

To: James D. Watkins, Admiral, U.S. Navy (Retired)
Chair of the U.S. Commission on Ocean Policy

From: Brian E. Baird, California Ocean Program Manager

Re: Response To Questions Regarding Marine Protected Areas

Date: June 14, 2002

Thank you for the opportunity to provide the U.S. Ocean Commission with additional information regarding my testimony at your April 18-19 Southwest Regional Meeting in San Pedro California. Per your request, this response is being submitted electronically via e-mail. I have repeated each question below followed by my response.

1. [For the panel] Are there any international governance models for MPAs that you have identified that have been successful? If so, in what areas or countries? What are the lessons?

I am not an authority on international governance models for MPAs. We have consulted with experts on these international governance models in the development of the Marine Life Management Act and the Marine Managed Areas Improvement Act, but I can't cite specific models for you to evaluate. I believe that the other panelists may be more helpful on this question of international governance models.

2. [For the panel] Jurisdiction for Federal marine protected areas is spread across several departments and agencies within departments. Is this appropriate or should jurisdiction for Federal marine protected areas be consolidated under a single office? If so, where and why?

There does not appear to be any federal entity or authority (other than the U.S. Congress) with clear authority to designate a "no-take" marine reserve for all species in federal waters (the Fishery Management Councils do not regulate all species and therefore appear to lack this authority). The only exception appears to be for candidate sites that are located within a national marine sanctuary. If such authority does exist in federal waters outside of national marine sanctuaries we have yet to see it articulated in the testimony before the Commission or at any of the other public forums that we have participated in regarding marine protected areas. We recommend that the federal government take the steps to establish a clear authority and process for "no take" reserve designations, and clarify the definitions and authority for the designation of other types of marine protected areas. This does not necessarily require vesting all the authority within a single office or entity to be effective; in California we have three different agencies responsible for marine managed areas. However, in California the authority for designation and management of MPAs is clearly defined in state law (Marine Life Protection Act and

Marine Managed Areas Improvement Act). We have previously provided the Commission with copies of these statutes for your review and analysis.

It seems clear that the federal government will need to seek out the experience and expertise of a wide variety of stakeholders in the development of an effective and efficient national approach to MPAs. In this regard we are troubled that the federal government has yet to establish the MPA advisory committee required by presidential executive order. The federal government should convene this committee and use it to help develop a coordinated national approach to MPAs. In California we have established a state agency coordination mechanism, called the California State Interagency Coordinating Committee for Marine Managed Areas.

Any new national approach to MPAs must articulate a clear purpose and design for the sites or system of sites, and ensure that all the necessary elements are in place including:

- A plan for management and enforcement.
- A plan for education and outreach.
- A plan for evaluation and research.

Absent a clear purpose and design that incorporates the critical elements of management, enforcement, education, outreach, evaluation, and research, new site designations or systems of reserves are not likely to achieve their intended purpose.

3. [For the panel] There are many different definitions of marine protected areas, and it can be argued that they are so general and broad in scope as to be at the very least confusing and at the most virtually worthless. In your opinion can we come up with a better, more scientifically meaningful definition, and, if yes, do you have an idea of what that definition should be?

In the State of California we recently created a new, simplified classification system that is easier for resource managers and the public to understand, thus increasing the likelihood that management and enforcement activities will be effective. We have established a broad category of "marine managed areas" which includes areas that address living marine resources, cultural resources, recreational resources and water quality protection. A subset of the marine managed areas are the "marine protected areas" which are specific to the conservation of marine life and habitat to protect living marine resources.

"Marine managed area" (MMA) is a named, discrete geographic marine or estuarine area along the California coast designated by law or administrative action, and intended to protect, conserve, or otherwise manage a variety of resources and their uses. The resources and uses may include, but are not limited to, living marine resources and their habitats, scenic views, water quality, recreational values, and cultural or geological

resources. General areas that are administratively established for recreational or commercial fishing restrictions, such as seasonal or geographic closures or size limits, are not included in this definition.

MMAs include the following classifications:

- (1) **State marine reserve.**
- (2) **State marine park.**
- (3) **State marine conservation area.**
- (4) **State marine cultural preservation area.**
- (5) **State marine recreational management area.**
- (6) **State water quality protection areas**

In layman's terms, these areas could be described as:

A **state marine reserve**" is a nonterrestrial marine area where no extractive activities are allowed.

A **state marine park**" is a nonterrestrial marine or estuarine area where no commercial extractive activities are allowed.

A **state marine conservation area**" is a nonterrestrial marine or estuarine area where some commercial and/or recreational extraction is allowed.

A **state marine cultural preservation area**" is a nonterrestrial marine or estuarine area designated so the managing agency may preserve cultural objects or sites of historical, archaeological, or scientific interest.

A **state marine recreational management area**" is a nonterrestrial marine or estuarine area designated so the managing agency may provide, limit, or restrict recreational opportunities to meet other than exclusively local needs while preserving basic resource values for present and future generations.

A **state water quality protection area**" is a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality.

Marine protected areas (MPAs) are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of MMAs. "**Marine protected area**" is a named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law or administrative action to protect or conserve marine life and habitat. MPA designations include State marine reserves, State marine parks, and State Conservation areas.

The key point to this classification system is that a limited number of categories are used and clearly defined, enabling resource managers and the public to better understand what

can and cannot occur within specific sites without having to reference a dictionary-size book of regulations.

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