



## Marine Life Protection Act



Photo by Dave Rude

**California Department of Fish and Game**  
**Feasibility Analysis of Round 2**  
**Draft MPA Proposals**  
 South Coast Blue Ribbon Task Force Meeting  
 July 28, 2009 • Santa Monica, CA  
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## DFG Evaluation

- DFG evaluation components:
  - **Feasibility:** enforceability, MPA design, boundaries, take regulations
  - **Goals and objectives**
  - **Likelihood** of proposals to meet the MLPA goals
  
- DFG guidelines outlined in document: *“Feasibility Criteria and Evaluation Components for Marine Protected Area Proposals. 12 November 2008”*



## Feasibility

Purpose of DFG Feasibility criteria & feedback:

- Create MPAs easy for public to understand;
- Create MPAs that are enforceable;
- Highlight design qualities that may pose a risk to MPA effectiveness and performance;
- Highlight concerns that may create a management burden (enforcement, monitoring, public expectations)



## Feasibility Evaluation, Round 2 Proposals

Feasibility Results - Round 2:

- Improvements over Round 1 made;
- Changes still needed to meet DFG guidelines and DFG management needs



## Feasibility Evaluation, Round 2 Proposals

- ❑ Elements noted that do not meet guidelines:
  - Highly complex boundaries;
  - Complex or highly permissive take allowances;
  - MPAs that provide little ecological protection due to the allowed take;
  - Establish new fishery management regulations;
  - Inadequate improvements to existing MPAs; and
  - MPAs that would unnecessarily add to the management burden of the Department without providing sufficient protections.



## Feasibility: MPA Design, Boundaries

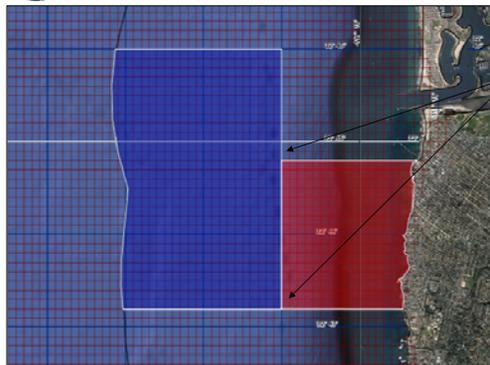


Incorrect use of diagonal lines

Lapis 1



## Feasibility: MPA Design, Boundaries

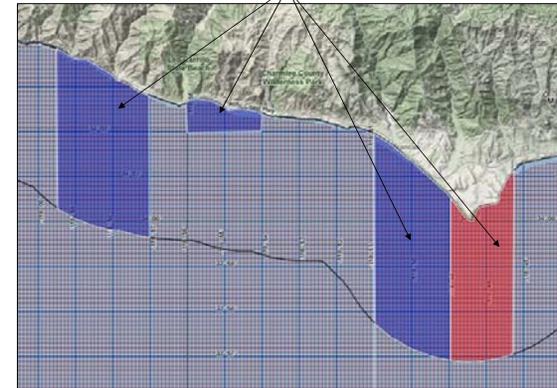


Hanging Corners;  
Complex Boundary Design

External A and B



## Feasibility: MPA Design, Boundaries



Multiple Zoning

Topaz; all SMCAs have different regulations

**Feasibility: Regulations, Boundaries**

Intertidal MPAs; Complex regulations

Allowed Take:

- Prohibits all recreational take except lobster; rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, California sheephead, bonito, California halibut, sole, turbot and sanddab. Finfish shall only be taken by hook and line or spear.
- Prohibits all commercial take.



Opal

**Feasibility: Regulations, Boundaries**

Intertidal MPAs; Complex regulations

Allowed Take, Simplified :

- Prohibits all recreational take except lobster; and finfish by hook and line or spear only.
- Prohibits all commercial take.



Opal

**Summary: DFG Evaluation of Round 2 MPAs**

Array Name	Total # of MPAs <sup>1</sup>	# of New, Modified, or Retained MPAs <sup>2</sup>	Goals, Objectives and Rationale Included (%)	Regulations Meet Guidelines (%)	Boundaries Meet Guidelines (%)
External A	45	32	100%	66%	34%
External B	48	35	100%	40%	20%
Lapis 1	52	39	100%	66%	46%
Lapis 2	53	40	93%	68%	48%
Opal	54	41	39%	61%	39%
Topaz	64	51	100%	61%	37%

<sup>1</sup>Includes the 13 Northern Channel Island MPAs (does not include the proposed military closures).

**Goals and Objectives**

- Purpose of G&O:
  - Ensure network collectively fulfills goals of MLPA
  - To set specific objectives for each MPA that links to goals of MLPA
  - Drive MPA design (geographic placement, boundaries, regulations, designation)
  - Inform and guide monitoring activities
  - Influence future adaptive management



## Goals and Objectives Evaluation

- ❑ Round 2 Evaluations:
  - Primary focus is stated **goals**
  - Each MPA is evaluated by **goal** for appropriateness based on current design
  - Evaluation elements based on SAT guidelines & evaluations
  - Frequently noted concerns & options to remedy are provided



## Frequently Noted Concerns in Round 2

- ❑ MPA-specific rationale is too broad or does not accurately capture the intent of the MPA.
- ❑ Some goals and objectives not identified (2 proposals)
- ❑ Stated G&O are too broad (i.e., all G&O are provided for an MPA)
- ❑ Codifies existing regulations or existing MPAs without providing justification
- ❑ Stated Goal inappropriate or unrealistic
  - relative to science evaluations
  - Based on design
- ❑ Unrealistic Goals: unlikely to be achieved by MPA based on design



## Criteria for Evaluating Stated Goals

MLPA Goal	Evaluation Elements
1. To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.	<ul style="list-style-type: none"> <li>❑ Level of protection</li> <li>❑ Habitat Representation</li> <li>❑ Modeling</li> <li>❑ Birds and mammals</li> </ul>
2. To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.	<ul style="list-style-type: none"> <li>❑ Levels of protection</li> <li>❑ MPA size and spacing</li> <li>❑ Modeling</li> </ul>
3. To improve recreational, educational, and study opportunities provided by marine ecosystems that are <b>subjected to minimal human disturbance</b> , and to manage these uses in a manner consistent with protecting biodiversity.	<ul style="list-style-type: none"> <li>❑ Level of protection</li> <li>❑ Habitat replication (minimum size)</li> <li>❑ Minimum MPA size</li> <li>❑ Site specific rationale references educational, recreational, or research opportunities</li> </ul>



## Criteria for Evaluating Stated Goals

MLPA Goal	Evaluation Elements
4. To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.	<ul style="list-style-type: none"> <li>❑ Levels of protection</li> <li>❑ Habitat representation (minimum size)</li> <li>❑ Site specific rationale referenced</li> </ul>
5. To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.	<ul style="list-style-type: none"> <li>❑ California Department of Fish and Game Feasibility Analysis</li> <li>❑ California Department of Fish and Game Goals and Objectives Analysis</li> <li>❑ California Department of Parks and Recreation</li> </ul>
6. To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.	<ul style="list-style-type: none"> <li>❑ Size and spacing</li> <li>❑ Modeling</li> </ul>



### Evaluation of Goals and Options to Remedy

MLPA Goal	Risks to Achieving Stated Goals	Options to Remedy / Improve Likelihood of Meeting Goal
Goal 1	<ul style="list-style-type: none"> <li><input type="checkbox"/> Level of protection (LOP) below moderate-high</li> <li><input type="checkbox"/> Habitat representation is below SAT guidelines</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Modify uses to reflect an LOP of at least moderate high (high preferred)</li> <li><input type="checkbox"/> Modify design to incorporate minimum SAT habitat guidelines</li> </ul>
Goal 2	<ul style="list-style-type: none"> <li><input type="checkbox"/> Does not meet size and spacing</li> <li><input type="checkbox"/> Low LOP</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Modify design to meet size and spacing</li> <li><input type="checkbox"/> Modify uses to reflect an LOP of at least moderate high (high preferred)</li> <li><input type="checkbox"/> Eliminate MPA</li> <li><input type="checkbox"/> Remove goal and associated objectives</li> </ul>
Goal 3	<ul style="list-style-type: none"> <li><input type="checkbox"/> Low LOP, unless specifically paired with other higher LOP MPAs for study opportunities</li> <li><input type="checkbox"/> Excessive recreational fishing allowances</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Modify regulations to achieve a higher LOP</li> <li><input type="checkbox"/> Remove goal and associated objectives</li> </ul>



### Evaluation of Goals and Options to Remedy

MLPA Goal	Common Problems	Options to Remedy
Goal 4	<ul style="list-style-type: none"> <li><input type="checkbox"/> Low LOP with no reference to natural heritage of MPA</li> <li><input type="checkbox"/> Habitat representation below SAT guideline</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Modify regulations to achieve a higher LOP</li> <li><input type="checkbox"/> Modify site specific rationale</li> <li><input type="checkbox"/> Remove goal and associated objectives</li> </ul>
Goal 5	<ul style="list-style-type: none"> <li><input type="checkbox"/> Does not meet feasibility guidelines</li> <li><input type="checkbox"/> Nearly all goals and objectives are listed</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Modify MPA to meet feasibility guidelines</li> <li><input type="checkbox"/> Narrow the scope of listed goals</li> <li><input type="checkbox"/> Remove goal and associated objectives</li> </ul>
Goal 6	<ul style="list-style-type: none"> <li><input type="checkbox"/> Amount of habitat included and/or MPA size are below SAT guidelines and are not evaluated as part of the network</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Redesign MPA to met SAT guidelines</li> <li><input type="checkbox"/> Eliminate MPA</li> <li><input type="checkbox"/> Remove goals and associated objectives</li> </ul>



### MPA Example - Achievable Goals

**Opal- Long Point SMR (G1, G4, G5, G6)**

- LOP is very high (meets Goal 1, Goal 4, and Goal 4)
- Key habitats are represented and meet the SAT's minimum size guidelines (Goal 1, Goal 4)
- Size and spacing guidelines met (meets Goal 2, G6)
- DFG Feasibility guidelines met, goals and objectives are clearly defined and appropriate (Goal 5)
- Site specific rationale is clear



### MPA Example - Achievable Goals?

**Lapis 1- Point Loma SMCA  
(G1, G2, G3, G4, G5, G6)**

**Problems:**

- Size and spacing guidelines not met (Goal 2 and Goal 6)
- Does not meet DFG feasibility guidelines (Goal 5)

**Options to Remedy:**

- Modify design to meet size & spacing for Goal 2 and Goal 6
- Adjust boundaries or regulations to meet DFG feasibility guidelines to meet Goal 5



## Likelihood to Meet the Goals of MLPA

Round 2 includes high numbers of MPAs that:

- Do not meet the Department's feasibility guidelines
- Provide inadequate ecological protection (*includes take of a broad suite of species such as ALL finfish*)
- Do not adequately improve existing MPAs (*new MPAs that allow all existing take*)



## Summary: Factors Affecting Performance

Array Name	Total # of MPAs	# of New, Modified, or Retained MPAs	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	45	32	69%	28%	12
External B	48	35	86%	37%	15
Lapis 1	52	39	67%	26%	13
Lapis 2	53	40	60%	25%	16
Opal	54	41	88%	27%	13
Topaz	64	51	78%	31%	14

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



## Highlight on Policy Issues

Issues in Round 2 requiring additional guidance:

- Scientific Collecting in MPAs
- Defining "surface gear" for catch-and-release
- Use of State Marine Park (SMP) designation and authority for consumptive recreation or cultural protection provisions



## Scientific Collecting in MPAs

- Scientific collecting may be allowed in any MPA as permitted by the Department
- SMCAs that only allow scientific collection are not appropriate
- MOUs may be developed to address educational take



## Defining "Surface Gear"

- ❑ Issue: Interest in catch-and-release MPAs
- ❑ SAT LOP differs for surface gear vs. all hook-and-line
- ❑ Problem: "Surface Gear" not defined in regulation or code
- ❑ Update:
  - Cannot be defined
  - Round 3 LOP may be assigned lower LOP



## SMP Designation

- ❑ MPAs can be established by both Fish & Game Commission and Parks & Rec Commission (PRC 36725).
- ❑ Only Parks and Rec Commission has authority to designate SMPs
- ❑ Existing SMPs must be redesignated as SMCAs to conform to MMAIA
- ❑ Proposed SMPs (new or existing):
  - If SMP is desired, must be designated as SMCAs with SMP-compatible regulations
  - Will be considered in separate process for SMP designation at discretion of Parks and Recreation Commission
  - Pursuit through State Parks may provide flexibility
    - Cultural preservation
    - Protection of recreational fishing opportunities
  - State Parks evaluation provides input on proposals



## SMP Designation, cont.

- ❑ Proposed SMPs (new or existing):
  - If SMP is desired, must be designated as SMCAs with SMP-compatible regulations
  - Will be considered in separate process for SMP designation at discretion of Parks and Recreation Commission
  - Pursuit through State Parks may provide flexibility
    - Cultural preservation
    - Protection of recreational fishing opportunities
  - State Parks evaluation provides input on proposals



## Recommendations for Round 3 Proposals

1. Refine stated goals, regional objectives, & site-specific rationales for each MPA
    - Focused & narrow scope
    - Highlight purpose/what protects
  2. Revise MPAs to match desired goals per DFG feedback
  3. Reconsider retained existing MPAs
    - Improve design/regulations
    - Provide rationale for protection value
  4. Reconsider MPAs with lower LOP and improve or remove.
- ...(continued)...



## Recommendations for Round 2 Proposals

(...continued)

### 5. Improve feasibility

- Conform diagonal lines to guidelines and use sparingly
- Reduce/simplify multiple zoning
- For estuary boundary delineation: use easily recognizable permanent landmarks or coordinates
- Simplify regulations

### 6. Correct designation of SMPs to SMCAs and include recommendation to State Parks for desired SMP