



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

July 17, 2001

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

Dear Mr. Reilly:

Thank you for the opportunity to comment on the Initial Draft Concepts to improve the array of marine protected areas in state waters as required by the Marine Life Protection Act (MLPA). The Monterey Bay National Marine Sanctuary, a Federal marine protected area, was established to enhance and protect the ecosystem, habitats, natural and cultural resources on the central California coast through resource management, research and education. The Sanctuary is also mandated to promote public and private uses of the Sanctuary that are compatible with the primary goal of resource protection. The goals of the MLPA mesh with these key mandates for the Sanctuary.

The diverse and productive fisheries of central California reflect the diverse and productive ecosystem protected by the Sanctuary. The long-term health of the marine ecosystem and these fisheries were a critical reason for designating the Sanctuary in 1992. That designation did not include regulations for managing or restricting fishing activities. Much like the MLPA, our designation document identified the basic requirement of this Sanctuary and the national marine sanctuary program is

“... to protect all sanctuary resources on an ecosystem wide basis. Thus, while fishery agencies may be concerned about certain fishing techniques in relation to fish stock abundance and distribution, the Sanctuary program is also concerned about the potential incidental impacts of specific fishery technique on all sanctuary resources including benthic habitats or marine mammals as well as the role the target species plays in the health of the ecosystem.”

Our designation document goes on to direct the Monterey Bay National Marine Sanctuary (NOAA) to consult with the state and the fishing industry should it intend to address fishing issues in the future. It is with these specific guideposts that we approach our involvement in the State of California's MLPA – to ensure there is adequate protection for the entire ecosystem of the Sanctuary and to work through the state's process in close collaboration with the fishing industry. This was the commitment of NOAA in designating the Sanctuary in 1992 and we are fully meeting that commitment in our efforts on the MLPA.

As we have reported to you before, the Sanctuary's collaboration with the fishing industry is through the Alliance of Communities for Sustainable Fisheries (“Alliance”). Over the past several months, the Sanctuary has been working with an Alliance study group, which also includes researchers, conservationists, divers, harbor masters and fish processors, to evaluate the feasibility and effects of marine reserves within the Sanctuary region. Although the group has



just initiated its efforts, it will provide valuable local input to the MLPA process as it evolves over the coming year.

Similarly, the Sanctuary itself is in an early stage of evaluating the recently released MLPA proposal. We expect to be gathering and reviewing additional information and consulting with a variety of parties including the Alliance, our Research Activities Panel, Conservation Working Group and Sanctuary Advisory Council for additional input, which we will use to add to or revise our recommendations over the next several months. As you have done at the Channel Islands, we ask that you allow a community based process, like the one just started with the Alliance, to develop a final plan of marine reserves, conservation areas and parks that meets community needs, as well as the important goals of the MLPA.

Thus, we offer the following as our initial comments to the state's MLPA proposal for areas within the Monterey Bay National Marine Sanctuary.

General Comments

1. Overall, the Monterey Bay National Marine Sanctuary considers the draft proposal for the north-central and south-central sections to be a good initial effort. We appreciate the complexity of the mission and the diversity of marine areas and habitats you and your team has had to consider.
2. The MLPA process to date has not had the benefit of stakeholders and users of the state's marine resources, like fishermen, divers, kelp harvesters, conservationists and researchers. We recognize, in part, the purpose of the public comment period is to gain knowledge from those groups. As mentioned above, for the coastal waters protected by the Monterey Bay National Marine Sanctuary, a group called the Alliance of Communities for Sustainable Fisheries has formed, and we and other affected stakeholders are working with a subgroup of the Alliance on marine reserves. We ask the Department of Fish and Game to stay open to considering input from this group as it works towards further evaluation of the MLPA proposal and attempts to develop areas of agreement for a network of marine reserves.
3. The Sanctuary, in collaboration with the Alliance working group, is attempting to develop socioeconomic data on the value of fishing and other uses of marine resources. These data will ultimately be used by the Sanctuary in our management plan update, to begin later this year. We are trying to accelerate some data so that it may be applicable to the designation of marine reserves in central California. Therefore, we ask the Department of Fish and Game to use these data, if we can produce them in a timely fashion, in the MLPA process. We believe that having socioeconomic data would aid your ultimate selection of sites for marine reserves, marine conservation areas and marine parks.
4. Overall, the proposed network for the area within the Sanctuary has no marine reserves that extend entirely through state waters. This means that full protection from shore to the 3-mile line for the diverse habitats and species, including open ocean habitat and pelagic species such as albacore and anchovies, will not be realized. (In the southern MLPA region, the state proposes substantially larger marine reserves, including many that extend from shore to 3 miles.) We appreciate the rationale for allowing harvest of pelagic, highly motile species in

marine conservation areas, but we believe the fundamental goals of the MLPA cannot be met without marine reserves extending from shore all the way through state waters (see MLPA goals 1 and 4). Other marine reserve initiatives, such as the Channel Islands work and the recent international review of reserves by NCEAS, show full ecosystem benefit comes when all extractive activities are prohibited. Allowing harvest of only one or several species invites a debate about why those species are exempted and diverts attention away from full ecosystem protection. Additionally, relying on mostly small marine reserves, as proposed in this region, offers little insurance in the event the marine conservation areas are not effective; larger marine reserves will allow the state to test the effectiveness of a broader range of sizes. Thus, we believe full protection throughout state waters via marine reserve designation should be considered for some parts of central California, such as at:

- Ano Nuevo – if there are to be some areas where a marine reserve will be located from high tide to the edge of state waters, we believe they should include major upwelling areas
- Point Sur – again, this is a major upwelling area and it should include no-harvest of all species
- Big Creek Reserve – studies from the existing reserve suggest there is incredible habitat out to state waters, and this whole community/ecosystem includes the pelagic species, particularly the prey species

5. Similarly, most proposed state marine conservation areas allow fishing for pelagic, mobile fish. In particular, prey species such as mackerel, herring, sardine and anchovy may be harvested. Yet, these species are critical to effective and healthy functioning of the open ocean community and thus the entire coastal ecosystem, which is a core expectation of the MLPA (see MLPA goals 1, 2, 3, and 4). These fish serve as prey to other fish species, such as rockfish and salmon, and to birds and mammals. We question the need for all or most marine conservation areas to allow harvest of these prey species (and squid, should it be added to the exemptions). Even if these mobile fish reside in a marine reserve only for several days, and then swim out, they are available as prey for that short time to the other protected species and hence better protect the whole system. Examples of conservation areas where the state should investigate removing the proposed exemptions for “pelagic” prey species include:

- Soquel Canyon State Marine Conservation Area – we suggest that half of the proposed Soquel site be designated a marine reserve, or the exemption removed for prey species. The state should consult with commercial and recreational fishers to determine the configuration of that marine reserve which would cause the least impact to existing fishing activities and is thus most acceptable to fishermen
- Point Lobos State Marine Conservation Area – while the current reserve at Point Lobos is considered a critical, diverse and productive marine protected area, allowing harvest of key prey species impedes full recovery or true function as a natural system
- Point Piedras Blancas – similar to Point Lobos, this area is incredibly diverse and supports numerous species not just benthic fish; allowing harvest of prey species removes an important link in the food chain

6. The next draft of the plan should identify any changes in onshore activities or regulations that will be necessary due to newly proposed marine protected areas. For instance, the southern end of the proposed Julia Pfieffer Burns State Marine Reserve includes the near shore area damaged by substantial disposal of road repair material related to the “McWay Slide”. Intertidal and subtidal habitats offshore of that site continue to be damaged by re-suspended material nearly 20 years after shore-based disposal first occurred. It is also likely that there

will be further input of material, and thus continuing damage, as the site continues to erode. Would additional debris disposal still be allowed at this site? Alternatively, the state should consider moving this proposed reserve north (from Pfeiffer Point, 36° 13'N to Partington Point 36° 10.5'N) and extending it through state waters. This would also allow protection of the head of offshore Partington Canyon, just to the north of Partington Point. As a deep canyon, yet remarkably close to land, it represents perhaps one of the most unique sites that could benefit from MLPA protection. Preliminary surveys have shown the canyon edges to have rocky habitat and it is a known site for congregation of blue and humpback whales.

7. Ongoing monitoring of any established sites will be necessary to evaluate their effectiveness over time in meeting MLPA goals. The state will need to assess population changes within and outside reserves and conservation areas and the effect these have on fishing outside the areas. To aid in the monitoring effort, the state should identify non-protected sites that are similar to proposed marine protected areas (i.e., similar habitat, species composition, physical conditions). We may be able to help with coordination of monitoring through our Sanctuary Integrated Monitoring Network (SIMoN), and also with ongoing education about the sites.

Thank you for the opportunity to comment on the proposed network for marine reserves that would be sited within state waters in the Monterey Bay National Marine Sanctuary. As stated at the onset, Sanctuary staff are collaborating closely with the Alliance working group for marine reserves and it is quite likely our deliberations with that group and our other advisory panels will lead to a revision in our position on marine reserves in state waters. We are hopeful that the Alliance and interested collaborators representing recreation, research and conservation interests, along with the Sanctuary will reach a consensus on designating state marine reserves. Our comments in this letter, therefore, lay out our thoughts at the present time.

Sincerely,


WILLIAM J. DOUROS
Superintendent