

Key Outcomes Memorandum

Date: March 19, 2009

To: Members, MLPA South Coast Regional Stakeholder Group (SCRSG)

From: Scott McCreary and Rebecca Tuden, CONCUR, Inc.

Re: Key Outcomes Memorandum – March 3-4, 2009 SCRSG Meeting

cc: MLPA Initiative staff, California Department of Fish and Game staff, and California Department of Parks and Recreation staff (collectively known as the I-Team)

Executive Summary – Key Outcomes

On March 3-4, 2009, the Marine Life Protection Act (MLPA) South Coast Regional Stakeholder Group (SCRSG) participated in its fourth meeting in Long Beach, CA. **Key outcomes** from the meeting are as follows:

- Each of the three SCRSG work groups spent considerable time in work session discussions and completed two draft arrays, including MPA shapes, designations and rationales, for the south coast study region. These draft arrays will be forwarded to the MLPA Master Plan Science Advisory Team (SAT), California Department of Fish and Game (DFG), California Department of Parks and Recreation, and MLPA Initiative (I-Team) for evaluation.
- Three external MPA proposals were presented to the SCRSG, including one each from the Fisherman’s Information Network, United Anglers of Southern California, and the Santa Barbara Channelkeeper and Santa Monica Baykeeper. These three draft external MPA proposals will have the same evaluations conducted.
- The SCRSG held a discussion about how comments from members of the public can usefully contribute to SCRSG deliberations. Acknowledging that public participation is the foundation of the MLPA Initiative’s effort to design MPAs, many of the SCRSG members requested that the public provide constructive comments on specific geographies and concerns currently under discussion by the SCRSG and refrain from “adding fuel to the fire”.
- I-Team staff provided guidelines for developing draft MPA arrays, including an interim decision from the MLPA Blue Ribbon Task Force (BRTF) on how to address the pending military closures in the work groups’ draft arrays, answers to some key feasibility questions raised at prior SCRSG meetings, and description of the methods used in evaluating the draft arrays.
- The California Department of Fish and Game elaborated on the feasibility guidelines for developing MPA designs, regulations and boundaries.
- I-Team staff provided an update on additional datasets being gathered for the regional profile, including inclusion of substrate data and non-consumptive uses.

Key next steps are listed in Section III below.

I. Meeting Objectives, Participants and Materials

On March 3-4, 2009, the MLPA South Coast Regional Stakeholder Group (SCRSG) participated in a meeting in Long Beach, CA. This Key Outcomes Memorandum (KOM) summarizes the meeting's main results.

The primary objectives of the meeting were to:

- Receive interim presentations from each work group regarding progress on developing draft marine protected area (MPA) arrays
- Receive an update on evaluation methods for the MLPA South Coast Study Region
- Receive presentations on draft external MPA proposals
- Recess into work group sessions to finalize draft arrays (Round 1) for evaluation purposes
- Receive presentations from each work group on draft MPA arrays.

58 SCRSG members (primary and alternates) participated in the meeting.

MLPA Initiative, California Department of Fish and Game (DFG), and California Department of Parks and Recreation (State Parks) staff—collectively known as the “I-Team”—staffed the meeting.

Meeting materials may be found on the MLPA website at http://www.dfg.ca.gov/mlpa/meeting_030309.asp

II. Key Outcomes

A. Welcome and Introductions & Updates

MLPA Initiative Executive Director Ken Wiseman reaffirmed that the MLPA Initiative is expected to continue on schedule and is working through the staffing limitations associated with the state's furloughs. He noted that at the recent BRTF meeting, the BRTF considered SAT input and public comment and reached an interim decision regarding U.S. Department of Defense military use areas. The BRTF also unanimously adopted the regional goals and objectives put forward by the SCRSG.

Dr. Satie Airame provided an update on progress on key SAT activities, including completion of the SAT analysis on military use areas that was presented to the BRTF at its February 26, 2009 meeting and approval of the criteria and list for the species most likely to benefit from MPAs.

Kelly Sayce described the outreach activities underway in the study region, including distribution of the South Coast News (now available on-line) and launching of a Facebook page for the MLPA Initiative. She also discussed the “Guidelines for Effective Public Comment” that the I-

Team staff developed for assisting with public comment. She thanked SCRSG members for their continued efforts to help inform the public of upcoming events and forums.

Dan Sforza of DFG briefly discussed the guidance memos regarding catch and release, bag limits, and size limits and provided further explanation of the enforcement difficulties associated with those practices (Briefing Documents E.1 and E.2).

B. Marine Protected Area Planning

BRTF Interim Guidance for MPA Planning

Evan Fox summarized the key guidance regarding military use areas and pending military closures that the BRTF gave to the SCRSG to help it complete draft MPA arrays for Round 1. The BRTF's interim guidance for San Clemente and San Nicholas islands was to include the pending military closures in one of each work group's draft MPA arrays and to allow the work groups, if desired, to propose MPAs within military use areas on the islands in the other draft MPA array. For the mainland, work groups were allowed to propose MPAs within any of the military use areas. The BRTF acknowledged that this guidance is not final, and it will continue to discuss how to treat military use areas and pending military closures in MPA proposals. [Note that the BRTF has requested a thorough policy and legal analysis on military use areas for discussion at its next meeting.]

Overview of Draft Methods for Evaluating MPA Proposals

Dr. Satie Airame presented a summary of the SAT evaluation methods that will be used to evaluate the draft arrays, external proposals and existing MPAs for the south coast study region. Much of the evaluation methodology had already been provided to the SCRSG members. Key highlights noted in the presentation were the level of protection and activities associated with that level, guidelines for representing key habitat types in each bioregion within the study region, description of the bioeconomic models, and reiteration that the SAT considers water quality a secondary criterion for MPA design.

DFG Feasibility Guidance

Susan Ashcraft presented DFG's guidance on key feasibility questions raised by the SCRSG. In particular, she clarified that the MLPA cannot supersede otherwise lawful activities not in the California Fish and Game Commission's authority to regulate, so activities like discharge from a sewage outfall, or future activities within an MPA (like dredging) will be evaluated and regulated independently of MPA designation. SCRSG members are welcome to note any of these considerations in their MPA site-specific rationales. DFG's guidance also advises that SCRSG members not propose new fishery management regulations within MPAs as this would be difficult to enforce. DFG also provided guidance for restricting specific activities within an MPA that are not normally considered as "take" (like swimming or tide pooling). Here, DFG indicated that such activities could be restricted if the restriction was based on protection of a resource and it was within the California Fish and Game Commission's authority.

Update on the Tribal Forum

Kelly Sayce presented on the history of tribal involvement in the MLPA and the genesis for convening a tribal forum with native Americans from the south coast study region. The 20 participants in the tribal forum identified key issues and committed to establishing an intertribal

work group to improve future engagement in the MLPA process. SCRSG member Roberta Cordero stressed the critical value of early engagement of tribal interests and elaborated on the likely pathways for tribal involvement in the MLPA process.

Additional Information on MPA Planning

Charles Wahle (National MPA Center) and Chris La Franchi (California Coastal Online Survey) presented on their efforts to capture additional information about peoples' uses and habits along the California coast. The Ocean Atlas project is a public-private partnership that uses observations from knowledgeable experts and users to identify human use patterns (fishing, industrial/military, non-consumptive and other use). The mapping effort will be completed in late 2009 with the ultimate goal of helping to inform ocean management decisions. The California Coast Online Survey gathers spatially explicit trip information to the coast from randomly-selected Internet users; this information helps to identify concentration and proportion of varying activity types by defined user groups. SCRSG members raised questions about the opportunities to refine the methodology and sampling validity of the studies.

Additional Information on the Regional Profile

I-Team staff provided an update on the status of the south coast regional profile and additional data sets being added to the MPA planning information. The completed results of the detailed substrate data should be available on MarineMap by mid March. The regional profile will be revised and should be distributed to the SCRSG by the April SCRSG meeting.

Ecotrust Fisheries Uses and Values Project

Dr. Sarah Kruse of Ecotrust gave an update on the status of the Fisheries Uses and Values Project for the study region. Most of the commercial, recreational, and commercial passenger fishing vessel (CPFV) data sets are available on MarineMap (barring any confidentiality concerns). She also provided a summary of the survey methods and how the information on commercial, recreational and CPFV fisheries is analyzed.

D. External MPA Proposals

The authors of each of the three draft external proposals gave a presentation outlining the MPAs that were submitted for evaluation. I-Team staff gave a brief overview of summary information for each proposal and explained that these external proposals can be a source of information for SCRSG members to consider.

In addition, members of the public had submitted ideas for the location of individual MPAs. The full external proposals and public comments on individual MPAs were provided to the SCRSG and will be available for review on the MLPA website.

E. Communication between SCRSG Members and the Public

Scott McCreary discussed the commitments the SCRSG members had made to the MLPA process in the adoption of their ground rules including: making sure each SCRSG member communicate his/her interests and does not to impugn the motives of others. Ken Wiseman reminded the public and the SCRSG members that the public process is the foundation of the MLPA effort and referred to the guidance document on effective public comment that the I-Team had prepared (Briefing Document D.1). He then encouraged SCRSG members to provide more

guidance to the public on the type and manner of public comment that was most useful. SCRSG responses and suggestions included the following:

- bring light and not heat to the discussion
- provide information on specific areas of interest (with identified latitude and longitude lines) and describe why these are important (e.g., important fishing hole, sensitive habitat area, etc.).

SCRSG members also encouraged the public to communicate their thoughts in writing and to send their comments to the broader MLPA audience and include elected officials. There was also a request for more comments from under-represented groups and to hear comments from existing organizations with enforcement and implementation mechanisms in place.

F. SCRSG Questions Requiring Follow-up

Throughout the meeting, SCRSG members posed a range of clarifying questions and provided comments regarding the process, science and policy aspects of the guidelines and informational presentations. I-Team staff responded to most of these questions during the meeting and will provide responses to the remaining policy and science questions at the next SCRSG meeting. Key comments and questions from SCRSG members that were identified for further review and follow-up include the following:

Will the BRTF engage with the state and regional water quality control boards and other respective agencies regarding water quality issues?
What is the impact on the operations and maintenance of existing pipelines or permitted discharges in a state marine reserve (SMR), a state marine park, or a state marine conservation area (e.g., will there be impacts on monitoring requirements such as benthic sediment and trawl surveys, etc.)?
Is there an inconsistency in the MLPA master plan language (page 54) that states that “High level of protection created by an SMR is based on the assumption that no other alterations of the ecosystem are allowed.” Does this suggest that activities that degrade water quality should be restricted in an MPA?
Would the placement of an MPA require stricter regulations by water quality monitoring agencies?

In response to a number of questions regarding water quality concerns related to MPA designations, the I-Team agreed to take a close look at the suite of issues and, as needed, recommend follow-up steps and BRTF consideration.

G. Public comment

Members of the public provided comment and asked clarifying questions during two separate public comment periods. To accommodate the many requests for public comment, individual speakers that represented a common organization or viewpoint were asked to defer their time to one speaker. Comments on siting of MPAs included the following: locate MPAs in areas with existing, functional infrastructure to support the stewardship of the area, site MPAs to provide maximum protection to intertidal areas in Laguna Beach, concerns for retaining boat access and safe exit alternatives for divers and kayakers, consider how MPA placement may cause more

intense use in certain areas and the safety issues associated with compressed uses, recommendation to keep Farnsworth Bank open for fishing and diving.

In addition, members of the public commented that many areas are already closed to lobster fishing (e.g. Santa Monica Bay) and that further closures would have significant effect, suggested the SCRSG give strong consideration to socio-economic impacts and consider smaller MPAs and catch and release restrictions as methods to avoid financial harm.

Public comments focused on water quality issues including: request to avoid NPDES outfalls and potential ocean desalinization plants locations when siting MPAs and a concern that if MPAs are only placed in the areas with clean water quality, that the public would only have access to fishing in contaminated areas.

Other public comments included: suggestion for SCRSG members to look for common ground and that protection is one of primary MLPA goals, consider creation of artificial reefs as option to create more fish, concern that Catalina Island is essential to the wet fish fleet industry, and the concern that trawl fishermen are already highly restricted and that additional restrictions would have significant, negative effects. There was also a collection of speakers from high schools in the Palos Verdes and Orange County areas encouraging protection of the natural resources.

H. Work Group Presentation of Draft MPA Arrays

Each of the work groups recessed to work sessions in the afternoon of Day 1 and during most of the day on Day 2. On the afternoon of Day 2, each work group presented its draft MPA arrays when the SCRSG reconvened. A common theme among the work groups was the intent to get direction from the SAT in the evaluations of the MPA arrays and use that information to determine how best to proceed to identify a middle ground. Other strategies considered included a minimal-maximal array, identifying areas of high ecological value and areas of minimal negative economic impact. The co-leads also discussed the “difficult” points in the work group process and how it was overcome in recognizing that this is the first phase and to not take too much ownership for an array.

I-Team staff explained that they will work during the week following the meeting to finalize the draft MPA arrays for each work group. I-Team staff will ask the work groups to verify the shapes and identify any potential errors (through their co-leads). Once the draft arrays had been reviewed and verified by the work groups, they will be forwarded for evaluation.

I. Objectives for the April 28, 2009 SCRSG Meeting

I-Team staff identified that the main objective of the next full SCRSG meeting, scheduled for April 28 in the Oxnard/Ventura area, is to receive the SAT, DFG, State Parks, and I-Team evaluations of the draft MPA arrays and the draft external MPA proposals; feedback from the public and guidance from the BRTF will also be received. The work groups will meet in work sessions on April 29 to begin Round 2 of the MPA design process with the aim to form one draft MPA proposal in each gem work group.

III. Recap of Next Steps

A. Key next steps for SCRSG members

Verify that I-Team staff accurately captured the draft MPA arrays put forward for evaluation.

B. Key next steps for I-Team staff

- Work with co-leads to verify draft MPA arrays from each workgroup are accurately captured and forward to SAT, BRTF, DFG and I-Team for evaluation of Round 1.
- Transmit a copy of Briefing Documents C.1 (Response to questions from the January 13-14, 2009 SCRSG Meeting) and C.2 (Response to questions from the January and February 2009 work sessions) to SCRSG members.
- Prepare responses to outstanding process, policy and science questions raised by SCRSG members.
- Characterize key water quality issues for follow-up discussion.