPA
4. Provide written boundary descriptions (should match shape in MarineMap)

...(continued)...



## Recommendations for Round 2 Proposals

(continued)

5. Improve feasibility
  - Conform diagonal lines to guidelines
  - Reduce/simplify multiple zoning
  - Correct designations (e.g., SMRMAs)
  - Avoid new fishery management regulations
  - Address policy/legal issues as advice is available