

**California MLPA North Central Coast Regional Stakeholder Group
 Questions Generated During the September 7, 2007 Work Sessions
 Revised September 14, 2007**

SMCA = state marine conservation area

SMP = state marine park

SMR = state marine reserve

NCCRSG = North Central Coast Regional Stakeholder Group

DFG = California Department of Fish and Game

Question	Response
1. In this biogeographic region, how many habitats have been replicated in state marine reserves and which have not?	See Appendix I for replicate SMRs in the central coast.
2. How would abalone index sites be affected by SMR, SMP or SMCA designation?	<p>Index sites include a range of use rates and are sampled with varying frequency. Staff are creating a data layer that depicts abalone index sites that will display this information.</p> <p>As index sites are used by the DFG for management of the abalone fishery, inclusion of one or more of these sites, especially "high use" index sites, within a MPA may affect the data available for managing this fishery. Thus, in cases where multiple locations may meet the MLPA goals and SAT criteria, selecting a non-index site location is preferable.</p>
3. Please clarify the "guidance" bullets in the handout regarding MPAs versus marine reserves.	The information on replication in the one-page handout provided on September 7, 2007 should have been in reference to state marine reserves. Both the MLPA and SAT guidelines discuss replication of habitats within reserves. A revised handout will be prepared to clarify this.
4. What is the current protection status of marine resources in the "Pescadero Marsh State Preserve"?	<p>Pescadero Marsh is designated a "Natural Preserve" as part of the State Park Units classification (Title 14, Section 4759). As such, the state park superintendent can establish "rules" which are not formal regulation but are allowed by state law.</p> <p>Title 14, Section 4351 states that "No person shall drive, operate, leave, place, land, taxi, takeoff or stop a motor vehicle, motorboat or aircraft within the boundaries of a state wilderness or natural preserve"</p> <p>Members of the NCCRSG from the California Department of Parks and Recreation can further clarify this issue.</p>
5. How should the NCCRSG consider existing oyster leases in	The California Fish and Game Commission may consider MPAs that require alterations to existing leases. Each potential change would have to be considered on a case-by-case basis.

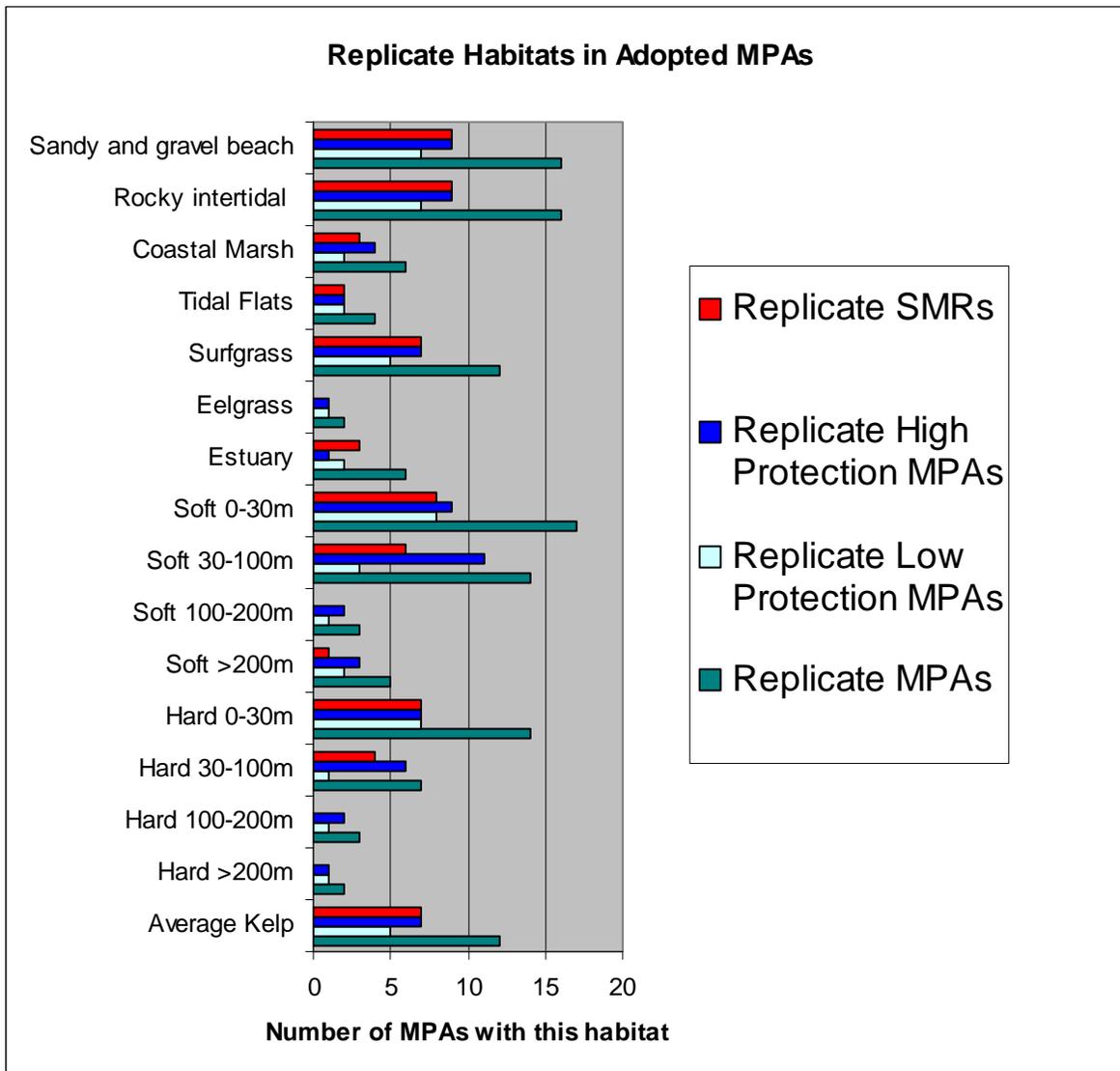
Drakes Estero? Will they be retired or not?	
6. Can small-scale tribal/cultural uses, including collection for cultural purposes, be allowed in an SMR? Can the Resources Agency develop a special agreement or permit to allow those types of uses?	SMRs can not allow any take of living marine resources other than for the purpose of permitted research. An SMCA or SMP should be created if it is desired to permit any other extractive activities. One exception to this is for take by tribe members that occurs on reservation land. In this case, a special agreement could be made.
7. How are estuaries with their small size and irregular shapes considered in the SAT size guidelines?	SAT guidelines should be considered where it is possible for them to be met. For many estuaries, the SAT size guidelines cannot be met and thus do not apply.
8. How should MPAs be drawn around islands?	<p>A boundary of three nautical miles offshore a more-or-less round island is acceptable. A good example is the existing Santa Barbara Island SMR in the Channel Islands (see Appendix II). DFG enforcement staff have indicated that multiple zoning around islands may cause enforcement difficulties.</p> <p>DFG enforcement personal can provide further guidance for multiple MPA designation configurations as they are prepared.</p>
9. Transit rules through SMRs with fish on board - is it permitted with gear stowed?	<p>Transit is allowed; the language is found in 632(a)(7) and (8).</p> <p>(7) Anchoring. Vessels shall be allowed to anchor in any marine protected area or marine managed area with catch onboard unless otherwise specified in subsection 632(b), areas and special regulations for use. Fishing gear shall not be deployed in the water while anchored in a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while anchored in a state marine recreational management area, state marine park or state marine conservation area. Anchoring regulations shall be consistent with federal law and allowances made for anchoring required by emergency or severe weather.</p> <p>(8) Transit or Drifting. Vessels shall be allowed to transit through marine protected areas and marine managed areas with catch onboard. Fishing gear shall not be deployed in the water while transiting through a state marine reserve. Fishing gear, except legal</p>

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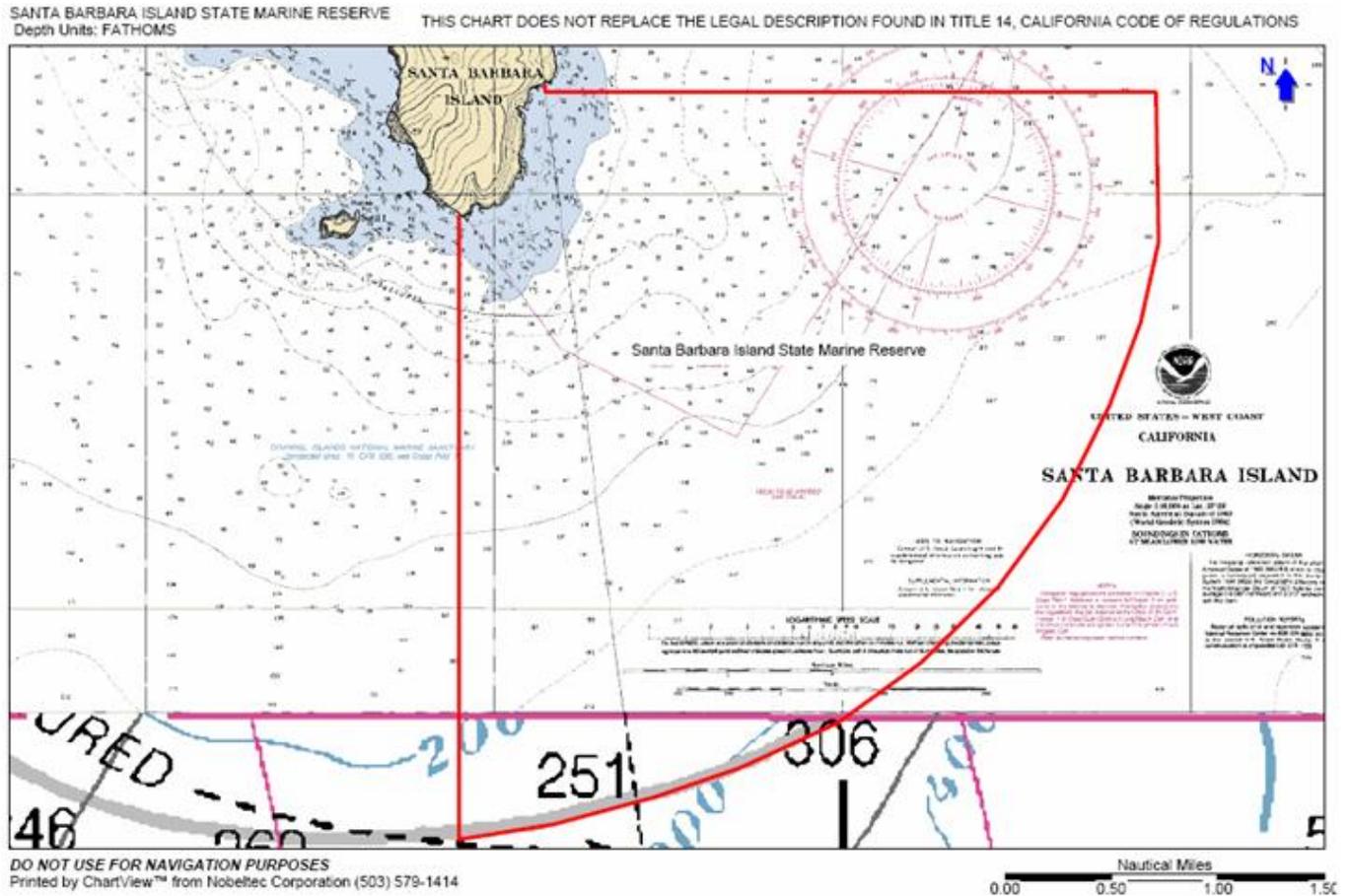
	<p>fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while transiting through a state marine recreational management area, state marine park or state marine conservation area.</p>
<p>10. Is there a memo (science or policy) on SMRs and aquaculture? i.e., is presence of aquaculture in an SMR consistent with SMR designation?</p>	<p>DFG input from earlier processes was that aquaculture may be consistent with an SMR designation, but no policy memo or formal legal opinion was developed. If the RSG feels this is a priority question, DFG will seek an opinion from legal staff.</p>
<p>11. Can duck hunting be prohibited under MLPA? (e.g., in an estuary designated as an SMR)?</p>	<p>It is unclear whether ducks and other waterfowl are "living marine resources" and encompassed by MPA regulations on take. DFG does not feel that MPAs are an appropriate tool to manage waterfowl hunting and that the MLPA process is not generally designed to address waterfowl hunting issues. DFG recommends using the SMRMA designation for areas where waterfowl hunting may presently occur.</p>
<p>12. When will the Ecotrust results be available for rockfish fishing areas of importance?</p>	<p>Preliminary results will be available at the October 16-17, 2007 NCCRSR meeting.</p>
<p>13. How to apply DFG feasibility guidelines and/or size and spacing guidelines to a narrow estuary that has multiple uses but has important habitats?</p>	<p>Use the simple guideline of making areas understandable and enforceable. Single boundaries spanning across an estuary are more appropriate than odd shapes within the estuary. Multiple designations are less desirable, but zoning in Morro Bay in the central coast is an example of an "o.k." setup (See Appendix III). Morro Bay, however, is not ideal.</p>
<p>14. Can estuaries in the north central coast act as acceptable replicates for estuaries in the central coast (e.g. Elkhorn Slough?)</p>	<p>Send to the SAT for review.</p>

Appendix I: Replicate Habitats in State Marine Reserves in the MLPA Central Coast Study Region (June 6, 2007 analysis)

Habitats	Replicate SMRs
Sandy and gravel beach	9
Rocky intertidal	9
Coastal Marsh	3
Tidal Flats	2
Surfgrass	7
Eelgrass	0
Estuary	3
Soft 0-30m	8
Soft 30-100m	6
Soft 100-200m	0
Soft >200m	1
Hard 0-30m	7
Hard 30-100m	4
Hard 100-200m	0
Hard >200m	0
Average Kelp	7



Appendix II: Santa Barbara SMR in the Channel Islands



Appendix III: Multiple zoning within Morro Bay

