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Humboldt Baykeeper

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Santa Barbara Channelkeeper

Santa Monica Baykeeper

Ventura Coastkeeper

May 27, 2011

MPA Monitoring Enterprise
California Ocean Science Trust
1330 Broadway, Suite 1135
Oakland, California 94612

Via Email: mpamonitoring@calost.org

RE: Comments on the Draft South Coast MPA Monitoring Plan

Dear Monitoring Enterprise Staff Members:

Thank you for the opportunity to submit comments on the April 2011 Draft South Coast Marine Protected Area Monitoring Plan (Monitoring Plan).¹ The California Coastkeeper Alliance (Alliance) and its 12 member Waterkeeper groups work daily to protect and enhance healthy coastal and marine habitats throughout the state, for the benefit of Californians and California ecosystems.

California Waterkeepers are dedicated to the implementation of the Marine Life Protection Act through science-based advocacy, on-the-water patrols, habitat restoration and monitoring. San Diego Coastkeeper, Orange County Coastkeeper, Santa Monica Baykeeper, Ventura County Coastkeeper and Santa Barbara Channelkeeper work to protect marine ecosystems in the South Coast Study Region. Our Monterey Coastkeeper's "MPA Watch" citizen enforcement program and Santa Monica Baykeeper's participation in aerial Lighthawk surveys of the Southern California coast are just a few examples of Waterkeeper work to establish a comprehensive monitoring framework. The Alliance strongly supports the work of the California Department of Fish and Game (DFG) and California Ocean Science Trust Marine Monitoring Enterprise (Enterprise) to monitor and implement marine protected areas (MPAs).

On behalf of the Alliance, I offer the following comments and edits aimed at ensuring that the Monitoring Plan:

- **equally distributes monitoring resources among the six Marine Life Protection Act goals;**
- **includes a compliance monitoring section that identifies key compliance and enforcement metrics and recognizes partnerships with citizen groups; and**
- **facilitates the creation of sampling frameworks that are tailored to individual ecosystem features.**

¹ *South Coast MPA Monitoring Plan*. MPA Monitoring Enterprise, California Ocean Science Trust, Oakland, California, USA. October 2010. ("South Coast MPA Monitoring Plan")

1. The Monitoring Plan should equally distribute monitoring resources among the six Marine Life Protection Act goals.

The Marine Life Protection Act requires “...monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the [MPA] system meets the goals stated in this chapter.”² The Monitoring Plan correctly concludes that the “broad scope of the MLPA goals leads to an *ecosystem-based focus* to MPA monitoring, which allows assessment of effectiveness of the MPAs in protecting populations, species, habitats, and ecosystems and explicitly includes humans.”³ The current draft of the Monitoring Plan focuses a significant amount of resources on evaluating MPA impacts to consumptive uses when the purpose of the MLPA is to do the opposite: evaluate and reduce consumptive use impacts to MPAs. A disproportionate focus on MPA impacts to consumptive uses, or to any one aspect of the MLPA, or on any of one group of stakeholders, necessarily takes resources away from assessing the primarily ecosystem-based dimensions of MPA efficacy.⁴

The Ecosystem Questions and Features that inform the evaluation of MPA design and management decisions should be aimed at soliciting information that will address the core ecological, recreational, and educational objectives of the MLPA. The majority of evaluation questions in the Monitoring Plan do address these issues. However, the very first evaluation question: “What are the economic effects (e.g. fuel costs, time spent at sea) of MPA placement, specifically distance from ports and location to relative fishing grounds, and what are the implications for siting MPAs to minimize adverse impacts?”⁵ is a complex, unwieldy query that is outside the scope of issues that can be addressed through the Monitoring Plan.

The economic impact of MPA placement is a socioeconomic contextual issue that may be addressed through outside research and considered by the Monitoring Enterprise.⁶ However, trying to measure the economic impacts of MPAs would take valuable resources away from answering questions that have a nexus to the monitoring framework and are specifically relevant to MPA design and the ecological, recreational, and educational goals of the MLPA.

Similarly, the framework in Chapter 9 that prioritizes monitoring for each of the ten Ecosystem Features, ranks *consumptive uses* as a top monitoring priority along with kelp and shallow rock. Perhaps these features were prioritized based on their anticipated rapid and direct response to MPA implementation. However, this does not justify the prioritization of consumptive use monitoring above almost all of the other Ecosystem Features in the framework. We respectfully request that the Enterprise reconsider the high prioritization afforded to consumptive use monitoring.

² California Marine Life Protection Act, Statutes 1999, Chapter 1015, Fish and Game Code section 2853(c)(3). See also sections 2852(a), and 2856(a)(2)(H) (“Marine Life Protection Act”).

³ See South Coast MPA Monitoring Plan, Executive Summary, (emphasis added).

⁴ Marine Life Protection Act, Section 2853(b)(1). Redesign of MPA System: Goals and Elements, available at http://www.dfg.ca.gov/mlpa/pdfs/mlpa_language.pdf. (“(1) To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems. (2) To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted. (3) To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity. (4) To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value. (5) To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines. (6) To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.”)

⁵ South Coast MPA Monitoring Plan, Chapter 5 at p. 56.

⁶ Marine Life Protection Act Inclusion of socioeconomic monitoring of consumptive and non-consumptive human uses inside and outside MPAs was identified as a regional objective (Goal 3, Objective 1).

In the example spending plans in Chapter 9,⁷ there is a significant budget allocation in the \$2 million budget scenario for consumptive use monitoring. The budget allocation for consumptive use monitoring ranges from 24 to 51 percent of the entire annual budget for Years 1, 2 and 4. This level of funding for consumptive use monitoring is problematic, even in a hypothetical budget scenario. Allocating such a significant portion of the annual monitoring budget to examine consumptive uses undermines a balanced distribution of monitoring resources and is at odds with the intended “ecosystem-based focus [of] MPA monitoring”. The Monitoring Plan should be revised to include a \$2 million sample spending plan that reflects a more appropriate allocation of resources towards measuring ecological conditions and trends as a result of MPA implementation.

2. The Monitoring Plan should include a compliance monitoring section that identifies key compliance and enforcement metrics and recognizes partnerships with citizen groups.

The enforcement of marine protected areas is recognized by MLPA Goal 5: “Ensure California’s MPAs have clearly defined objectives, effective management measures and adequate enforcement and are based on sound scientific guidelines.”⁸ Illegal take can undermine the efficacy of efforts to manage and monitor MPAs, and ultimately, can undermine the efficacy of marine protected areas.⁹ As recognized in the preface to the Monitoring Plan, “information about MPA compliance will be essential for correctly interpreting monitoring results.”¹⁰

Without compliance monitoring, management actions cannot be accurately evaluated, thus undermining the intended adaptive management framework of MPA monitoring. Failure to monitor compliance could result in skewed monitoring data and evaluations. For example, if poaching occurs in certain areas, or of certain species, or is widespread throughout MPAs, it would undermine our ability to determine whether designated MPAs are working.¹¹ The Monitoring Plan states that “information on MPA compliance will be used during analysis and interpretation of monitoring results.”¹² Despite this, there is very little information in the Monitoring Plan about what sort of compliance data will be collected or how it will be analyzed and incorporated into the adaptive management framework.

The Monitoring Plan contains only a cursory reference to compliance monitoring, stating “MPA enforcement and compliance monitoring is the responsibility of the Department of Fish and Game (DFG) and will be conducted by the Department and its potential partners.” Two evaluation questions are aimed at determining compliance: “Does locating an MPA close to a boat ramp or other access point affect the level of enforcement and/or compliance with MPA regulations?”¹³ and “Does the level of compliance differ between SMRs and SMCAs?”¹⁴ The Plan must clearly delineate how it will collect data to answer these questions, and identify potential and existing partner organizations that can help collect relevant data and information to answer these questions.

⁷ See South Coast MPA Monitoring Plan, Chapter 9 at pp. 83-88.

⁸ Marine Life Protection Act. Section 2853(b)(1)(5).

⁹ South Coast MPA Monitoring Plan, Chapter 3 at p. 25.

¹⁰ South Coast MPA Monitoring Plan at p. xii. South Coast MPA Monitoring Plan, Chapter 3 at p. 25.

¹¹ South Coast MPA Monitoring Plan, Chapter 3 at p. 25. (“analysis and interpretation of MPA monitoring results will also consider MPA regulations and available information on MPA compliance. Because illegal take of marine organisms can influence the rates and magnitudes of population increases, information about types and levels of non-compliance will be incorporated into interpretation of documented trends.”)

¹² South Coast MPA Monitoring Plan, Chapter 2 at p. 8.

¹³ South Coast MPA Monitoring Plan, Chapter 5 at p. 57.

¹⁴ South Coast MPA Monitoring Plan, Chapter 5 at p. 66.

Specific Monitoring Plan references to and guidelines for compliance and enforcement data are essential to facilitating overall MPA implementation. The Monitoring Plan recognizes that developing effective monitoring partnerships requires detailed partnerships agreements, information standards and formats, monitoring methods and analysis and training;¹⁵ this stated goal must be achieved through more detailed compliance monitoring plan guidance in the Plan itself, including compliance monitoring components that encompass Ecosystem Features for both consumptive and non-consumptive uses.

Due to limited state resources, enforcement and compliance monitoring will benefit from partnerships with citizen groups and other agencies. Non-governmental organizations are important partners in collecting compliance data. For example, in order to supplement limited DFG patrol resources, Santa Monica Baykeeper, Santa Monica Bay Restoration Commission, and Lighthawk have partnered to conduct aerial surveys to create a baseline data set before MPAs are implemented. Lighthawk organizes volunteer pilots to work with Baykeeper and Commission staff to fly directly over boats and collect GIS information on boat types, activities, and exact locations of all marine vessels in state waters.¹⁶ After the MPAs take effect in Southern California, these flights can determine compliance with MPAs and detect poaching. Data from these and other compliance surveys must be collected and considered with other monitoring data.

Compliance information is critical in the interpretation of biological and ecological MPA performance questions. We respectfully request that the Enterprise add a compliance section to the Monitoring Plan that makes the best use of potential DFG partners by clearly delineating what sort of compliance data would supplement monitoring, create a timeline and method to collect data from citizen groups, and establish a process outlining quality assurance and quality control procedures that ensure data utility.

Additionally, the Monitoring Plan should include additional, more general compliance evaluation questions such as “What are the rates of compliance and non-compliance in the South Coast MPAs?” and “Are there non-compliance hot spots in the South Coast region, if so, where are these locations?”

3. The Monitoring Plan sampling frameworks should be tailored to individual ecosystem features.

The Monitoring Plan specifies that the spatial sampling assumption for estimating costs for each monitoring method is based on monitoring ten MPAs and ten reference locations. We recognize the need to establish a clear, simple sampling regime. However, as recognized in the Monitoring Plan, “some Ecosystem Features are expected to be more challenging within which to detect and interpret changes that may occur following MPA designation.”¹⁷ For example, the variation of kelp and shallow rock habitats will be more significant across the region than that of beaches or soft bottom habitats. It is critical that variable features, such as rocky reefs, have a more flexible, complex sampling regime.

The spatial extent and number of sample sites for monitoring should reflect these differences, with more effort and budget allocation put towards monitoring additional sites for Ecosystem Features such as kelp and shallow rock. Accordingly, we request that the location and number of sampling sites for monitoring be tailored to individual Ecosystem Features, with more sampling sites designated for those features that are expected to be more varied.

¹⁵ See South Coast MPA Monitoring Plan, Chapter 7 at pp. 78-80.

¹⁶ See Santa Monica Baykeeper Website (www.smbaykeeper.org/lighthawk).

¹⁷ South Coast MPA Monitoring Plan, Chapter 3at p. 21.

The variability of ecosystems should also be recognized in the evaluation questions. For example, evaluation questions that address variability should be added: *e.g. How variable are rocky reefs in the South Coast Region?*

In addition to the above primary points, we submit the following additional comments:

- We support the recognition in the Monitoring Plan that “monitoring data used to generate monitoring results and findings should be made available, consistent with a transparent approach to monitoring reporting and analysis.”¹⁸
- We support the selection of expert panel members that can generate unbiased, credible, and scientifically valid results.
- Conversely, the aggregation of data or allowing data collected through MPA monitoring that contains “sensitive or confidential information” to be submitted anonymously should be kept to a minimum.
- Finally, we note that Santa Barbara Channelkeeper was erroneously left off the “List of Organizations with a Focus on Coastal and Marine Ecosystems in the Marine Life Protection Act South Coast Study Region” in Appendix C-7. We respectfully request that Santa Barbara Channelkeeper be added to this List.

Thank for you the opportunity to provide comments of the South Coast MPA Monitoring Plan. The Alliance looks forward to continuing to work with you to develop a comprehensive monitoring framework for the South Coast MPA network.

Sincerely,



Sara Aminzadeh, Programs Manager

¹⁸ *South Coast MPA Monitoring Plan*, Chapter 6 at p. 68.