



# *A Citizen's Guide to the Marine Life Protection Act*

*Produced By  
the Ocean Conservancy (formerly CMC)  
& the Natural Resources  
Defense Council*

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California's coast and ocean environment is world-renowned. From postcard-perfect sunsets to world-class surfing, from fresh salmon to barking sea lions, the state is defined by the intersection of land and sea. California's coast and ocean is our state's most treasured resource. But unfortunately, we have not done enough to protect it for the future.

Our coastal areas face tremendous challenges. Beach contamination from sewage spills and nonpoint source pollution, oil spills, and trash have all "washed up on shore" and into the public eye. But under the water's surface, out of the public's eye, some of our most popular fish populations are disappearing. Many of these disappearing fish are familiar dinner guests, including some salmon species, abalone, and groundfish species such as bocaccio, commonly sold as "Pacific red snapper". We use the ocean in hundreds of ways every day, and though we may not mean to damage its habitats and wildlife, our actions have consequences. It is possible to manage the ocean sustainably, so that the resources and beauty it produces today will continue long into the future. Doing so, however, requires that we change how we manage these resources now.

Californians have an historic opportunity over the next two years to safeguard the long-term health of our seas. The opportunity comes from the Marine Life Protection Act, a landmark law passed in 1999 to create an effective system of marine protected areas along the state's coast. The law provides tremendous opportunities for local communities, fishermen, divers, and the public to help shape this vision and protect our oceans. This short guide is designed to help you participate in the Marine Life Protection Act and conserve California's marine life and waters, with all the economic and intrinsic benefits they provide, for future generations.

## **Why are marine protected areas needed in California?**

Many marine species in California's waters have experienced troubling population declines. Coastal development that destroyed important wetlands, unsustainable fishing levels, water pollution, poor timber harvest practices, and fishing practices that destroy ocean habitats have all taken a toll on the fish and wildlife living offshore of California. Invasive species, diseases, global warming and climate change, and El Nino patterns have also caused dramatic changes in the marine environment over the past decades. While marine protected areas, or MPAs, cannot address all of these problems, they are an important management tool that can and must be used effectively. Of all the impacts, however, fishing – both sport and commercial – continues to exert the greatest pressure on marine species. Although commercial and sport fishing has significantly contributed to the decline of marine species, fishermen should be some of the most important beneficiaries of an effective system of MPAs since the scientific evidence suggests marine reserves can help fish populations rebound to sustainable levels.

In the Pacific, five species of rockfish have been declared overfished, meaning that the numbers of fish have declined severely. Bocaccio, cowcod, and others were once popular and abundant fishing targets; last year environmental groups petitioned to have bocaccio listed under the Endangered Species Act because so few were left in the ocean. In 1997, the state legislature prohibited fishing for abalone south of San Francisco. Once one of the most popular menu items in California restaurants, overfishing, disease, invasive species and water pollution combined to nearly wipe some abalone species off of the earth. Just this year, white abalone were declared endangered.

### ***DID YOU KNOW?***

*The state recently closed nearly 4,000 square miles to most fishing in order to protect cowcod, a popular recreational fish. Scientists estimate it will take approximately 97 years to rebuild this population to sustainable levels. Unfortunately, this closure is not a true marine reserve, and could be lifted by the Fish and Game Commission at any time.*

## **What is a Marine Protected Area (MPA)?**

A marine protected area is a place in the ocean that has been designated by law or regulation to protect and conserve marine life and habitats. The term MPA includes areas with varying levels of protection, including but not limited to:

- areas where all marine life is strictly protected and no species can be fished or otherwise taken;
- areas where one or more species are protected;
- areas where water pollution is prohibited;

Similar to National Parks, National Forests, and Wilderness Areas on land, marine protected areas are set up for a variety of reasons and with a variety of restrictions on human use of the area. In California, MPAs are “primarily intended to protect or conserve marine life and habitat.”<sup>1</sup>

<b>Types of Marine Protected Areas in California</b>	
<b>Marine Reserves</b>	The highest level of protection. Reserves prohibit injuring, damaging, taking, or possessing any living, geological, or cultural marine resource from a site. Recreational visits, such as diving and kayaking, would not be prohibited unless the activity interfered with protecting the area. The MLPA requires that Marine Reserves encompassing the representative variety of the marine habitats and communities in that region be established in each of the four regions.
<b>Marine Parks</b>	Commercial fishing is prohibited and some recreational fishing may be restricted, depending on the needs of the site and species.
<b>Marine Conservation Area</b>	Commercial & recreational fishing may be permitted if it does not compromise the protection of the site.
<b>Water Quality Protection Area</b>	Water pollution is prohibited or limited in accordance with state water quality law to protect the uses of the area. A water quality protection area may overlap or encompass another type of MPA to provide additional habitat protection.

***DID YOU KNOW?***  
*Of California's 104 marine protected areas, only 0.2% of state waters (or approximately 9 out of more than 5600 square miles) receive total protection for all species. Most of California's MPAs provide only limited protection to one or more species or protect only water quality.*

Over the past half-century, California has established more than 100 marine protected areas. These MPAs were created on a case-by-case basis by voter initiative, legislation, and by government agencies. Despite the good intentions of these efforts, the vast majority of these MPAs provide very little protection to marine life. Moreover, they may not cover the state's most critical habitats or unique underwater communities.

**What can MPAs do?**

Keeping the oceans healthy requires a combination of tools. Controls on pollution and runoff, management regulations to maintain fish populations, and measures to prevent oil spills all contribute to sustainability in the sea. MPAs, particularly those that prohibit all extractive activities such as fishing and mining (called "marine reserves"), play a critical role in this management mix. The benefits of MPAs are supported by independent scientific research and by Congress' National Research Council.

Marine reserves are a type of MPA where it is illegal to take, injure, damage, or kill any living marine species; mining, collecting, and fishing are prohibited in marine reserves, and other activities can be limited to protect the area. Marine reserves are the best tool we have to actually increase the number and size of marine fish. Hundreds of scientific articles have shown the benefits of marine reserves and other protected areas around the world. On average, reserves had twice as many fish overall and three times as many large fish as exploited areas. These positive effects held true in temperate and tropical waters, for both fish and shellfish, and in a wide range of habitats. Fishermen working along the borders of reserves report catching record-sized fish. Almost all species can benefit from the protection offered by a reserve, whether they live their whole life inside the reserve's boundaries or simply pass through to feed.

One of the strongest arguments for reserves is their ability to safeguard habitat and protect diverse communities of species. Biodiversity inside marine reserves can be as much as 20 percent higher than in exploited areas. Without disturbance to the seafloor, corals and anemones grow into colorful underwater landscapes. Kelp forests, coral reefs, and areas of open sand and mud all support different suites of species, from the microscopic organisms at the bottom of the food chain to marine mammals and sharks. Marine reserves protect these habitats in a way that regulations that focus on only one or two species cannot. Increased biodiversity provides benefits not only for the ecosystem, but also for human visitors. Vibrant underwater areas draw millions of visitors to the ocean each year, offering the opportunity to view creatures rarely seen elsewhere. In addition, marine reserves and other MPAs benefit fisheries management by helping maintain healthy fisheries and rebuilding depleted fisheries. There is mounting evidence to suggest that certain types of marine protected areas both allow exploited, resident species to recover within their borders and may increase the number and types of some species outside their borders.

MPAs besides marine reserves can provide different benefits, depending upon the goals and objectives for that particular MPA. MPAs such as state marine parks and conservation areas may focus on protecting a certain group of fish, or habitats at a certain depth in the ocean. Other MPAs work to enhance recreational opportunities or make economic contributions through increased tourism or property values.

<b>RESERVE</b>	<b>YEAR CREATED</b>	<b>SIZE (km<sup>2</sup>)</b>	<b>RESULTS</b>
Vancouver Island, British Columbia	Several different years, from 1958 to 1980	No discrete site larger than 1	Most unprotected areas had less than 10 abalone, despite a coast-wide harvest ban. Reserves that were enforced had hundreds of abalone, including many large animals.
Edmonds Underwater Park, Puget Sound, Washington	1970	0.1	Larger copper rockfish, lingcod, and quillback rockfish inside the park, as well as 10 times as many fish, compared to areas where fishing was allowed.
Pt. Lobos State Reserve, California	Designated in 1963, closed to all fishing in 1973	3.14	Twice as much biomass of black-and-yellow and kelp rockfish inside the reserve as in fished areas. Significantly more mature adults of the slow growing copper rockfish.
Maria Island, Tasmania	1991	7	By 1997, the number of different fish species in this coastal reserve was 29% greater than unprotected areas. The reserve had nine times as many large fish and significantly larger abalone.
Florida Keys National Marine Sanctuary	Network of MPAs created in 1997	23 areas in total, ranging from less than 0.8 to 30	After a lengthy process established the reserve network, the Sanctuary instituted a five-year monitoring program. Only two years into the program, researchers found higher abundances of many game fish inside the reserves. In particular, spiny lobsters responded well to the additional protection and were much larger inside the reserves.

## **The Marine Life Protection Act**

California is responsible for managing the waters out to three nautical miles from its shoreline, including the nearshore areas around any islands that are part of the State. In 1999, Governor Gray Davis signed into law the Marine Life Protection Act (AB 993, Shelley). This Act, also called the “MLPA” for short, is designed improve the protection of California’s coastal and ocean areas. It is the first law of its kind passed anywhere in the U.S.

The purpose of the MLPA is to create a network of marine protected areas that more effectively:

- Protect the natural diversity and abundance of marine life and the structure, function, and integrity of marine ecosystems;
- Help to sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted;
- Improve recreational, educational, and study opportunities and manages these uses in a manner consistent with protecting biodiversity;
- Protect representative and unique marine life habitats in California waters for their intrinsic value.<sup>2</sup>

Under the MLPA, a team of scientists (the “Master Plan Team”) is helping state agencies prepare a Master Plan for marine protected areas in California. This Plan will examine the status of marine protection on a regional and statewide scale, pointing out both gaps and duplications in the current system. Using the best available scientific evidence, the team will develop a Plan for marine protected areas, including marine reserves, that will include a representative variety of habitats and communities. The Plan will guide state agencies in siting and managing this MPA “network” to meet the goals described above.

### **The Master Plan team divides California into 4 different regions:**

#### **North**

California/Oregon border to Point Arena

#### **North Central**

Pt. Arena to Pt. Ano Nuevo, including the Farallon Islands

#### **South Central**

Pt. Ano Nuevo to Pt. Conception, including San Miguel, San Nicolas, and Santa Rosa Islands.

#### **South**

Pt. Conception to the California/Mexico border, including Santa Cruz, Anacapa, Santa Barbara, Santa Catalina, and San Clemente Islands.

*DID YOU KNOW? At the 2001 meeting of the American Association for the Advancement of Science, 161 preeminent scientists signed a consensus paper concluding that marine reserves result in long term increases in the abundance, diversity, and productivity of marine organisms, and that a national network of marine reserves will be necessary for long-term conservation of fisheries and biodiversity.*

In July of 2001, the Department of Fish and Game will hold workshops up and down the coast for citizens to review the science team's plan and offer suggestions. The public will also be asked to provide input on the socioeconomic and environmental impacts of the various individual MPAs and MPA alternatives, to help design ways to monitor and evaluate MPAs, and to identify methods to encourage greater public participation in protecting and managing MPAs.<sup>3</sup> A second round of public hearings may be held in September 2001 to provide further public input on the Master Plan.

Once the team hears public input, it will develop a preferred alternative among its options for a network of MPAs. The preferred alternative must include marine reserves that meet the following requirements:<sup>4</sup>

- Each reserve shall have identified goals and objectives. Individual reserves may serve varied primary purposes while collectively achieving the overall goals.
- Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.
- Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.
- Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided.

In addition, the MPA network and individual MPAs must be of adequate size, number, type of protection, and location to ensure that each MPA meets its objectives and that the network as a whole meets the goals and guidelines of the Act. After the initial public workshops are held, the draft Master Plan then will go through a process of public hearings and scientific peer review. On or before January 1, 2002 the draft plan will be submitted to the Fish and Game Commission. A final plan will be adopted by the Fish and Game Commission in July 2002, after the Commission holds no less than three additional public hearings.

### **The State Needs to Hear From You:**

The Ocean Conservancy and the Natural Resources Defense Council support the establishment of marine reserves and other MPAs to protect and conserve marine life. We strongly urge you—whether you fish commercially or recreationally, dive, kayak, or are simply concerned about California's marine life—to become involved in this process and make your voice heard. This program will only be effective if **all** stakeholders and interested parties work collaboratively to develop a Master Plan that will conserve and preserve California's marine life and the recreational, commercial, and intrinsic values that it sustains.

If you are out on the water, and you know places that need to be protected, then the State and the Master Plan Team need to hear your suggestions. MPAs need to include not only places that need protection to recover but also the beautiful treasures that still exist off our coast. The MLPA is your opportunity to protect your ocean and its wildlife. If you want to make sure California's oceans stay healthy and robust, the State needs to hear from you.

**July public hearing dates and locations**

Date	Location
Monday July 9	Sebastopol Teen Center 425 Morris Street Sebastopol, CA 95472
Tuesday July 10	Half Moon Bay High School Multi-Purpose Room Lewis Foster Drive Half Moon Bay, CA 94019
Monday July 16	Seaside Oldemeyer Center Multi-Purpose Room 986 Hilby Avenue Seaside, CA 93955
Tuesday July 17	Morro Bay Recreation and Parks Department, Veteran's Hall 209 Surf Street Morro Bay, CA 93442
Tuesday July 24	Veteran's Memorial Building Auditorium 112 Cabrillo Blvd. Santa Barbara, CA 93101
Wednesday July 25	Omni Los Angeles Hotel Bunker Hill Room 251 South Olive Street Los Angeles, CA 90012
Thursday July 26	Costa Mesa Community Center 1845 Park Avenue Costa Mesa, CA 92627
Friday July 27	Regency Plaza Hotel Circle Grand View Ballroom 1515 Hotel Circle South San Diego, CA 92108
Monday July 30	City of Fort Bragg Town Hall 363 N. Main St Fort Bragg, CA 95437
Tuesday July 31	Eureka Public Marina Wharfinger Building, Great Room 1 Marina Way Eureka, CA 95501

**To send a letter to the MLPA master plan team, contact:**

Paul Reilly, Department of Fish and Game, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940; fax (831) 649-2894; email: preilly@dfg.ca.gov

**For more information on the MLPA process, including preliminary maps of MPAs:**

Visit the Department of Fish and Game's Marine Life Protection Act webpage at:

<http://www.dfg.ca.gov/mrd/mlpa/>

**For more information about this booklet or the MLPA, Contact:**

Doug Obegi, The Ocean Conservancy; 580 Market Street, Suite 550, San Francisco, CA 94117; phone (415) 391-6204; fax (415) 956-7441

Kate Wing, Natural Resources Defense Council, 71 Stevenson Street, Suite 1825, San Francisco, CA 94117; phone (415) 777-0220; fax (415) 495-5996

*To sign up for the The Ocean Conservancy's email alerts on public hearings and other information related to the MLPA, please send an email to [mpa@cacmc.org](mailto:mpa@cacmc.org)*

**To learn more about what MPAs can do:**

Read the short report from NRDC, *Keeping Oceans Wild*, summarizing the science and policy of marine reserves:

<http://www.nrdc.org/water/oceans/mpa.asp>

The National Academy of Sciences recommended increasing the number of MPAs around the country in their report *Marine Protected Areas: Tools for Sustaining Ocean Ecosystems* at <http://www.nap.edu>

The Federal government's marine protected areas webpage is online at <http://www.mpa.gov>

Environmental Defense's site on marine reserves is:

<http://www.environmentaldefense.org/mpa>

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<sup>1</sup> Fish and Game Code §2852(c). You can find the Fish and Game code online at <http://www.leginfo.ca.gov/calaw.html>

<sup>2</sup> Fish and Game Code §2853(b)

<sup>3</sup> Fish and Game Code §2855(c)

<sup>4</sup> Fish and Game Code §2857(c)

<sup>5</sup> Fish and Game Code §2857(c)(2)