

# California's Experience with Marine Protected Areas: Implications for a National Approach

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Cabrillo Marine Aquarium

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*Brian Baird*

*Ocean Program Manager*

*California Department of Resources*

- Mr. Chairman and members of the Commission, thank you for the opportunity to participate in this proceeding today.
- I'm honored to have the opportunity to provide you with some insights regarding California's experience with Marine Protected Areas.

Today I'd like to speak to you about the California's experience with Marine Protected Areas. In California we have quite recently:

- Established a clear authority and process in California for creating marine protected areas;
- Established a process to consolidate, clarify, and specifically re-define classifications for state "marine managed areas."
- Redefined our approach to establishing a master plan for marine protected areas, to seek out additional stakeholder and technical input;
- Defined our area of interest in a regional manner, to capture ecological and oceanographic differences between them.
- Completing an innovative process of cooperation between the State of California and the Channel Islands National Marine Sanctuary regarding the identification and potential designation of Marine Reserves in both state and federal waters.

\*\*\* We believe that these can provide models for you to look at. However, I don't want to provide the impression that we are sailing along with all of our new processes without controversy. As these are tough decisions and generate substantial discussion and debate.

Through the enactment and implementation of recent legislation the Davis Administration is committed to the moving forward with the process to establish a master plan for marine protected areas. However, we continue to view the use of MPAs as a tool for management, not a total panacea for the issue.

I believe that this commission can benefit from California's experience regarding several issues facing you at the federal level.

**1. The federal authority to create a “no-take marine reserve” outside of a National Marine Sanctuary isn't clear.**

- The Regional Fishery Management Councils can restrict take of species within their control, but not implement an overall closure. There may be other authorities available, but the process is far from clear.
- California passed the *Marine Life Protection Act* to require a logical process for creating a “Master Plan” for marine protected areas in California. In effect, this plan will be a blueprint for what is necessary for a system of MPAs along the entire California coast.

**Recommendation: The California Marine Life Protection Act could be used as an example for the establishment of a similar process in federal waters.** Federal law and practice in this area cries out for a clarification of federal jurisdiction and approach. We think the California statute provides a clear pathway for moving forward.

**2. The terminology for marine protected areas needs to be clarified at the federal level.**

- Although some clarity has been provided through the federal Executive Order, the overall terminology regarding MPAs at the federal level is unclear.
- This was a problem in California. Years of uncoordinated legislative, executive and administrative actions created a dis-connected array of sites and associated rules and regulations governing them.
- California passed the California Marine Managed Area Improvement Act, which reduced our 18 different classifications (reserves, preserves, refuges, areas of special biological significance, and others) into a logical system of 6 classifications and provided a specific designation process for each designation.
- Our six classifications include: State Marine Reserve, State Marine Park, State Marine Conservation Area, State Marine Cultural Preservation Area, State Marine Recreational Management Area, and State Water Quality Protection Area.

**Recommendation: The California Marine Managed Area Improvement Act should be used as an example for the establishment of a similar process in federal waters.** This act has provided a process to consolidate, clarify, and specifically define the classifications and future processes to be used

**3. The federal process for establishing policy for Marine Protected Areas must seek out stakeholder involvement from the beginning.**

- During the implementation of the Marine Life Protection Act process, we here in California learned the hard way about the need for early stakeholder involvement. We went out with some preliminary maps which caught many interests by surprise.
- The Department of Fish and Game is now convening a series of facilitated meetings in 7 regional locations along the coast to fully explore all options.
- The federal MPA centers (both in DC and here in California) will help with that issue on the federal processes.
- However, the federal government has yet to establish the MPA advisory committee required in the Executive Order.

**Recommendation: The federal government needs to move forward with the establishment of the MPA Advisory Committee, and if the committee is appointed, some assessment should be made as to its success.**

**4. The federal scheme for MPAs must include the critical elements of:**

- A clear purpose and design for the site or system of sites;
  - A plan for management and enforcement;
  - A plan for education and outreach;
  - A plan for evaluation and research.
- **Clear Purpose and Design**  
California had a array of sites that lacked a systematic approach, had too many classifications, with unclear goals. We are now addressing this.
  - **Management and Enforcement**  
Sites are worthless absent clear management objectives and enforcement – clear funding implications.
  - **Education and Outreach**  
Need to get the word out about sites, rules, and regulations.
  - **Evaluation and Research**  
Need criteria and performance objectives; Need monitoring and research.

**Per your request yesterday, we will provide you with copies of the *Marine Life Protection Act* (requires the Master Plan for MPAs), the *Marine Managed Area Improvement Act*, and our analysis of the California system of Marine Managed Areas.**

That concludes my presentation.