

COASTAL CONSERVANCY

Staff Recommendation
November 9, 2006

STATEWIDE MARINE PROTECTED AREA MONITORING PROGRAM

File No. 06-090
Project Manager: Marina Cazorla

RECOMMENDED ACTION: Authorization to disburse up to \$2,000,000 to the California Ocean Science Trust for the Statewide Marine Protected Area (MPA) Monitoring program, involving oversight and management of monitoring data for MPAs designated under the Marine Life Protection Act, analysis and distribution of monitoring data, and communication of results and findings to resource management agencies, the Legislature, stakeholders and the public.

LOCATION: Statewide, in state waters

PROGRAM CATEGORY: Integrated Coastal and Marine Resources Protection, Ocean Protection Council and Ocean Program

EXHIBITS

Exhibit 1: Concept Budget

Exhibit 2: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31220 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two million dollars (\$2,000,000) in Ocean Protection Council funds provided by the Resources Agency, for a grant to the Ocean Science Trust to develop and implement a three-year Statewide Marine Protected Area Monitoring program for marine protected areas designated under the Marine Life Protection Act as described in the accompanying staff recommendation, subject to the following conditions:

1. No funds shall be disbursed under this authorization unless and until the Ocean Protection Council finds the project to be of high priority for ocean conservation.

2. Prior to the disbursement of these funds, the Executive Officer shall review and approve a work program, schedule and budget and any contractors to be employed to carry out the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220) regarding integrated coastal and marine resource protection.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. California Ocean Science Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code and whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

Staff recommends that the Conservancy provide funds for the development and implementation of a three-year project launching a monitoring program for statewide marine protected areas (MPAs) to be designated under the Marine Life Protection Act. The proposed grant would provide \$2,000,000 to the Ocean Science Trust to perform these functions: oversight of the acquisition and management of monitoring data for MPAs designated under the Marine Life Protection Act, analysis and distribution of monitoring data, and communication of results and findings to resource management agencies, the Legislature, stakeholders and the public.

Background

The Marine Life Protection Act was passed by the California legislature in 1999 (Chapter 10.5 of the California Fish and Game Code, Sections 2850 to 2863) and required the California Department of Fish and Game (CDFG) to develop a plan for establishing a network of MPAs in California state waters to protect habitats and preserve ecosystem integrity, among other things.

In August 2004, the California Resources Agency, California Department of Fish and Game (CDFG), and the Resource Legacy Fund Foundation signed a Memorandum of Understanding launching the MLPA Initiative, which in turn established the MLPA Blue Ribbon Task Force, a Science Advisory Team, a statewide stakeholder interest group, and MLPA Initiative staff. Following an extensive public process, in April 2006 the MLPA Blue Ribbon Task Force formally transmitted a set of Central Coast MPA packages and a preferred alternative to the Fish and Game Commission. On August 15, 2006, the Fish and Game Commission made a final vote for a “preferred alternative” package of Central Coast MPAs.¹ These MPAs are expected to be implemented by CDFG in April 2007, pending completion of administrative law proceedings and environmental review. The draft MLPA Master Plan prepared by CDFG staff outlines a

¹ <http://www.dfg.ca.gov/mrd/mlpa/commissiondocs.html>

schedule for completing the MLPA process in all other regions of the state by 2011, which will necessitate the completion of approximately one MLPA “study region” per year.² Collection of baseline data is needed in each region where the MLPA process has just been completed, as well as long-term monitoring in each region where the MLPA process has been completed and new MPAs have been designated. Although CDFG staff has the primary responsibility for implementing the Marine Life Protection Act, the Department requested assistance with the establishment of a statewide MPA monitoring program.

Role and need for MPA monitoring

The MLPA requires adaptive management to ensure that a system of MPAs meets its stated goals [Section 2853 (c) (3)]. The MLPA defines adaptive management as “a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood” [Section 2852 (a)]. According the MLPA *Final Draft Adaptive Management and Monitoring and Evaluation Framework*, “adaptive management requires learning from current experience to improve the process of achieving the goals of the MLPA over time. Success requires: (a) Appropriately scaled, sustained institutional capacity to make legitimate choices; (b) Possession, broad communication, and use of relevant information; and, (c) Use of (a) and (b) to effect desired changes in policies, programs, and human behaviors intended to achieve the goals of the MLPA.” To meet these requirements, a well-designed monitoring, evaluation, and adaptive management program must be implemented in California. An initial step in such an effort is to obtain baseline data for the Central Coast study region, as proposed in the Central Coast Marine Protected Area Monitoring Project, which is also recommended for action by the Conservancy. The Statewide Project proposed in this recommendation would provide the larger institutional and methodological framework for developing and reporting monitoring data (baseline and longer-term) in a systematic and scientifically valid fashion, in the Central Coast and in other regions, as MPAs are designated.

Project Description

The primary functions of the MPA monitoring program are: (1) science, including developing monitoring strategies and analyzing data; (2) IT and data management; and (3) communication and dissemination of information. In cooperation with CDFG staff, the science component of the program includes developing conceptual models, plans, and measures for monitoring managed ecosystems, developing externally reviewed protocols and QA/QC approaches, collecting and managing data, and completing periodic analyses, syntheses, and interpretations of data to service resources managers, policymakers, and the public. The IT and data management component of the program includes designing and implementing a data management and information management and integration system, and developing tools to search and access information. The communication and dissemination component of the program provides structured processes for public comment on data gathering and monitoring activities, enables public and expert access to data, develops reports and information syntheses for policy and decision makers, and generally disseminates information.

² <http://www.dfg.ca.gov/mrd/mlpa/masterplan.html>

It is anticipated that the majority of the grant funds would be used for hiring of personnel, including a program leader, and perhaps contractors with technical expertise, but funds may also be used for capital and other expenses related to information management and communications. See Exhibit 1 for a concept budget for a three-year period. The specific scope of work for the grant will be finalized through joint discussions between the new OST Executive Director, OPC and Conservancy staff, and CDFG staff.

Grantee Description

In 2000 Governor Davis signed into law the California Ocean Resources Stewardship Act (CORSA) which allows the Secretary for Resources Agency to form the California Ocean Trust, now called the California Ocean Science Trust (OST). The mission of the OST is to operate as a non-profit organization to fund marine and coastal research in California and to encourage coordinated, multi-agency, multi-institution approaches to ocean science. OST is able to combine public resources with those from the private sector and nonprofit organizations in order to promote new coastal and ocean research, education, and management approaches in California.

OST's authorizing legislation identifies ten members of the trust, forming a board of trustees appointed by the Secretary of the California Resources Agency, Secretary of the California Environmental Protection Agency (one seat), and the Director of Finance (one seat). In addition to one representative of the Resources Agency and its constituent departments, the Secretary for Resources also appoints three trustees from a list of ocean resource management/science candidates jointly submitted by Chancellor of the California State University and President of the University of California; two trustees nominated by ocean and coastal interest groups; and two representatives of the general public with experience as trustees or directors of for-profit or nonprofit corporations.

PROJECT FINANCING

Funding Sources:

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|---|--------------------|
| Coastal Conservancy | \$2,000,000 |
| (Resources Agency funds for Ocean Protection Council) | |
| Total Project Cost | \$2,000,000 |

Staff anticipates that this project will be funded by Tidelands Oil funds appropriated to the Secretary of Resources in FY 04/05 for projects authorized pursuant to the Ocean Protection Act. The Resources Agency has entered into an interagency agreement with the Coastal Conservancy to administer these funds on behalf of the Ocean Protection Council and recommend projects for funding. These funds are to be expended by the Conservancy in concert with the Ocean Protection Council for programs and projects that the Ocean Protection Council finds to be of high priority. The Ocean Protection Council will meet on November 28, 2006 to consider this project and is expected to determine that it is of high priority.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 5.5 (Section 31220) of Division 21 of the Public Resources Code, which allows the Conservancy to carry out projects that protect and/or restore marine habitat and promote integrated coastal and marine resources protection. Under Section 31220 of the Public Resources Code, the Conservancy may undertake projects that meet any of the objectives specified in subsection (b) of that section. Consistent with Section 31220(b), subsection 5, the proposed project will provide for monitoring of marine protected areas in order to facilitate the protection and enhancement of resources within the coastal zone. In addition, the proposed project is consistent with 31220(b), subsection 10, since it will promote sustainable management through improved knowledge about the location and nature of the state marine resources, a major objective of the California Ocean Protection Act.

The Department of Fish and Game has been consulted with regard to this project, as required by Section 31220(b)(5). As also required by Section 31220(c), the project includes a monitoring and evaluation component and is consistent with adopted state and regional watershed planning as described below under "Consistency with Local Watershed Management Plan/State Water Quality Control Plan." Finally, as required by Section 31220(a), Conservancy staff has consulted with the State Water Resources Control Board in the development of this project in order to ensure consistency with the Clean Beaches Program under Chapter 3 of Division 20.4 of the Public Resources Code.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/STATE WATER QUALITY CONTROL PLAN:

The purpose of local coastal watershed management plans is to prevent water quality degradation and to protect the beneficial uses of coastal waters. Water quality control plans adopted by the State Water Resources Control Board are designed to focus resources on key issues, promote the use of sound science, and promulgate cooperative, collaborative efforts in coastal areas to protect and enhance coastal waters. As a scientific monitoring project that includes coastal waters of California, the proposed project will promote the sustainable use of coastal resources and protection of marine habitat. For the same reasons, the proposed project is also consistent with the policies of the 2001 California Ocean Plan that states "the beneficial uses of the ocean waters of the State that shall be protected include...water contact and non-contact recreation; aesthetic enjoyment; commercial and sport fishing; ...preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; (and) fish migration."

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 6**, the proposed project will benefit coastal marine resources through the monitoring of marine protected areas, which will promote sustainable use and management of coastal and marine resources.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The proposed project is supported by the Ocean Conservancy and the Natural Resources Defense Council. Letters of support are located in Exhibit 2.
4. **Location:** Statewide.
5. **Need:** The proposed work is needed to fulfill the requirements of the Marine Life Protection Act, and the Department of Fish and Game does not currently have the resources to fund all components of an integrated monitoring program.
6. **Greater-than-local interest:** The citizens of California throughout the state will benefit from this project through informed, sustainable management of coastal and marine resources that will result from the monitoring of newly established marine protected areas.

Additional Criteria

Resolution of more than one issue: Marine protected areas monitoring will improve management of marine protected areas, benefit scientific understanding of fish populations, and inform other fisheries management efforts.

Readiness: California Ocean Science Trust is ready to commence hiring of staff immediately upon approval of the proposed project.

Innovation: The proposed project will promote use of advanced scientific monitoring techniques.

Cooperation: The proposed project will involve the cooperation of state agencies, academic institutions, and researchers.

COMPLIANCE WITH CEQA:

The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to 14 Cal. Code of Regulations, Section 15306 (data collection, research and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource). The proposed project will not result in disturbance to the marine environment or its wildlife. Staff will file a Notice of Exemption upon approval.