



May 25, 2001

Paul Reilly
Department of Fish & Game
20 Lower Ragsdale Drive
Suite 100
Monterey, CA 93940

Dear Mr. Reilly:

The City of Monterey, which recognizes the role that fishers play in the City's heritage and economy, presents the following comments on the Marine Life Protection Act:

1. Existing Marine Protected Areas

The City hopes that the effectiveness of the State of California's existing system of MPAs has been scientifically studied on a species-specific basis. Do we know that they increase biodiversity? For which species can increases in size and quantity be documented? For which species can they not be documented? Have both potential benefits and problems with MPAs been evaluated? Have there been studies on California's existing MPA's that conclude that there is any significant spillover effect of increasing fish stocks outside the MPAs? Does the State recognize that there has been a defacto MPA within State waters against bottom trawling for many years? Has this defacto MPA been studied in a process as described above? Have multiyear regime shifts, such as changes in sea temperature, been also considered when evaluating MPAs? If the existing MPAs have not been evaluated in ways as described above, we would suggest that proposing and establishing any new large quantity of MPAs for California's coastal waters is premature.

2. Establishment of new MPAs

As indicated above, I believe that you should proceed with great caution. Any MPAs that are proposed should be sited for the protection of specific species. I understand that a very large unanswered question exists within the science community as to the effectiveness of MPAs (complete no-fishing zones) for pelagic fish (such as salmon, albacore, squid, and swordfish). Without such strong scientific evidence, I would caution against establishing new MPAs that affect these types of historic fisheries. MPAs may well be one of many management tools, but it is hard to believe

that they are a panacea for all fishing ills. Many relatively new regulations are in effect to protect groundfish. I particularly draw your attention to the new Federal requirements for observers on bottom trawl vessels for 75% of their fishing trips. The data these observers collaborate will be invaluable in portraying the actual condition of our fish stocks. These types of regulations should be given an opportunity to work.

Your letter also references "short-term impacts". I believe that any study of MPAs needs to recognize there may be significant long-term socio-economic impacts on the fishing community. The socio-economic impacts of MPAs should be fully addressed. Lastly, if new MPAs are to be considered, there should be some very well defined method of evaluating their success or failure, and a mechanism to modify or abandon them if they are not producing the desired results. For example, it could be that a fish stock declines even if no fishing is allowed, if a pollution source is also present. Rotating MPAs is another option that should be considered.

If MPAs are created that disallow fishing, it should apply equally to both recreational and commercial fishing. There should not be MPAs that just allow recreational, but not commercial fishing. As a point of fact, recreational fishing is on the rise, while commercial fishing is very much on the decline regarding the number of participants.

If MPAs can be shown to be more beneficial than traditional management tools for the goal of creating sustainable fisheries, or for other biological necessities, then I would recommend that the City support them.

3. Regarding the process being used to develop the Marine Life Protection Act

I understand the desire for the science community to want to come up with some proposals early on to be able to present to the public as a basis for discussion. However, I feel very strongly that it was a mistake not to have involved some representatives of the fishing community in this first phase of the study effort.

It is further recommended that this process be slowed. There are several other agencies looking at MPAs and whatever occurs should be well coordinated. Most importantly, this process should give the fishing community the sense that MPAs are not being rushed, but rather are the outcome of a careful and informed process. Many groups are jumping on the MPA bandwagon, but is it on the right road?

4. Implementation of the Marine Life Protection Act

I believe that any implementation of modified or new MPAs in California must be done equally across the State, at the same time. Even if individual

agencies, such as cities, counties, or one of the several National Marine Sanctuaries located in State waters is able to assist in funding implementation, it will be a big mistake in my opinion to have an unequal application of such an important program throughout the State. Widespread public acceptance of the fairness of this program, including from the fishing community, will be paramount.

5. MPAs which share jurisdiction

Should any sites be developed by the State for future MPAs that are also included in the jurisdiction of other agencies, I would hope that the California Department of Fish & Games would look for concurrence or a neutral stance from the affected agencies before implementation.

6. The future

I understand that the Department of Fish & Game is tasked by the legislature to improve MPAs in California waters. This being said, I want to offer the opinion that the single best thing that the State of California can do for fisheries is to put even more resources into developing credible stock assessments and work very much in cooperation with the fishing community, utilizing the knowledge of that community, in developing these assessments. All other fishery management tools, whether they be seasonal closures or MPAs, are reliant on this information, and I think the State has a very long way to go to in developing accurate information.

Sincerely,



Stephen B. Scheiblaue
Harbormaster

SBS/je

C: City Manager
MBNMS Superintendent
MBNMS Advisory Council



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Marine Region

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April 16, 2001

To Individuals Interested in the Marine Life Protection Act:

The Marine Life Protection Act (MLPA: Assembly Bill 993 authored by Assemblyman Shelly) became effective January 1, 2000. This language is now included in the Fish and Game Code (Sections 2850 to 2863). The purpose of the act is to improve the array of Marine Protected Areas (MPAs) in California waters through a comprehensive Master Plan that the Department of Fish and Game (Department) is required to develop. This Master Plan will recommend alternative MPA networks within state waters (from shore out to three miles) to the Fish and Game Commission (Commission).

The MLPA requires the Department to present the draft Master Plan to the Commission by January 1, 2002. A Master Plan Team (Team), consisting of Department and other agency representatives and eight scientists, is assisting the Department in developing the Master Plan (please see Team list on next page). This letter is to inform you of the Team's approach to develop the Master Plan and to invite your initial comments.

Goals and Approach

The basic goals of the MLPA are: 1) to help sustain, conserve and protect marine populations and ecosystems for their economic and intrinsic value; 2) to help rebuild depleted marine populations; 3) to improve recreational, educational, and study opportunities; and 4) to ensure that California's MPAs have clearly defined objectives, effective management measures, adequate enforcement, and are based on sound scientific principles.

The Master Plan recommendation will include existing and newly proposed MPAs. Each MPA will be re-named or named using a new classification system established by the Marine Managed Areas Improvement Act (Assembly Bill 2800[Shelly]). These new classifications are:

State Marine Reserve: Injuring, damaging, taking or possessing any living, geological or cultural marine resource ("take") is prohibited. Some scientific collecting by permit may be allowed.

State Marine Park: Commercial take is prohibited. Recreational take and scientific collecting by permit will be allowed, although some forms of recreational take may be restricted.

State Marine Conservation Area: Certain commercial and recreational take and scientific collecting by permit may be allowed.

The Team has divided California marine waters into four regions based on assemblages of similar marine animals, plants and habitats:

North marine region: California-Oregon border to Pt. Arena.

North-Central marine region: Pt. Arena to Pt. Año Nuevo, including the Farallon Islands.

South-Central marine region: Pt. Año Nuevo to Pt. Conception, including San Miguel, Santa Rosa, and San Nicolas Islands.

South marine region: Pt. Conception to California-Mexico border, including Santa Cruz, Anacapa, Santa Barbara, Santa Catalina, and San Clemente Islands.

The Team has identified eight habitat types to be represented in MPA networks. These consist of hard and soft seafloor in four depth ranges: intertidal, 0-30 meters (0-100 ft.), 30-200

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meters (100-660 ft.), and greater than 200 meters. Networks will also include, where feasible, spawning and nursery areas and the following specialized habitats: rocky reefs, underwater pinnacles, kelp forests, submarine canyons, and seagrass beds.

As an initial step, California's existing MPAs are being evaluated for incorporation into the Master Plan. In order to achieve the MLPA goals, the Team may recommend additional MPAs and modification of boundaries and the degree of protection in existing MPAs. The MLPA requires that similar types of habitats and communities be replicated, to the extent possible, in more than one State Marine Reserve in each region. In recommending specific sites, the Team will also consider species most likely to benefit from protection.

Your Comments

The Master Plan must also take into account the social and economic impacts of any new or existing MPAs. We recognize that developing an MPA network with improved resource protection will have short-term impacts on users. Our aim is to minimize any short-term losses while maximizing long-term benefits. We need your feedback to accomplish this goal. The Team is seeking your specific comments about the effectiveness of existing MPAs, recommendations for modifying existing MPAs, and recommendations for additional MPAs. Your interest, comments, and participation are important to meet the requirements of the MLPA and to create a system that benefits all of California. Please send your comments by letter, fax, or e-mail **no later than May 31, 2001** to:

Paul Reilly

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FAX: (831) 649-2894 e-mail: preilly@dfg.ca.gov

More Information

We will provide more information and seek further comment during two series of public meetings and workshops. These are tentatively scheduled for July and September 2001 and will be held throughout the State. The draft master plan is required to be completed by January 2002. Once completed, the draft plan will be available for public review and comment. Formal public comment will also be available during Commission hearings concerning the implementation of the Master Plan. These will most likely occur in the Spring of 2002.

Information on the location and classification of California's existing MPAs are described in "California Marine Protected Areas" (McArdle 1997, California Sea Grant, La Jolla, CA).

For more details about the MLPA and Marine Managed Areas Improvement Act, go to www.sen.ca.gov, click "Legislation", and search the 1999-2000 Assembly Session for AB993 and AB2800. Also visit the MLPA link at the Department's Marine Region website: www.dfg.ca.gov/mrd/index.html. The MLPA web site also includes a summary of regulations for each existing MPA. If you do not have access to the web, please contact Paul Reilly at the above address.

Members of the MLPA Master Plan Team

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Irene Beers, University of California, Los Angeles
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Steve Murray, Fullerton State University
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Richard Parrish, National Marine Fisheries Service
Paul Reilly, California Department of Fish and Game
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