

Memo



**Surfrider
Foundation.**

To: Blue Ribbon Taskforce

From: Chad Nelsen, Stefanie Sekich and Joe Geever

Date: Oct 11, 2009

RE: Surfrider Foundation's Map Recommendations

CC: South Coast Regional Stakeholder Group, MLPA Initiative Staff, and MLPA Facilitators

We are writing on behalf of the Surfrider Foundation and our 10 local chapters within the boundaries of the South Coast Region of the Marine Life Protection Act (MLPA) implementation plan. We have a very diverse membership that includes fishers, divers, surfers, beach goers and other stakeholders with an interest in the implementation of the MLPA. The one thing our members have in common is that we are all dedicated to the restoration and protection of our coast and ocean.

The South Coast region presents unique challenges both in terms of available habitat and opportunities for marine protected areas (MPAs) because of the large and dense population, and the diverse and high level of fishing effort in the region. As one commenter noted, "There isn't anywhere in this region that isn't somebody's favorite fishing hole."

Conversely, the region's population includes a higher population of "non-extractive" users that stand to benefit from the enjoyment and educational opportunities of marine reserves – including many people who value protecting special places for their intrinsic values.

The goals of the Marine Life Protection Act are to balance these interests. We mention the unique characteristics of the South Coast region to highlight that the implementation in this region presents a unique set of challenges and considerations that are different than other regions in the State. For example, we predict the North Coast Region will require very different considerations because the population is much less dense and the opportunities for marine reserves that minimize fishing displacement are likely more abundant.

We want to express our deep gratitude to the members of the South Coast Regional Stakeholder Group (RSG). Balancing the interest of all Californians and visitors to our State is a monumental task. Nonetheless, the information developed over the

course of the RSG deliberations is extremely beneficial to finalizing the implementation of the MLPA in the South Coast region.

At the South Coast Regional Stakeholder Group (RSG) meeting in August 2009, the Surfrider Foundation presented recommendations that we hoped would be incorporated into Round 3 maps. In our presentation we stressed three themes: creativity, flexibility and scientific support. We emphasized our belief that these guiding principles must be applicable to both stakeholders and government agencies. Overcoming the inherent difficulties of reaching “cross interest” amongst stakeholders demands creativity and flexibility.

This memo also highlights those themes as we make recommendations about the current maps. Our recommendations are based on the feedback we received from our membership and from the extensive outreach we engaged in over the past year.

Over the last year, we reached hundreds of people in the following ways:

- We arranged and participated in “one-on-one” meetings with fishermen, environmentalists, recreationalists, etc.;
- We surveyed our members and non-members (nearly 550 people completed our survey either online or in-person);
- We worked with all 10 of the Surfrider Foundation Chapters in the South Coast region; and
- We held community forums around the South Coast region to discuss current Round 3 maps.

During the course of our outreach we repeatedly heard people say they supported proposals with high levels of protection, but with a "balanced" approach that takes into account the concerns of our members who fish. This was not surprising given that our members and supporters represent a diverse constituency. This diversity is also reflected geographically. In some parts of the region the predominant call from our members was for stronger conservation and in other areas there was more concern about fishing interests.

The diversity of our membership and the feedback we received has led us to offer recommendations for your consideration that amend and modify the current Round 3 proposals to reflect these interests. We acknowledge that incorporation of any of our recommendations (described below) by the Blue Ribbon Task Force would be part of a larger set of considerations to establish a functioning network that is subject to review by the Science Advisory Team (SAT) and only accepted if it meets scientific scrutiny.

When we discussed the final Round 3 RSG maps at our community forums, we heard the following as a broad overview:

- **Santa Barbara Area:** There was support for Map 3 and Map 1.

- **Los Angeles Area:** There was support for Map 3 and Map 1
- **South Orange County Area:** There was support for Map 2 and Map 1.
- **San Diego Area:** A large percentage of audience members supported Map 3

For each of these general comments of support for a proposed map, there were caveats for recommended improvements to either the locations of some MPAs, the boundaries of some MPAs, and/or the regulations within some MPAs.

Given the comments we have received, it is apparent there is no consensus of support for any of the three maps currently proposed. Instead, there is a set of recommendations that we believe capture flexibility and creativity that result in balancing the interest of diverse stakeholders.

In conclusion, the Surfrider Foundation submits these comments that reflect our best efforts to gain community input from our members and supporters, balance a widely divergent set of interests, and provide practical recommendations that will increase the success and support for implementation of the MLPA in the South Coast region.

Sincerely,

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We have organized our comments below using Map 1 as a baseline for the context of our recommendations, because we found Map 1 to most closely resembled the range of comments we received. This is not intended to imply our outright support or opposition to Map 1. However, as the baseline for our recommendations, please assume we support the MPAs in Map 1 unless otherwise noted in our recommendations.

RECOMMENDED CHANGES BASED ON MAP 1

Santa Barbara Area

Helo/Deveraux SMR: We recommend a small conservation area within the reserve at Deveraux (specifically at "Jailhouse Point") that allows spearfishing (but no take of lobster).

We are convinced that a small SMCA within the boundaries of the marine reserve would marginally limit the protection of the surrounding marine reserve and would allow a relatively limited, but important opportunity for novice spearfishers otherwise not available in the area. We think the loss of protection by this allowance can be compensated for by a marginal change in the regulations for Naples Reef (below).

We understand any modification at Deveraux will require some flexibility in the Department of Fish and Game's "feasibility" guidelines. We expect that this rare "exception to the rule" will create appreciation and respect from the constituency served, leading to the type of "self-reporting" we see in marine reserves in places such as New Zealand.

To supplement and ensure our hope for "self enforcement", many of our members reside in Isla Vista and advise us that this is a popular location for beach-goers and passers-by. We believe interpretive signage clearly articulating the rules in the area, and easy opportunities to report violations, will encourage a sense of "ownership" in the community and citizen enforcement.

Naples Reef SMCA: We support the Naples Reef SMCA with amended regulations.

We recommend that the regulations for Naples Reef limit the allowed take to highly mobile pelagic species (e.g., white seabass, etc). This change to the regulations will greatly improve the level of protection. We have heard that this area is limited to experienced divers who, for the most part, target larger migratory species – so the recommendation for amended regulation in the SMCA should cause very limited displacement of current spearfishing effort on the reef.

Finally, we think this change in regulation compensates for the lower level of protection afforded at the Deveraux SMR – assuming the inclusion of the small SMCA recommended above.

Rincon SMCA: We support the inclusion of the Rincon SMCA in Map 3.

We believe this SMCA will improve compliance with the spacing guidelines with limited dislocation of fishing effort.

Los Angeles Area

We have received recommendations concerning the Point Dume area, the Palos Verdes area, and the combination of the two in the context of the entire Santa Monica Bay.

Point Dume area: We support the Map 1 configuration.

We have heard support for the configuration in Map 3 because of the greater conservation values it affords. However, we have also heard support for balancing those conservation values with the unique fishing opportunities east of Point Dume – not the least of which is the protection from adverse weather conditions provided kayak fishermen by this large headland.

We are expressing our support for the configuration in Map 1 because we believe it will still allow ample fishing opportunities east of the Point. We think this is highlighted by creating a boundary for the marine reserve that bisects Big Kelp Reef, allowing both fishing on part of the reef and full protection of the remainder of this biologically unique and important area.

We also think that the Map 1 configuration includes the important protection of a sub-marine canyon – a relatively rare habitat with important biological communities and oceanographic characteristics that are vital to enhancing and protecting diversity and ecological integrity.

Palos Verdes area: We support the “Topaz Group” Round 2 configuration from the RSG proposals with the modifications below.

The Palos Verdes area has been a challenging debate from the beginning. The west face of the peninsula, from Flat Rock to Rocky Point, has been particularly contentious. It offers unique access and opportunities for spearfishing, kayak fishing, as well as small boat fishers from King Harbor. However, the west face also provides the same easy access and unique opportunities for non-consumptive divers and important biological, ecological and physical oceanographic characteristics.

The dramatic differences in the three RSG proposals from “Round 3” highlight the apparent conflict of stakeholders’ interests in the area. The area is further complicated by the current state of pollution emanating from the “Montrose Site.” This pollution raises serious concerns about the success of a marine reserve south of Long Point.

For these reasons, we believe that a modified Topaz Round 2 proposal offers a balance of cross-interest support and scientific certainty.

We recommend moving the southern border to the next whole minute north. This will eliminate exposure to the contamination from the “Montrose Site” and better ensure success of the reserve.

We also recommend moving the eastern boundary further east by approximately one whole minute. This will capture additional nearshore soft habitat as well as additional kelp.

We also believe that this proposed reserve, with the inclusion of more shoreline, will improve the connection of protected nearshore habitat with deeper off-shore habitat.

Finally, in response to considerable concerns of fishers and spearfishers, the most biologically productive areas on the west face are left open to fishing. However, we believe the access in the proposed reserve and the potential for restoration of biologically abundant and diverse communities within the reserve, meet the interests of non-consumptive divers, kayakers, swimmers, etc – as well as citizens interested in preserving special places for their intrinsic and heritage values.

Santa Monica Bay – Balancing the Point Dume area with Palos Verdes area:

We think the two configurations we have proposed above balance the interests of stakeholders while meeting the conservation goals. 1) Palos Verdes: Importantly, this balance admittedly eliminates capturing the Redondo Canyon, persistent kelp on the west face of Palos Verdes and deep hard-bottom habitat off the peninsula. However, we believe that the Palos Verdes configuration we recommend also avoids displacement of fishing effort in the most sought-after areas while providing a scientifically sound reserve with potential for restoration. Finally, compared to the absence of a marine reserve today, this configuration also allows increased opportunities for non-consumptive divers, kayakers and swimmers to enjoy a fully protected area.

2) Point Dume: Given that there is no protection of the Redondo Canyon in our recommendation for Palos Verdes, we believe it is essential to capture this important habitat at Point Dume. We also believe the Map 1 complex at Point Dume partially adds to the deep hard bottom and persistent kelp that is missing in the reserve we recommend for Palos Verdes.

Further, the marine reserve area in Map 1 at Point Dume allows valuable opportunities for non-consumptive diving.

South Orange County Area

We support the configuration in Map 2, but only with the inclusion of the recommended change below.

The South Orange County area has also been particularly challenging for us because of the large differences in opinions in our membership and due to the orientation of the coastline. We believe the current configuration in Map 2 obviously addresses the concerns of our members who are local fishers and the socioeconomic concerns expressed at our forums and during outreach. However, it does not adequately provide the level of scientific certainty for success as described in the SAT guidelines, nor the non-consumptive opportunities and intrinsic protection values others are seeking.

Therefore, we recommend expanding the northern boundary of the Laguna SMR in Map2 to Abalone (El Morro) Point.

We also want to highlight the challenges of the configuration of this area. The effort to satisfy the strict application of the “feasibility guidelines” along a coastline oriented almost 45° from East-West or North-South has resulted in boundaries that are not close to perpendicular to the coast. We believe this odd alignment may cause difficulties for many spearfishers and boaters without electronic navigational devices to determine where the boundaries are using landmarks as references. It is not intuitive to sight your position using landmarks that are farther away from the immediately adjacent coastline. In addition, the reefs found offshore are perpendicular to the coastline, so North-South boundaries of the SMR will bisect these reefs at some point off shore. Bisecting the reefs at an angle may cause confusion amongst consumptive divers, spearfishers, kayakers and others who often follow reefs into deeper water to fish and may enter or leave the SMR without knowing it. For these reasons, we believe that a configuration with boundaries perpendicular to shore should be considered as an exception to the standard feasibility guidelines.

San Diego Area

North San Diego: We support elimination of the SMR at Del Mar and inclusion of the SMCA in Encinitas (Swamis), in order to increase the habitat value and level of protection for Map 1, as amended below.

We are concerned about the southern boundary because it includes a “borrow site” for local sand replenishment projects. We recommend documenting that as an existing use in the regulations for the SMCA.

While we would normally recommend avoiding existing uses that cause known biological disturbances, it is our understanding that moving the southern boundary to remove the “borrow site” from the SMCA may eliminate the inclusion of persistent kelp and other valuable habitat. However, if it would not eliminate important habitat values, we would not oppose a very moderate adjustment to the southern boundary to remove the “borrow site” from the SMCA.

Finally, we do not support adjustment of the SMCA boundaries to accommodate “receiver sites” for beach dredge and fill projects (beach “nourishment”). These projects should either be conducted in a way that is environmentally benign or the practice should be reconsidered.

La Jolla:

First, the existing La Jolla Cove SMR is a valuable area and “heritage site” that we recommend should be left intact. We see no compelling reason for “squaring off” the boundaries to meet the “feasibility” guidelines (as suggested in Map 3). This area has been protected for a long time and the boundaries are well-known. In fact, changing the boundaries to meet strict adherence to the “feasibility” guidelines may

only serve to undermine the intent of the guidelines – clarity, public awareness and ease of enforcement. Changing the well-known boundaries may cause unnecessary violations.

Although not included in Map 1, we want to highlight our opposition to inclusion of an SMCA between the existing La Jolla Cove SMR and the Scripps Pier. We are not convinced this area is high value habitat nor that it is necessary to meet the spacing guidelines.

Second, we recommend the current La Jolla South SMR and SMCA cluster be modified into a single SMR with the northern border at Windansea and the southern border north of the Crystal pier (similar to Map 3).

Finally, assuming the final map would include the La Jolla South SMR recommended above, we see no need for the Point Loma SMR. The La Jolla South SMR is sufficient to provide unique and valuable protection for this sub-region. And, the Pt Loma SMR unnecessarily restricts fishing opportunities for boats leaving Mission Bay.