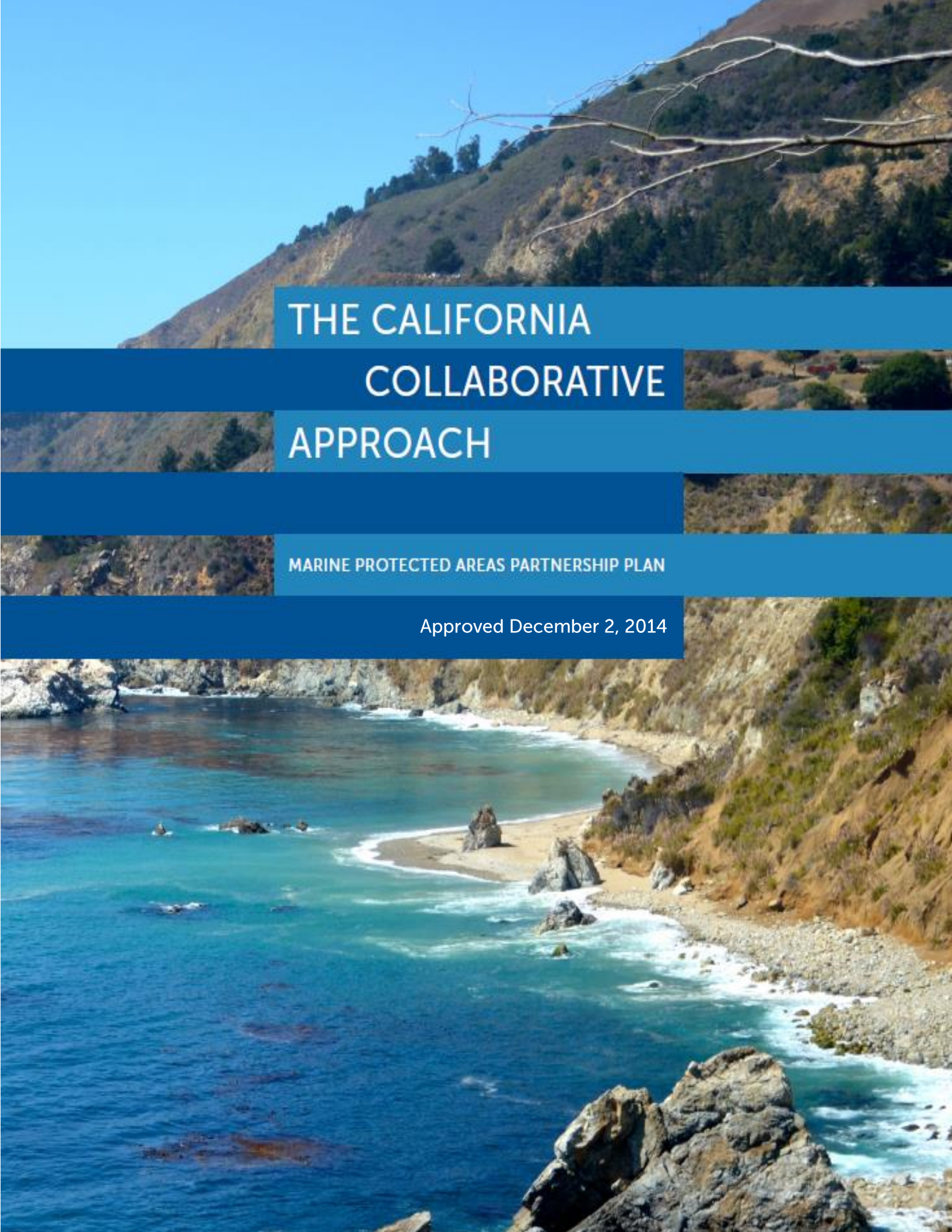
# THE CALIFORNIA COLLABORATIVE APPROACH

## MARINE PROTECTED AREAS PARTNERSHIP PLAN

Approved December 2, 2014



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## Section 1. A Shared Vision for California's Marine Protected Areas

California is committed to healthy ocean ecosystems and sustainable resource management. It has demonstrated this commitment in broad, forward-looking legislation and policy directives. California has played a long-standing leadership role in ocean and coastal conservation and management, embodied through legislation such as the California Ocean Protection Act passed in 2011 as well as its support for the creation of four national marine sanctuaries and a number of coastal state parks. These past efforts have been instrumental in shaping the foundation of its current policy commitments.

Among the legislation that specifically values the integrity of ecosystems and sustaining marine life, including that of commercial relevance, is the Marine Life Protection Act (MLPA) of 1999.[1] The MLPA required California to designate a network of marine protected areas (MPAs), resulting in the establishment of 124 MPAs with varying levels of protection that make up 16% of its State waters.[2] Undertaking the designation of this network involved a public-private partnership, the Secretary of Natural Resources Agency-appointed Blue Ribbon Task Force (BRTF), an independent Science Advisory Team, and iterative stakeholder engagements.

Building on the momentum from the public design and designation phase, California is now turning its attention to the management of the MPA network (*see Box 1*)—that is, identifying an interagency, public- and science-informed management and governance structure that provides for the best, most cost-effective, and fairest approach to understanding the efficacy of the network. Building on previous partnerships and under the leadership of the California Ocean Protection Council (OPC), California's MPA Statewide Leadership Team—consisting of OPC, California Department of Fish and Wildlife (CDFW), California Fish and Game Commission (FGC), California Natural Resources Agency (CNRA), California Ocean Science Trust (OST), and California Department of Parks and Recreation (State Parks)—has agreed on a partnership-based model, the *California Collaborative Approach*. This approach takes advantage of overlapping government mandates, public interest, and science to provide support and create opportunities for the governance of this new network of MPAs across geographic and political mandates.

Box 1. Definition of MPA Management

*The oversight and process of implementing the legal mandate, management planning, on-the-ground operations (including surveillance and enforcement, monitoring and evaluation, and outreach and education), social capital building, and long-term sustainable financing of a single MPA or network. The prosecution of serious MPA violations is a key element in effective enforcement, compliance, and deterrence.*

OPC and its partners envision successful implementation of this bold new approach to create an MPA network with oversight and management that is durable, collaborative, and founded on a strong legal mandate. This would include active governance, on-the-ground operations (including enforcement, monitoring and evaluation, and outreach and education), long-term sustainable financing, and an informed constituency that supports and understands the ecological and economic value of the MPA Network. The first step in realizing this goal is this document, the *California Collaborative Approach: Marine Protected Areas Partnership Plan* (the Partnership Plan), which provides a framework for the collaborative management of the newly designated network of California MPAs. The MPA Statewide Leadership Team understands that effective management of the MPA network will incorporate a broad suite of partners beyond those just identified. The Partnership Plan acknowledges and was inspired by the efforts of local, state, and federal

agencies as well as by California tribes and tribal governments, academics, nongovernmental organizations (NGOs), citizen scientists, and other entities involved in MPA implementation and stewardship activities over the last several years.

This framework was written to be incorporated into the State's *Master Plan for Marine Protected Areas* (the Master Plan), which was mandated by the MLPA and goes through an approval process with FGC. The Partnership Plan will guide interactions across jurisdictions, sectors, and scales. This will allow the State to leverage the extensive resources already being brought to bear on the conservation and protection of these special areas, which will help create sustainable and resilient marine ecosystems. Healthy and thriving coastal ecosystems will benefit not only California's coastal and ocean resources and the industries that rely on them, but potentially the entire West Coast. Oceans face increasing stressors. Impacts related to climate change, such as ocean acidification and sea level rise, and other recognized threats including pollution (such as marine debris), habitat destruction, overfishing, and invasive species emphasize the importance of MPAs and their ability to potentially provide a buffer against threats.[3] The MPA network is one of California's key tools to manage ocean health.

This document captures the progressive thinking and design of an innovative governance and management approach for MPAs. The Partnership Plan provides guidance for multiple audiences, both with and without jurisdictional authority, on how to participate in and support MPA management. These audiences include state, federal, and local governments; California tribes and tribal governments; NGOs; academic/research institutions; fishermen; non-consumptive recreational users; and the private sector—representing partners that have already been actively contributing and those who will join the effort in the future. The State is committed to evaluating the effectiveness of this new approach for the MPA network to improve governance and management.[i] Thus, elements of this document may change as the California Collaborative approach advances over time and as partnerships and collaborations around MPA management strengthen and improve, while new approaches are considered in the context of future updates to the State's larger *Master Plan for Marine Protected Areas*.

The development of this document was itself a collaborative and interagency effort. The MPA Statewide Leadership Team, chaired by OPC and consisting of staff from CDFW, FGC, CNRA, and OST, collaboratively created this document. As representatives of their respective organizations, members of the MPA Statewide Leadership Team were deeply committed to identifying a pathway for MPA management that respected the individual mandates of agencies while serving the broadest interests. The MPA Statewide Leadership Team worked diligently and collaboratively to frame this document to provide clear guidance to all involved in the management of the network of MPAs.

## Section 2. The California Marine Protected Area Network

Californians from multiple sectors and constituencies participated in the successful effort to establish the network of MPAs. This designation process was designed to incorporate feedback from all Californians with an interest in our ocean's future, as well as to learn from knowledgeable scientists. The California Collaborative approach outlined in this

[i] Governance in the context of the MLPA is the exercise of authority to ensure that the design, implementation, and adaptive management of California's MPA network meets the goals of the MLPA. It guides management activities through adoption of mission, vision, values, policies, and regulations. Governing is unique in three ways: it is the extreme end of the accountability chain; it is carried out by a group of individuals who must act as a single entity, melding multiple viewpoints and values into a single resolution; and those responsible for governance act in a moral and legal sense as agents for stakeholders and marine natural resources.

document builds on this effort and the efforts of many groups and individuals since designation. All future MPA activities are linked directly back to the monumental effort expended by those who participated in the designation process.

## Section 2.1 A Global Leader in Marine Ecosystem Protection

The United Nations Convention of Biological Diversity's 2011–2020 Strategic Plan Aichi Biodiversity Targets calls for all countries to set aside "10 percent of their coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, . . . conserved through effectively and equitably managed, ecologically representative, well-connected systems of protected areas, and other effective area-based conservation measures, integrated into the wider landscapes and seascapes by 2020."[4] California has exceeded this target with the establishment of MPAs. The MLPA signed into law by the Governor in 1999 directed CDFW, as a public trustee of California's fish and wildlife, to redesign California's system of MPAs into a robust network to "increase its coherence and its effectiveness at protecting the State's marine life, habitat, and ecosystems."[5] The MLPA establishes six goals:[ii]

1. Protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems.
2. Help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
3. Improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and manage these uses in a manner consistent with protecting biodiversity.
4. Protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic values.
5. Ensure California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
6. Ensure the State's MPAs are designed and managed, to the extent possible, as a network.[6]

The MLPA directed CDFW to develop, and FGC to review and adopt, a master plan for the Marine Life Protection Program, later titled the *Master Plan for Marine Protected Areas* , that would guide the adoption and management of the MLPA process as well as decisions regarding the siting of new MPAs and major modifications of existing MPAs to advance the MLPA goals listed above.[7,8] In 2015, the Master Plan will be amended to reflect the shift in focus from planning to implementation and management, since designation of the coastal MPA network has been completed. The 2015 Master Plan is a guidance document that describes how CDFW manages the MLPA program and may be modified based on the adaptive management of California's MPAs. The 2015 Master Plan will refer to and highlight other key MPA and marine management documents that support and align priorities and resources.[iii]

## Section 2.2 A Network-Wide Call to Action

Now that designation of the MPAs is complete, efforts are focused on making interagency management effective and durable. Starting in early 2013, OPC—as the policy lead for the network of MPAs—initiated a more network-focused approach to coordination and collaboration for MPA management. This approach includes the interagency MPA

[ii] These goals complement and reinforce those of the Marine Life Management Act (MLMA) to conserve entire ecosystems and habitats and is further expressed in the Fish and Game Code language stating "conserve the health and diversity of marine ecosystems and marine living resources." [Fish and Game Code, § 7050(b)(1)].
[iii] Please refer to the 2015 Master Plan for specifics on implementation and management of the MPA network, once finalized.

Statewide Leadership Team. This group has developed, and will continue to develop, an integrated internal work plan that includes milestones for achieving long-term management goals.

Goal 5 of the MLPA requires that MPAs have "clearly defined objectives." Thus, a set of objectives was established for each of the four coastal regions and every MPA during designation. Four network-wide objectives created by the MPA Statewide Leadership Team span the entire network, link to the six MLPA goals, and complement the regional objectives. The agencies and their partners in the Partnership Plan will work toward these four network-wide objectives as we seek to achieve the MLPA goals through direct and supportive management efforts. The network-wide objectives are:

- ***Governance and management process is effective and adaptive.***
- ***Objective, reliable, and timely scientific information and enforcement data are used in management decisions for stewardship of the statewide network.***
- ***Compliance with the regulations and participation in management and stewardship of the statewide MPA network is high due to effective surveillance and enforcement, education, and broad awareness of the MPAs across sectors and by all key stakeholder groups.***
- ***State MPA network is effectively financed and sustainable over the long-term.***

California is poised to meet these network objectives and work toward the goals of the MLPA by drawing on the vast capacity, available resources, knowledge, and interest of state, federal, tribal, and local governments as well as California tribes, NGOs, academics, fishermen, non-consumptive recreational users, and private sector partners.

## Section 2.3 Guiding Principles of the California Collaborative Approach

Three principles guide and permeate all management tasks and activities carried out by partners of the California Collaborative approach. These guiding principles were developed by the MPA Statewide Leadership Team:

- ***Leveraging Resources:*** Agencies and other partners will seek opportunities to streamline efforts and leverage human and financial resources to advance management, monitoring, and education in the most cost-effective manner for the State.
- ***Ensuring Transparency:*** Management agencies and other partners will be forthcoming, honest, and open in communications about actions related to MPA network management.
- ***Engaging in Partnerships:*** Agencies and other partners understand the importance and value that exist from communicating and working together and will strive to support one another through active communication and partnership to achieve effective MPA network management, with a focus on enhancing implementation and achieving regional and overarching MPA objectives.

## Section 2.4 Building Momentum: Marine Protected Area Management

To date most resources and energy have been focused on the time-intensive design process and regulatory designation phases. However, the MPA Statewide Leadership Team, with support of many partners, has worked diligently to ensure that critical management activities, such as enforcement, outreach, and monitoring, are in place and executed within each MLPA region. For example, CDFW has worked on regulatory cleanup, outreach, and enforcement to enhance compliance and has worked alongside OST to advance MPA monitoring. Baseline monitoring programs, designed to serve as a condition benchmark as the MPAs are established in each region, are under way in the North Coast,

North Central Coast, and South Coast regions. The Central Coast region, the first one to designate MPAs under the MLPA, completed its baseline characterization in 2012, providing decision-makers a benchmark with which to gauge the effects of MPAs regionally. Ongoing monitoring in the Central Coast region is moving forward in 2014.

There has been active engagement and communication across agencies and key partners. In 2010, agencies and NGOs engaged in MPA management signed a memorandum of understanding (MOU) to declare their commitment to the effective and collaborative management of the MPA network. This MOU sets a collaborative tone that encourages additional partnerships across agencies, sectors, and scale.[iv] As further proof of the active interest in collaboration, CDFW and OST released a summary report in 2013 to share baseline results from the Central Coast region. In partnership, FGC and OPC hosted the State of California's Central Coast Symposium to reflect on the first five years of MPA monitoring and management and to share the vision of a collaborative path forward.[9] There are numerous examples of partnerships for MPA management that are well under way across multiple scales—too many to include within this guiding document, but all critical to achieving our MPA goals and objectives.

## Section 3. A Path to Success: Managing the Marine Protected Area Network Across the State

The State believes in the need to incorporate both state policy and regulation (top-down) and local community (bottom-up) approaches in MPA management, in order to link the direction and thinking by State agencies with local-level interest, energy, and knowledge and to create effective decision-making for our network of MPAs. Subsequently, the MLPA reinforced a more top-down/bottom-up approach to MPA management and the importance of linking the state scale to regional sub-networks and local MPA sites (*see Figure 1*). The Community Collaboratives described in this Partnership Plan are a manifestation of the bottom-up component. The State sees an opportunity to engage, support, and learn from the efforts of the unique and regionally diverse stakeholders of the Community Collaboratives, building on and amplifying the existing energy and momentum at the local scale.

Box 2. Defining Community

*An "MPA Community" includes all agencies, organizations, associations, and institutions that communicate regularly about the MPAs in a particular sub-region. Generally, a local MPA community is based on county lines, although it can be associated with an island or encompass multiple counties.*

### Section 3.1 Community Collaboratives: A Platform for Partnership

From world-renowned scientists to its energized local governments and citizenry, California has a significant pool of resources to draw from and leverage to support ongoing management of the MPA network. OPC and its partners are working to establish a network of local platforms for engaging in MPA management called Community Collaboratives. The statewide Community Collaborative network is a bold new initiative that offers interested local partners an opportunity to engage with and have an active voice in MPA network management.

[iv] Recognizing the evolution of thinking and the approach to MPA management since the signing of the 2010 MOU for implementation, MOU signatories will be revising and updating the MOU in 2014-2015.

Figure 1. Representation of the California Collaborative Top-Down/Bottom-up Approach

Case studies worldwide recognize the value of a community-centric approach coupled with robust network-scale legal MPA management. This is a localized, comprehensive approach bringing together the unique set of players within each MPA community (*see Box 2*). The Community Collaboratives will bring local, tribal, and national government representatives together with experts in various disciplines and State agency staff operating at a regional or sub-regional level (e.g., CDFW wildlife officers or State Park superintendents) to coordinate around the following areas: education and outreach, enforcement and compliance, and research and monitoring.[10] Participants can include, but are not limited to, agencies with jurisdictional authority on or bordering MPAs, NGOs with outreach activities, aquaria with information dissemination hubs, California tribes and tribal governments with stewardship efforts and traditional knowledge, academia/research and private sector institutions with research and monitoring projects, fishing and coastal business associations, and non-consumptive recreational users. Community Collaboratives will meet regularly based on the needs of their distinct participants. They provide a unique opportunity to engage and partner across sectors, but also to meet the diverse needs and interests in communities and regions effectively.

The roles, responsibilities, and opportunities of local actors will vary regionally, and community needs are organically reflected when the agency or organization assigns individuals to participate in the Community Collaborative approach (*see Section 4 for more information on roles and responsibilities of partners*).

It is anticipated that over time each Community Collaborative could evolve as a body and in certain instances possibly into more-formal organizations, such as a 501(c)(3). As the Community Collaboratives continue to develop, there may be a need to strengthen governance and organizational management structures as well as create effective mechanisms to receive and/or allocate funding for MPA supporting activities.

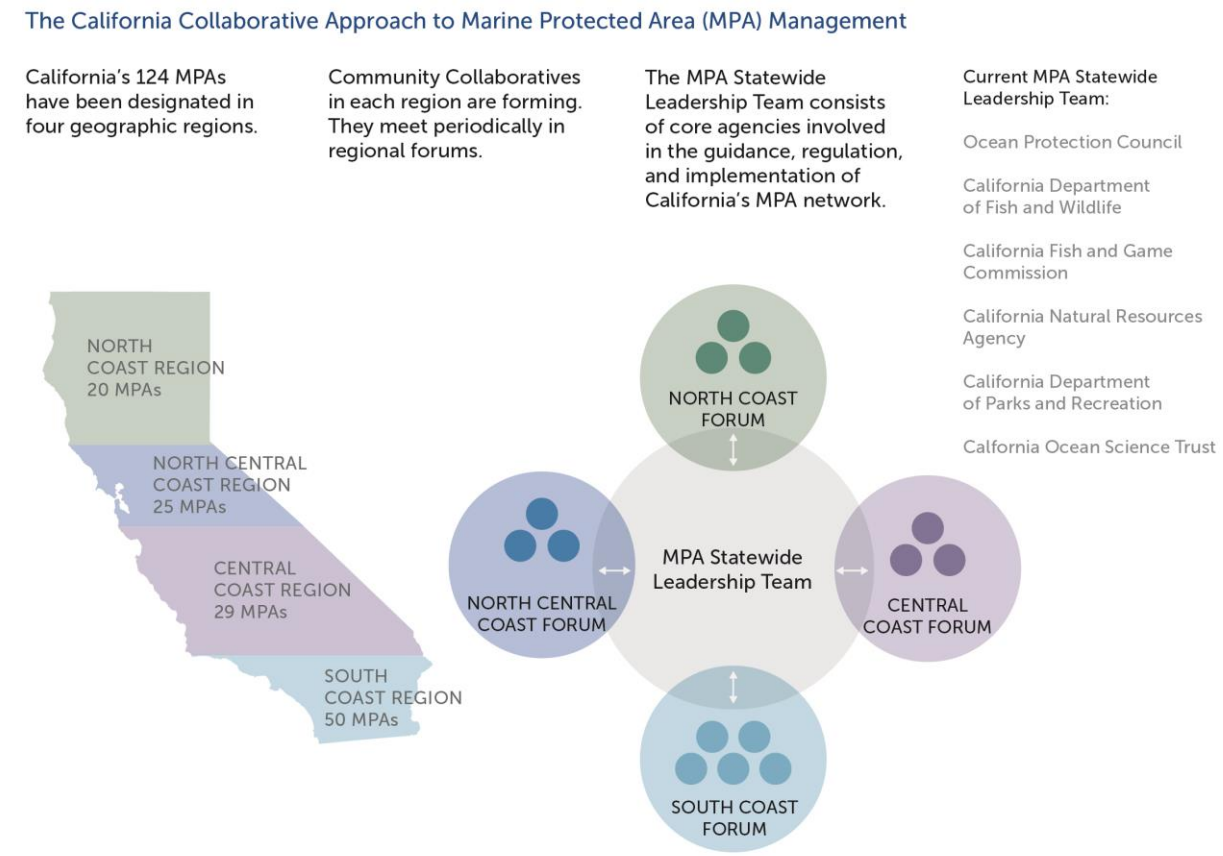
## Section 3.2 A Nested Approach for Coordination Across Scales

State resource agencies are committed to deepening their connections to local communities, but efficient use of human and financial resources must be a consideration. Thus, the State proposes the following initial approach to connect state and local management scales, with the expectation that the shape of the engagement will evolve with time. It is important to note that while this approach will streamline communications, State agencies are always willing to connect with local organizations as needed.

OPC will lead an effort to encourage communication and coordination between state and local entities. OPC will allocate staff to support this coordination and engage with Community Collaboratives at the regional scale. This will help provide a structured process for communicating the work being done in the Community Collaboratives to decision-makers at the state level and ensure a coordinated and effective effort across scales of government. This is a key element that supports the success of the top-

down/bottom-up approach intended in this Partnership Plan. As needed, OPC may organize meetings for members of the Community Collaboratives within an MLPA designation region to provide an opportunity for State agencies to communicate, listen, and learn from local entities supporting MPA management or to discuss key issues. Staff from various State agencies working on aspects of management, including enforcement, monitoring, and outreach and education at the network-wide scale, would meet with community members to communicate directly and learn about common concerns, management projects, and ideas related to MPA management at the local scale.[v] In addition, Regional Community Collaborative Forums will provide a platform for regional partners to engage with each other and give them an opportunity to communicate and foster collaboration and cross-pollination. Ultimately, these Forums serve the purpose of streamlining communication and coordination across issues. See *Figure 2. Regional Coordination for Marine Protected Areas* for a representation of this nested approach.

Figure 2. Regional Coordination for Marine Protected Areas




OPC may, as needed, organize a State Community Collaborative Forum, approximately once a year, that allows members from all Community Collaboratives across the state to convene, provided funding and other resources and authorizations are available.

[v] It is understood that members of the Community Collaboratives will already be engaging with State agencies staff operating at the regional or sub-regional scales.[vi] All sectors, organizations, and entities are welcome and encouraged to participate in the California Collaborative approach, which will provide multiple opportunities and venues to engage.

## Section 4. Opportunities for California Collaborative Partners

Taking an inclusive approach to MPA management, OPC is committed to meaningful partnerships among State agencies and all interested entities and stakeholders for the successful management of California's MPA network. This section describes the various roles, including both existing and potential, of relevant government and non-governmental actors.[vi]

### Section 4.1 Creating Interagency Alignment

Understanding the jurisdictional roles of government at various scales is critical for engaging in partnerships to ensure there is a mutual understanding of responsibility and limitations.

#### STATE

This section summarizes the jurisdictional roles and responsibilities of the State agencies that work to support MPA management. *Table 1. Summary of Core State Agency MPA Management and State Legislatively-Mandated Partner Authorities, Roles, and Supporting Policies and Regulations* provides a high-level summary of agency roles and responsibilities in terms of specific management activities. There are a number of core agencies with authority and responsibility for MPA management, including CDFW, OPC, FGC, and State Parks as determined by the MLPA, Marine Managed Areas Improvement Act (MMAIA), Senate Bill (SB) 96, and California Ocean Protection Act (COPA) (*see Appendix A for a full list and summary of policies and regulations*).

OPC is the designated lead agency for guiding the policy direction of the network of MPAs as determined by SB 96. As outlined in COPA, OPC is also the coordinating body for MPA management and for a variety of other issues.[11,12] As such, OPC plays a vital role as convener and coordinator of the MPA-network management agencies and other partners engaged in the California Collaborative approach.[13] As the coordinating lead in governance, and as outlined in this document, OPC will evaluate the effectiveness of management in coordination and collaboration with CDFW and FGC and the progress toward MLPA goals to set future MPA policy for the State (*see Section 8. Evaluation of Effectiveness of the California Collaborative Approach)*. OPC also engages in a close partnership with OST to support a science-based approach to ocean and coastal management, as described in Box 3. In addition, OPC plays a role in coordinating with agencies that are not currently part of the MPA Statewide Leadership Team but that have a nexus with MPAs, such as State Lands Commission (SLC), California Coastal Commission (CCC), and State Water Resources Control Board (SWRCB).

**Box 3. A Key Partnership for California's Oceans**

*The partnership between the State and OST is unique among non-profits in the ocean and coastal arena; this singular collaboration is described in the California Ocean Resources Stewardship Act of 2000. OST fulfills its mission by building shared understanding of science through collaborative processes that support California's aspirations for ocean and coastal ecosystems. Its proactive, collaborative approach, which brings scientists, decision-makers, and other stakeholders together around important ocean issues, significantly bolsters the State's ability to draw upon useful science in service of improved policy and management outcomes. In serving as both Science Advisor to OPC and co-chair of OPC's Science Advisory Team, OST's executive director embodies a crucial link between OPC and the broader scientific community. In addition, OST leads the design and implementation of MPA monitoring in close collaboration with OPC and CDFW.*

[vi] All sectors, organizations, and entities are welcome and encouraged to participate in the California Collaborative approach, which will provide multiple opportunities and venues to engage.

FGC is directed by the MLPA and the MMAIA to be the primary regulatory decision-making authority for regulations and rules related to state marine reserves and state marine conservation areas.[14,15] It also provides a venue for public comment and review of the *Master Plan for Marine Protected Areas*.

CDFW is a managing agency and has the primary statutory authority for recommending designation of and managing MPAs within the MPA network designated by FGC, as well as for proposing recommended amendments to the *Master Plan for Marine Protected Areas*. CDFW also supports FGC through implementation of regulations, conducting research and monitoring, and granting scientific research permits.[16,17] CDFW is also the statutory authority to administer and enforce MPA regulations, with the prosecution of state MPA poaching and pollution violations resting in the hands of city and district attorneys (DAs).

The State Park and Recreation Commission, with support from State Parks, has the authority to designate state marine reserves, state marine parks, and state marine conservation areas but must do so in concurrence with FGC if there are any changes to the use of living marine resources.[18]

State Parks is a managing agency with primary responsibility for managing state marine parks and select state marine reserves and state marine conservation areas.[19] State Parks manages seven state marine parks and collaborates with CDFW to manage 38 MPAs that are offshore of existing coastal state park units. Using tools such as interpretation and education, signage, cooperative research and monitoring, and enforcement, State Parks works in tandem with local partners to strengthen and improve the management of the network as a whole relative to existing state park units.

The SWRCB plays an important role in permitting for activities that may affect MPAs, such as wastewater discharge or the discharge of pesticides to water.[20, vii] SWRCB helps fulfill this mandate by regulating coastal water quality through the Ocean Plan, including the creation of "building blocks for a sustainable, resilient coastal environment and economy," through its oversight of 34 areas of special biological significance (ASBS), many of which overlap with and are proximate to the State's MPAs. SWRCB also has the authority to designate State Water Quality Protection Areas within the boundaries of MPAs.

Additional State agencies support MPA management using their permitting authority to reduce the impacts of development and human uses. These include CCC and SLC. Directed by the California Coastal Act, CCC's mission is to "protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations." CCC has the authority to plan, permit, and regulate the use of land and water in coastal zones. Permitting authority for sea walls and other construction activities that occur adjacent to or within MPAs fall under the jurisdictional authority of CCC under the California Coastal Act. Through approved Local Coastal Programs, permitting authority can be transferred to local jurisdictions, such as a city or other groups like county planning commissions. CCC also conducts extensive educational programming on public access, California's annual coastal cleanup day, and a grants program through license plate fees. SLC has the authority to grant permits and leases for activities that may affect MPAs, including oil and gas operations and leasing of tidal or submerged lands, as well as regulating marine invasive species.[21]

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[vii] SWRCB has the authority to designate, delete, or modify any state water quality protection areas; however, these areas are classified as marine managed areas under the Marine Managed Areas Improvement Act and do not fall under the management purview of this document (Public Resources Code § 36700-36900).

As is evident, a number of State agencies have overlapping jurisdictions and responsibilities that touch upon MPAs in some manner. Thus, interagency coordination on permitting will need to be a focus to help ensure future success, creating alignment and consistency for permitting and management decisions. Agencies have already begun to take steps in this direction by developing internal guidance for handling permit proposals that could affect MPAs, emphasizing early multi-agency coordination and early consultation with proponents to promote consideration of alternative sites, providing the public with maps showing MPAs overlaid with proposed project site alternatives, and coordinating with OST to proactively identify scientific information that will support good decisions. The MPA Statewide Leadership Team will meet at least annually with staff of permitting agencies to promote agreement on priorities and alignment on permitting decisions. Now that the network is in place, the State will need to agree on priorities across agencies and align on permitting decisions.

The California State Legislature plays an important role in the governance of MPAs by adopting policy, as needed, and by directing agency action through the appropriation of funds. The California Attorney General has jurisdiction in state MPA cases when the local DAs declare a conflict or in specific multi-jurisdictional cases.

State agencies aim to engage in interagency coordination efforts in order to map out a stronger commitment for how agency staff can work together to align policy and permitting processes. Specific steps that agencies can take to ensure sound decision-making on permit proposals and policies that affect MPAs are being developed as the MPA Statewide Leadership Team itself advances interagency coordination though the interagency work plan, which is currently being updated.[viii]

Table 1. Summary of Core State Agency MPA Management and State Legislatively Mandated Partner Authorities, Roles, and Supporting Policies and Regulations

| Management Role | | Authorized Agency | Supporting Policies |
|---|---|---|---|
| **Regulation, Policy, and Decision-making** | | • California Coastal Commission<br>• California Department of Fish and Wildlife<br>• California Fish and Game Commission<br>• California Ocean Protection Council<br>• Department of Parks and Recreation<br>• State Lands Commission<br>• State Legislature<br>• State Park and Recreation Commission<br>• State Water Resources Control Board | • *Administrative Procedures Act*<br>• *California Ocean Protection Act*<br>• *Fish and Game Code*<br>• *Marine Life Protection Act*<br>• *Marine Managed Areas Improvement Act*<br>• *Master Plan for Marine Protected Areas*<br>• *Title 14, Section 632, California Code of Regulations* |
| **Permitting /Leasing** | ***Scientific*** | • California Department of Fish and Wildlife<br>• Department of Parks and Recreation<br>• State Lands Commission | • *California Public Resources Code {Sections 6001-6009.1, 5001 - 5873}*<br>• *Fish and Game Code 1002*<br>• *Master Plan for Marine Protected Areas* |
| | ***Coastal Develop-ment*** | • California Coastal Commission<br>• State Lands Commission | • *California Coastal Act*<br>• *California Public Resources Code {Section 6001-6009.1}* |
| | ***Water Quality*** | • State Water Resources Control Board | • *California Water Code {Chapter 6}*<br>• *Marine Managed Areas Improvement Act* |

[viii] A five-year implementation work plan, which details specific steps for implementing the MPA network, is under development by the MPA Statewide Leadership Team.

| Management Role | Authorized Agency | Supporting Policies |
|---|---|---|
| **Enforcement** | • California Attorney General<br>• California Department of Fish and Wildlife (search, inspection, and citation authority)<br>• California District Attorney, including enforcement task forces<br>• Department of Parks and Recreation | • *California Fish and Game Code {Sections 856, 1006, 2012}*<br>• *Marine Life Protection Act*<br>• *Marine Managed Areas Improvement Act*<br>• *MOU for MPA Network Implementation*<br>• *State Penal Code 830* |
| **Access** | • California Coastal Commission<br>• California Department of Fish and Wildlife<br>• Department of Parks and Recreation<br>• State Lands Commission | • *California Coastal Act*<br>• *California Public Resources Code {Sections 30210–30214}*<br>• *Marine Managed Areas Improvement Act*<br>• *Proposition 20* |
| **Monitoring, Research and Evaluation** | • California Department of Fish and Wildlife<br>• California Ocean Science Trust<br>• Department of Parks and Recreation<br>• State Water Resources Control Board | • *California Ocean Resources Stewardship Act*<br>• *Marine Life Protection Act* |
| **Partnership Coordination** | • California Coastal Commission<br>• California Department of Fish and Wildlife<br>• California Department of Parks and Recreation<br>• California Fish and Game Commission<br>• California Natural Resource Agency<br>• California Ocean Science Trust<br>• California Ocean Protection Council<br>• State Lands Commission<br>• State Water Resources Control Board | • *California Ocean Protection Act*<br>• *MOU for MPA Network Implementation* |
| **Identification of Long-term Funding** | • California Ocean Protection Council | • *California Ocean Protection Act*<br>• *Senate Bill 96* |

## FEDERAL

As the MPA network falls entirely within state waters (defined by the Submerged Land Act as zero to three nautical miles from shore), there is limited federal jurisdiction over MPA management.[22,23,24] However, there are many ways that federal agencies can support management based on their existing roles (*see Table 2*).

Several federal agencies have committed themselves to collaboration and coordination through the MOU for MPA network management, including the United States Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), Department of Defense, and National Park Service (NPS).[25] They will support MPA management by various means, including participating in the Community Collaboratives, collaborating on outreach and education activities, and additional activities not yet determined. Furthermore, some agencies, such as NOAA and its National Marine Sanctuaries (NMS) line office, have the authority to support and designate new or expand existing MPAs in state and federal waters, which can help to strengthen California's statewide network.[26]

The U.S. Coast Guard (USCG) has acknowledged its support and mutual interest in MPA enforcement by signing a memorandum of agreement (MOA). The MOA states there are additional opportunities for coordination of enforcement effort and that USCG may assist CDFW with the enforcement of state regulations by notifying CDFW enforcement

authorities when they observe a violation and, if requested, supplying evidence to document the violation.[27]

There is an opportunity to expand collaboration and partnerships with federal agencies around MPA management in the future. Additional agencies that could engage in the California Collaborative approach include the Bureau of Land Management (BLM), especially in alignment with its administration of California Coastal National Monument, Bureau of Ocean Energy Management, Department of Justice, Integrated Ocean Observing System, U.S. Environmental Protection Agency's National Estuary Programs, U.S. Fish and Wildlife Service (USFWS), and Pacific Fisheries Management Council.

Table 2. Existing and Potential Supporting Roles of Federal Agencies, Departments, and Programs in MPA Implementation

| Entity | Existing and Potential Roles in MPA Management |
|---|---|
| **Bureau of Land Management** | • Administer California Coastal National Monument, which includes many offshore rocks adjacent to and within MPAs<br>• Coordinate enforcement efforts<br>• Contribute education and outreach capacity |
| **Bureau of Ocean Energy Management** | • Responsible for managing the development of conventional (oil and natural gas) and renewable energy resources (wind and wave) and mineral resources on the Outer Continental Shelf (OCS) offshore[28]<br>• Provide data framework to support decision-making from Marine Cadastre, a marine information system for the Outer Continental Shelf and state waters[29] |
| **Department of Defense** | • Participate in local-scale collaborations to stay abreast of MPA management activities<br>• Lead resource surveys like marine resource assessments at the local level[30]<br>• Conduct at-sea training and testing operations with sensitivity and awareness of MPAs[31]<br>• Maintain authority over access to some MPAs<br>• Maintain authority to designate restricted areas for reasons other than conservation (e.g., military training areas, shipping lanes, anchoring sites, etc.) and to exclude civilians from these zones off coastal areas near military base[32] |
| **Department of Justice** | • Allocate certain conservation- or species-related fines to state natural resource agencies or nonprofits (e.g., National Fish and Wildlife Foundation) that can support MPA management; for example, in 2013 Department of Justice and U.S. Environmental Protection Agency awarded the State of Louisiana half of the civil penalty for violation of the Clean Water Act by the City of Shreveport[33] |
| **Integrated Ocean Observing System, including Central California Ocean Observing System and Southern California Coastal Ocean Observing System** | • Conduct monitoring and data collection that could inform adaptive management[34]<br>• Foster partnerships with state, tribal, federal, and NGOs<br>• Provide ocean and coastal data and data products to support MPA management activities<br>• Help address the information needs of MPA managers to define environmental patterns and variations over multiple scales |
| **National Oceanic and Atmospheric Administration–Office of National Marine Fisheries Service** | • Conduct monitoring and data collection that could inform adaptive management<br>• Maintain authority to patrol, search, inspect, and cite violations of federal regulations (NOAA's Office of Law Enforcement)<br>• Foster partnerships with state, tribal, federal, and NGOs<br>• Participate in cooperative fisheries enforcement with other enforcement agencies to implement international treaties and obligations<br>• Perform outreach and compliance building activities<br>• Support Joint Enforcement Agreement with CDFW<br>• Provide funding to the State to enforce federal regulations in state waters, in federal offshore waters, and in bays, estuaries, rivers, and streams[35] |

| Entity | Existing and Potential Roles in MPA Management |
|---|---|
| **NOAA Coastal Services Center** | • Collaborate with the MPA Center on creating and disseminating MPA public outreach materials<br>• Developed MPA Online Mapping Tool designed to help users visualize MPA boundaries and provide access to MPA Inventory data[36] |
| **NOAA MPA Center** | • Coordinate MPA programs and projects managed by diverse agencies across all levels of government[ix] |
| **NOAA National Marine Sanctuaries** | • Designate National Marine Sanctuaries in federal and state waters[37]<br>• Patrol, including boats and aircraft, in all California Sanctuaries[38]<br>• Coordinate enforcement efforts, share physical resources, cross-deputize State officers, and provide federal funds for state operations[39]<br>• Develop informational materials, including maps, that reference state MPAs co-located with sanctuaries<br>• Contribute other education and outreach capacity and infrastructure (e.g., visitor centers)<br>• Conduct research and monitoring that could feed into adaptive management<br>• Participate in local-scale collaboration |
| **NOAA National Estuarine Research Reserve System (NERRS)** | • Currently there are three NERRS within California (San Francisco, Elkhorn Slough, and Tijuana River)<br>• NERRS contributes to the implementation of the Executive Order 13158, which calls for an expanded and strengthened system of MPAs in the United States[40]<br>• NERRS Benthic Monitoring includes examining patterns and processes of benthic community development, which also has direct implications for the science and management of MPAs[41] |
| **U.S. Environmental Protection Agency's National Estuary Programs** | • Three programs found in California—including Morro Bay National Estuary Program and San Francisco Estuary Partnership and Santa Monica Bay Restoration Commission—which are now state programs[42]<br>• Include MPAs in education and outreach messaging, including information on websites and at visitor centers<br>• Support monitoring programs, such as aerial surveys[43] |
| **National Park Service** | • Enforcement personnel stationed at federal parks along California coast and some off-shore islands[44]<br>• Coordinate enforcement efforts and resources with CDFW<br>• Contribute other education and outreach capacity and infrastructure (e.g., visitor centers)<br>• Participate in local-scale collaboration<br>• Has authority over access to some MPAs<br>• Conduct and support research and monitoring that could feed into adaptive management<br>• Provide outreach materials and display panels at beach access points for interpretation at all coastal parks<br>• Collaborate on research and monitoring that feeds into the adaptive management program |
| **Pacific Fisheries Management Council** | • Maintain authority under the Magnuson-Stevens Fishery Conservation and Management Act over all species of fish 3–200 miles nautical miles offshore, generally recommending regulations for species with fishery management plans, and over some species in state waters, such as groundfish[45]<br>• Under the National Marine Sanctuaries Act, given the opportunity to draft regulations for review, approval, and implementation of marine reserves and MPAs[46]<br>• Able to draft letters of support or opposition for actions that may affect MPAs |
| **U.S. Coast Guard** | • Authority to search, inspect, and cite violations 3–200 miles off the coast<br>• Ability to observe violations in state MPAs and submit enforcement action report as evidence<br>• Provide support for state and federal fisheries regulation enforcement[47] |

[ix] With passage of the FY13 federal budget, the MPA Center is now housed within the Office of National Marine Sanctuaries.

| Entity | Existing and Potential Roles in MPA Management |
|---|---|
| U.S. Fish and Wildlife Service | • Statutory authority to enforce Marine Mammal Protection Act, Endangered Species Act, and Lacey Act |

## CALIFORNIA TRIBES AND TRIBAL GOVERNMENTS

The coastline and marine waters of California are situated within the ancestral territories of tribes, who lived along the coast, utilized marine resources, and stewarded marine and coastal ecosystems for countless generations. Tribes and tribal governments can provide unique perspectives and important insights based on a multitude of factors. For example, many tribes are sovereigns in their own right with inherent legal authority over marine resources. Others have been engaged in sophisticated marine management, protection, and conservation efforts for generations. Still others have developed robust science to support the protection of tribal fisheries. For all these reasons and others, California tribes and tribal governments are essential partners who must be engaged early, often, and effectively on all aspects of marine planning, enforcement, and management.

Pursuant to its authority in Fish and Game Code section 2850.5, Executive Order B 10 11, and consistent with CNRA's Final Tribal Consultation Policy, OPC has determined and declares that tribal support and active engagement with marine policy and science are essential to the ongoing success of the State's marine and coastal program and the full implementation of the State's MPA network.[48,49,50] Furthermore, involved entities shall explore opportunities for co-management with tribes within the area of the State's MPAs; however, further consultation and collaboration with California tribal governments will be needed on how best to define co-management.

OPC supports the commitment of FGC and CDFW to fully include tribal issues in their rules in accordance with their consultation policies. OPC desires to create both effective ongoing working relationships with interested tribes with ancestral connections to the ocean and coastal areas and to establish specific actions that shall be taken for early communication and coordination.

OPC has four requirements for effective relationship building and for consultation and coordination with California tribes and tribal governments:

- **Relationship Building.** OPC recognizes that government-to-government consultations and tribal coordination work more effectively to resolve issues if relationships have been fostered and lines of communication have been open, clear, and coordinated early. Thus, OPC designates its Executive Director and the tribal liaison to work with California tribes and tribal governments on an ongoing basis to build relationships so that information can be provided in an effective and timely manner. This work shall include convening workshops, working meetings, education and outreach, and any other informational sessions that would allow OPC to effectively communicate with and build foundational relationships with California tribes and tribal governments. The Executive Director is encouraged to contact and include tribal liaisons in any relevant managing or designating entities when relevant.[x]

- **Formal Consultation with Tribal Governments.** OPC shall, at the earliest possible opportunity or at the request of any California tribal governments, engage in government-to-government consultation consistent with CNRA's Final Tribal Consultation Policy. The Executive Director and/or the Chair of the OPC shall meet

[x] Please refer to Table 1 and Table 2 for examples of managing entities.

with and hear any California tribal issues or concerns as well as provide information on planning or regulatory changes that might be relevant to or otherwise affect tribal government partners.

- **Consultation and Coordination Shall Include Managing Entities.** Managing entities (*listed in Tables 1 and 2*) shall, consistent with their own tribal consultation policies, communicate and meet with California tribal governments on potential roles and responsibilities of tribes interested in collaboration for MPA management. Consistent with all department-level policies, executive staff from OPC, managing entities, and FGC shall be prepared to share information with one another about tribal engagement and to develop responsive and timely solutions that address tribal concerns, suggestions, or needs within existing mandates. Further, if the tribal request cannot be accommodated, the entities should be prepared to provide California tribes with as much information as possible to explain why a particular request cannot be fulfilled. Any time a meeting is set or requested by a California tribe or tribal governments, the Executive Director of OPC, the Regional Manager for the Marine Region for CDFW, and the Executive Director for FGC are recommended to notify and invite the appropriate parties and managing entities.

- **Tribal Engagement.** Similarly, California tribes and tribal governments should consider identifying proper notice lists as well as the roles that they would like to play and the topical areas about which they want to be contacted. These roles and areas of interest could include, but are not limited to, outreach and education; stewardship; scientific research and monitoring (including, but not limited to, traditional knowledge); compliance and enforcement; permitting, code, and policy development; and sustainable financing. These roles and responsibilities may be developed and executed within their own authority and jurisdictions, as well as through joint agreements with State agencies, with the understanding that there may be potential limitations based on tribal status and/or existing laws not controlled by or regulated by OPC or its member entities.

OPC believes that there are different levels of tribal engagement to support effective MPA management, recognizing that each California tribe is unique and has distinctive perceptions in the roles they could play. Appendix B contains a chart that indicates the types of activities and potential opportunities for specific tribal engagement.

### LOCAL AND REGIONAL GOVERNMENT

Participation by local and regional governments is essential for effective MPA network management. Currently there is an opportunity to determine interest, manage expectations, and increase understanding of where local and county governments can support MPA management, within their jurisdictional boundaries. *Table 3. Regional and Local Government Existing and Potential Roles and Responsibilities* lists local governments and the existing and potential roles they are currently or could play in MPA management.[xi] Appendix C details roles for engaging in the California Collaborative approach.

[xi] It is important to point out that most of the State agencies discussed above operate at regional and local scales. In addition, this is not an exhaustive list, but only a few examples of existing and potential role and responsibilities for local and regional governments.

Table 3. Local and Regional Government Existing and Potential Role and Responsibilities

| Entity | Existing and Potential Role and Responsibilities |
|---|---|
| **City** | |
| **City Council** | • Participate and actively engage in local-scale collaborations[51]<br>• Develop local ordinances in support of MPAs consistent with municipal authority<br>• Engage with organizations and entities, including California tribes, NGOs, the private sector, and academics actively involved in the area of the MPA |
| **City Government** | • Protect MPAs through city planning decisions<br>• City attorneys prosecute MPA violations, such as in San Francisco, Los Angeles, and San Diego<br>• Prosecute violations of local ordinances consistent with municipal authority |
| **Local Enforcement (harbor police, city police, sheriffs, resource enforcement officers, and lifeguards)** | • Participate in county-wide MPA enforcement trainings for all law enforcement personnel who regularly patrol in or adjacent to MPAs[52]<br>• Take appropriate enforcement action on violations observed within jurisdictional boundaries and authorities[53]<br>• Engage with organizations and entities, including California tribes, NGOs, the private sector, and academics actively involved in the area of the MPA |
| **County** | |
| **County Fish and Game Commissions** | • Collect and allocate a portion of funds collected from fines to MPA management (e.g., administer trainings for local law enforcement personnel or create and improve signage)[54]<br>• Cultivate relationships through local-scale collaborations[55]<br>• Engage with organizations and entities, including California tribes, NGOs, the private sector, and academics actively involved in the area of the MPA |
| **County Government** | • Office of District Attorney's environmental unit (e.g., Environmental Protection Unit) is responsible for prosecuting environmental crimes, including MPA violations, if applicable[56]<br>• Coordinate with CDFW to provide legal expertise and support prosecution of violations[57,58]<br>• Participate and actively engage in local-scale collaborations<br>• Engage with organizations and entities, including California tribes, NGOs, the private sector, and academics actively involved in the area of the MPA |
| **Boards of Supervisors** | • Adopt county ordinances in support of MPAs consistent with county authority<br>• Adopt General Plans and other planning documents that include references to MPAs<br>• Engage with organizations and entities, including California tribes, NGOs, the private sector, and academics actively involved in the area of the MPA |
| **Regional Water Control Boards** | • Issue and enforce permits to control the discharge of waste to state waters[59]<br>• Engage with organizations and entities, including California tribes, NGOs, the private sector, and academics actively involved in the area of the MPA<br>• Monitor water quality protection areas (funded by Prop 84) that may overlap with MPAs[60] |

## JOINT POWER AUTHORITIES

There is an opportunity for joint power authorities, such as the Southern California Coastal Water Research Project, to support MPA management as they undertake research and monitoring that aligns with monitoring goals for the MPAs. This model could serve to leverage funding and broaden capacity by contributing data to the MPA monitoring effort.

## Section 4.2 Key Roles for Non-governmental Partners

Central to the California Collaborative approach is the role of non-governmental partners. They have played an important role to date and will continue to do so by filling needs and gaps, bolstering overall management of the MPA network, and building support and constituencies for the MPAs, often through public-private partnerships. *Table 4. Summary of Existing and Potential Roles for Non-governmental Partners* provides an overview of the roles that academic/research institutions, NGOs, fishermen, non-consumptive recreational users, and private sector partners can play to support the statewide network. There are opportunities now and in the future to expand the California Collaborative approach and to include additional partners. Appendix C details roles for engaging in the California Collaborative approach.

Table 4. Summary of Existing and Potential Roles for Non-governmental Partners

| MPA Management Roles | Existing and Potential Supporting Roles |
|---|---|
| **Outreach and Education** | • Participate in community organizing and stewardship programs<br>• Facilitate public education programs on MPA-related topics<br>• Facilitate teacher workshops and curricula related to MPAs<br>• Develop outreach materials for users and the general public<br>• Promote effective coordination of ocean resource science to management agencies<br>• Develop signage for public information, in alignment with CDFW's outreach standards<br>• Organize MPA Watch groups to encourage stewardship<br>• Develop communication strategies around MPAs |
| **Research and Monitoring** | • Coordinate and identify science and research needs<br>• Participate in scientifically robust data collection and analysis designed to inform adaptive management<br>• Convene scientific panels and workshops<br>• Administer volunteer-based monitoring programs, including citizen-science<br>• Promote lasting partnerships for ongoing monitoring<br>• Build new partnerships to create ocean health assessments that incorporate, but are not limited to, traditional knowledge<br>• Ensure research questions and results align with state priorities and are useful for management decisions<br>• Conduct research and develop innovative techniques for cost-effective monitoring<br>• Engage in collaborative research projects |
| **Partnership Coordination** | • Coordinate multiagency, multi-institution approaches to MPA management<br>• Participate as an active MOU partner in MPA processes<br>• Engage with other partners to ensure a clear path forward for MPA management<br>• Participate in local Community Collaboratives |
| **Funding** | • Fund science-based MPA projects<br>• Provide funding assistance to achieve the network objectives of the MLPA<br>• Develop and administer grant programs<br>• Act as fiscal sponsor to Community Collaboratives<br>• Drive public-private partnerships<br>• Implement fundraising programs |

## Section 5. Novel Participation: Effective Collaboration and the California Collaborative Approach

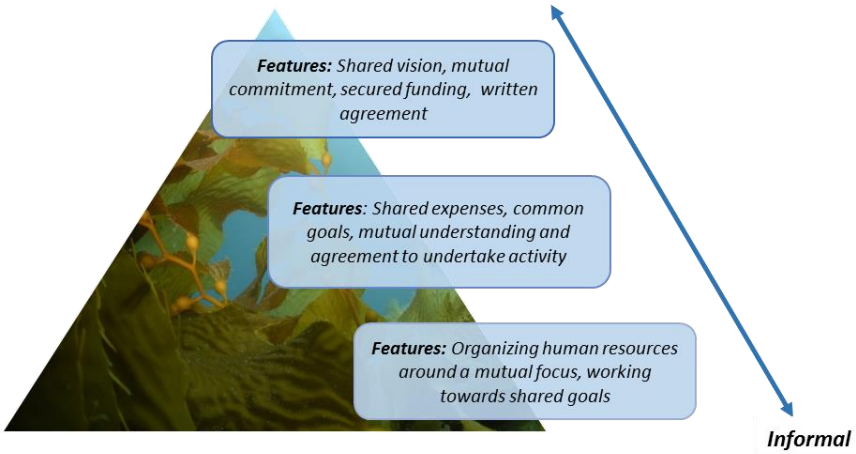
Leveraging partnerships and collaborations is important for ensuring cost-effective and strong management of the MPA network as well as meeting the network-wide objectives described in Section 2.2. OPC encourages partners of the California Collaborative approach to build strong, focused partnerships and outlines this philosophy and approach in this section.

California's natural resource agencies and supporting partners are committed to effective coordination and collaboration toward successful management. To fulfill this commitment, partnerships will be guided by a philosophy of *respect, mutual benefit, trust and transparency, and accountability.* Effective partnerships agree on goals, objectives, and responsibilities of each entity and work to promote mutually beneficial outcomes through shared engagement. Appendix D details principles for effective partnerships and elements of strong partnership agreements.

### Section 5.1. Types of Partnership Approaches

There are multiple models for productive partnerships that entities could engage in as part of the California Collaborative approach. As long as the core principles are met, this document does not intend to bound the range of partner models; rather, it encourages creative approaches. These can range from more-formal partnership engagements where, for example, entities jointly secure funding, share a vision, and outline roles and responsibilities. These partnerships are often formalized by a written agreement. In a mid-level partnership commitment, partners may share expenses, share outcomes and goals, and agree to undertake certain activities. In the least-formal form of partnership, partners organize human resources around a mutual focus and are working toward shared outcomes and goals. *Figure 3. Spectrum of Partnership* maps out some of the different models of partnerships by demonstrating the continuum of commitment from more-formal to informal. To understand what elements promote durable partnership agreements, for those partnerships that are more-formalized, see Appendix D.

Figure 3. Spectrum of Partnership




### Section 5.2. Managing Expectations and Performance

A mutual respect for each partner's roles and responsibilities is key. It is critical to manage expectations within partnerships. Going forward, state, tribal, and local governments with jurisdiction will need to be clear about their policy and legal limitations as well as their capacity to provide support. This is the value of developing a partnership agreement, such as an MOU, MOA, contract, or letter of support—useful tools that serve to eliminate miscommunication or misaligned expectations. In most instances, a legal contract must be in place if the collaboration includes an exchange of funds. Agreements should identify the exact amount of funds, timeline, and the specific activities or deliverables that must be undertaken or developed to receive the funds. It is important to note that all parties must

be aware of and understand both the value and benefit of the relationship and the limitations of potential partners prior to engagement. This is especially true when engaging in partnerships with government agencies, which need to adhere to applicable federal and state laws and agency policies on partnership.

### Section 5.3. Conflict Resolution

Even with the best of intentions and advanced efforts to clarify roles, collaborations can come to disagreement. In such cases, the State encourages processes that do not let conflicts escalate and, to the extent possible, promotes resolution at the local scale using minimal resources. Partners are encouraged to work together in collaboration with local authorities, such as city, county, or tribal governments or community councils, to develop solutions and tools that resolve conflicts and issues equitably. If conflict persists after all avenues have been effectively pursued at the local scale, disputing partners are encouraged to follow an incremental process to resolve the conflict. Appendix E provides a graphic depiction of the recommended approach to addressing conflict.

## Section 6. Opportunity for Adaptive Management

This section provides an overview of the commitment and philosophy for adaptive management in implementing and maintaining the MPA statewide network. For information related to the actual process for conducting adaptive management, please refer to the 2015 *Master Plan for Marine Protected Areas.*

Adaptive management is a continual process of assessing, evaluating, and improving ongoing decisions in light of new knowledge and evidence.[61] 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.*[62]

The definitive purpose of adaptive management is to understand if California's statewide network of MPAs is making progress in achieving the six goals stated in the MLPA. It is essential that not only agencies but also Californians know if there is progress toward the MLPA goals and if the MLPA is ultimately an effective tool for managing and protecting California's coastal and marine resources. The MLPA and the MMAIA directed the redesign of California's MPA system and the improvement of management of the system to increase its coherence and its effectiveness at protecting the State's marine natural resources, habitats, and ecosystems.[63] Adaptive management is a rigorous process that includes a hypothesis and a set of questions focused on biological/ecological, socioeconomic, and management effectiveness factors, which support a framework for measuring data and organizing monitoring around those questions. Decisions are made knowing that there is a certain amount of risk involved due to information gaps and factors of uncertainty. However, these unknowns are minimized as scientific information is collected to inform better decision-making.

Adaptive management is informed by various activities such as baseline monitoring and ongoing research and monitoring of both biological/ecological and socioeconomic indicators and other data. California is already moving forward with monitoring activities to inform adaptive management. For instance, baseline monitoring was completed for the

Central Coast region in 2012, and each of the remaining three MLPA coastal regions are undergoing a five-year baseline monitoring program. Led by CDFW and OST, the goal of the baseline monitoring program is to provide critical information on ecological and socioeconomic conditions that will serve as a benchmark to measure future MPA performance.[64] In addition to being mandated by the MLPA, monitoring MPAs will prove valuable in the future to detect changes and provide rigorous scientific information to inform adaptive management. MPA monitoring endeavors will leverage existing efforts, such as OST, SWRCB, and academic research projects, aiming to improve opportunities to enhance data comparability and create additional linkages between monitoring programs. Monitoring data will subsequently feed into an adaptive management process that is undertaken by FGC, CDFW, and OPC. Among other things, the Master Plan maps out the specific process that will be led by FGC and CDFW to undergo adaptive management of the regulations that support the MPA network.

Mapping out the current approach for monitoring, OST, in collaboration with CDFW, will lead the development of monitoring plans for each region that will be adopted by FGC; these plans—and subsequent efforts to identify ongoing research and monitoring in each region—will provide a structured framework for entities wishing to contribute to MPA monitoring. Regional monitoring plans for the North Central, Central, and South Coast regions apply a monitoring framework to assess performance that represents the needs and interests of individual regions while allowing for cross-regional performance assessments.[65, xii] This monitoring framework is focused on management priorities and is responsive to policy guidance, ensuring that policy-makers, resource managers, and the public have scientific information at the correct points in the decision-making process and that information is readily accessible.[66] Policy guidance in the MLPA and the Master Plan underpins the monitoring framework. Guided by the Master Plan, MPA monitoring and evaluation is:

- Useful to managers and stakeholders for improving MPA management,
- Practical in use and cost,
- Balanced to seek and include scientific input and public participation,
- Flexible for use at different sites and in varying conditions, and
- Holistic through a focus on both natural and human perspectives.[67]

In addition, evaluation will take into account contextual information about compliance level, the history of uses, relevant design features, and other factors.

## Section 7. Marine Protected Area Management Financial Investment and Revenue Sources

This section outlines the State's commitment to investing in the MPA network and identifies the need for continued investment, as well as key priorities for future allocations. In addition, it shares potential revenue sources for supporting MPA management in the future.

### Section 7.1 Commitment to Investing in the Marine Protected Area Network

California is committed to pursuing the resources for continued investment in its MPA network and thereby providing the necessary level of financial support to fund core management costs, which offers this sustainable resource management tool the best chance for success. The State will seek to pursue the most cost-effective and fair approach

[xii] North Coast regional monitoring plan is in the process of being finalized.

to MPA management, maximizing opportunities to leverage funds and human resources with its partners.

In total, the FY13/14 annual investment in statewide MPA management was approximately $10 million. This is contributed by the primary management agencies—OPC, CDFW, and FCG—and distributed across various management activities that are under way, including monitoring and evaluation, enforcement, outreach and education, policy and regulation decision-making, and partner coordination. The public-private partnership with the Resources Legacy Fund (RLF) and California's philanthropic sector provides a unique opportunity to contribute additional funds to cover the cost of MPA management until 2016 and potentially beyond. *Table 5. Summary of FY2013 Per Annum Marine Protected Area Management Investment by Contributor* shares a one-year snapshot of the total investment from each of the core agencies and RLF in Fiscal Year 2013 and provides examples of the activities that are covered by their support. Note that the exact funding amounts change from year to year and will continue to shift in the future, especially since allocations from the General Fund change annually. In addition, this is merely a sample, not a comprehensive list, of all of the activities supported by these funds.

Table 5. Summary of FY2013 Per Annum Marine Protected Area Management Investment by Contributor

| Entity | Total Investment in FY2013 | Examples of Activities Supported |
|---|---|---|
| **OPC** | $3,048,000 | • Monitoring and evaluation<br>• Partner coordination<br>• Outreach and education<br>• Policy decision-making |
| **CDFW** | $5,729,000 | • Enforcement<br>• Outreach and education<br>• Monitoring and evaluation<br>• Master Plan and regulatory cleanup |
| **FGC** | $6,000 | • Regulation decision-making |
| **RLF** | $3,000,000 | • Monitoring (including coordinating and planning)<br>• Partner coordination |
| **TOTAL** | **$11,783,000** | |

Although difficult to quantify, in-kind support will continue to be a significant contributor to the overall investment in California's MPAs. Partners of the California Collaborative approach can provide in-kind support in a number of different ways. Examples of in-kind support include:

- Compliance with rules and regulations enhanced by local law enforcement and other governmental personnel that can report, document, and, in some cases, take enforcement action on violations;
- Data sharing by researchers that can support decision-making;
- MPA monitoring through citizen science initiatives; and
- Outreach support by NGOs and aquaria to communicate information aligned with CDFW outreach guidelines that promote stewardship of MPAs.

## Section 7.2 Continued Investment

Within the framework of the California legislative and budgetary process, the State will continue to prioritize the contribution of resources to invest in management of the California MPA network. As documented in Table 5, the total estimated annual investment

covers a core set of management activities. The investment in MPA management will likely continue within these activities; however, the distribution of funds across the activities may shift as priorities, needs, and context changes. For example, once the baseline studies for each region are completed, monitoring costs will potentially decrease as efforts focus more on ongoing monitoring. Conversely, as the Community Collaboratives become more sophisticated and robust, increased investment may be needed to maintain efforts and improve organizational effectiveness.

While the State is currently committed to investing in MPA management, core funding now comes from California's General Fund, which can and will fluctuate over time. In addition, revenue from bond measures, like that collected through the *Safe Drinking Water, Water Quality and Supply, Flood Control, and River and Coastal Protection Bond Act of 2006* (Proposition 84), will twilight as funds are expended and bond funds are not suited to ongoing program costs, in addition to being inherently variable over time. Thus, there is a need to stabilize and diversify funding to ensure long-term sustainable financing for critical MPA management costs now and into the future.

The State is currently aware of four priority gaps that will require adequate funding to support the management of the MPA network:

- Monitoring,
- Compliance and enforcement,
- Engagement with Community Collaboratives, and
- Tribal collaboration and coordination.

A significant amount of monitoring costs are currently provided by revenue from Proposition 84, primarily covering the baseline monitoring programs. However, this revenue source will terminate as of 2018, leaving a void of approximately $1.6 million per year for monitoring.[xiii] Financial support of monitoring activities is crucial to inform adaptive management and to determine how the MPAs and the network are meeting the goals of the MLPA. Increased financial support is needed to improve capacity for compliance and enforcement efforts. Additional funds can improve access to technology and supplement outreach capacity, increasing awareness of regulations. Funding is also needed to continue to drive the Community Collaboratives and to give the State the necessary support to remain engaged and to continue to provide guidance to Collaboratives both at the local scale and through the Regional Community Collaborative Forums. Continued support will allow the Community Collaboratives to evolve into effective and transparent supporters of the California Collaborative approach. Last, it is essential that the State have the necessary funds to continue to support ongoing management and engage in meaningful tribal consultation on MPA management.

Continued commitment and support through partnership is needed to fill these gaps. This can be done through direct support of management activities, public-private partnerships, and promotion of the development of additional revenue sources.

## Section 7.3 Meeting the Need: Potential Revenue Sources

California is poised for success in the management of its MPA network because of the sustainable funding sources that could potentially be accessed to financially support management. Providing a diversified portfolio of revenue streams is critical to ensure long-term funding stability that can withstand any shifts in funding availability. This section identifies potential funding sources that could be used to fund MPA management across all scales and sectors as well as mechanisms for funds to flow through. It is

[xiii] OPC also supported the establishment of the MPA Monitoring Enterprise at $4.5 million.

important to note that there may be other sources that have yet to be identified and that the search and assessment of potential revenue streams should be a continuous process.

### POTENTIAL FUNDING SOURCES—STATE AND LOCAL GOVERNMENT

Various funding sources generated by state or local governments currently could fund MPA management activities. At the moment, the most significant source of funding and the source of the core funding for MPA management is the State's General Fund. Other state sources that could be drawn upon include water and resource bonds, natural resource leases, civil penalties, voluntary contributions through license plate funds, and mitigation fees. In addition, local revenue may be collected through city or county bed taxes collected through the hospitality industry. This variety of sources provides a diversified mosaic of potential funding sources from the state government.

Several specific funding streams from state and local governments could be tapped (*for further detail on each of these sources, see Appendix F*). Some of these sources are currently providing funds to cover the costs of MPA management, while others would need to be explored further, would need to secure greater public support, and may require legislation in order to be used for these purposes. Current and potential funding streams for MPA management include:

- General funds,
- Environmental license plate funds,
- Future water/resource bonds,
- State tidelands lease revenue,
- Oil spill prevention and administration funds,
- Once-through cooling and desalination mitigation fees,
- Decommissioning of offshore oil platforms,
- Natural resource damage assessment funds,
- City or county bed tax,
- Recreational non-consumptive user fees, and
- Other local, statewide, or national nonprofit ocean conservation organizations that help steward MPAs.

### POTENTIAL FUNDING SOURCES—FEDERAL GOVERNMENT

Numerous federal partners—including USCG, NPS, NMS, BLM, and the Department of the Navy—currently provide a wide range of in-kind support for MPA management, ranging from USCG helicopter overflights of MPAs with CDFW wardens on board to the use of NMS vessels for research and monitoring of MPAs.

The federal Energy Policy Act of 2005 established the Coastal Impact Assistance Program (CIAP), which authorized funds to be distributed to Outer Continental Shelf oil- and gas-producing states to mitigate the impacts of OCS oil and gas activities. CNRA developed a CIAP Plan, which described proposed projects, expenditure of funds, and state administration of the CIAP.[68] Between 2007 and 2010, CIAP provided approximately $3–4 million a year for programs in California, including funding to CDFW for monitoring and enforcing of MPAs, to OPC in support of seafloor mapping, and to State Parks to support participation in the MLPA process. This funding will continue into 2014 and 2015, as CIAP will support monitoring surveys of MPAs by remote-operated vehicles. CIAP funds will be expended within the next several years; Congress has not reauthorized the CIAP program nor created another vehicle to distribute oil and gas royalties to the states.

The Bureau of Indian Affairs has many programs involved with natural resource management on tribal lands. Several of these can be used on lands not held in trust but

managed by California tribes and tribal governments. Programs include funds for assessments and studies, development of resource management plans, habitat restoration, and training of tribal natural resource managers.[69]

There is an effort at the federal level to advance a National Endowment for the Oceans that would be funded by fees and fines from the offshore oil and gas industry. If this moves forward in the future, California could potentially obtain funds from the endowment and apply them to MPA management.

### PRIVATE PHILANTHROPY

There is a strong history of private philanthropy supplementing funding and participating in the California Collaborative approach. For instance, many private philanthropists are funding activities that are supporting NGOs working on stewardship activities, such as outreach and education. There is an opportunity for private philanthropy to engage in funding at the network, regional, or individual MPA level. For instance, private philanthropists can give directly to the following NGOs engaged in partnerships or through various mechanisms (*described in greater detail in Appendix G*):

- California Ocean Science Trust,
- California Wildlife Foundation,
- California Wildlife Officers Foundation,
- California State Parks Foundation,
- Academic institutions,
- Community foundations, and
- Local-scale fiscal sponsors.

### PRIVATE SECTOR

In addition to the fees and taxes described above, the private sector can provide funds to support MPA implementation. For instance, private operations could enact voluntary donation programs where tourists can opt to donate a monetary amount toward MPA management or participate in "Friends of" programs, which may be created at some point for individual MPAs.

## Section 8. Looking Forward: Evaluation of Effectiveness of the California Collaborative Approach

Evaluating the effectiveness of the California Collaborative approach and MPA governance is critical to the overall success of the MPA network. OPC, in collaboration and coordination with CDFW and FGC, is committed to improving performance moving forward and ensuring that the State and its partners meet the MPA's four network-wide objectives, described in Section 2.2. Thus, OPC will develop and lead a participatory process for evaluating the effectiveness of collaboration and MPA management in order to inform adaptation of policy, governance, and the California Collaborative approach and inform the evaluation process.

Evaluating the effectiveness of governance and the California Collaborative approach can lead to a number of valuable outcomes for various entities involved in the management process, including, for example, increased interagency coordination and collaboration, cross-sector partnership and community engagement, transparency, and compliance. Specifically, evaluating management effectiveness can lead to MPA managers using results to improve their performance, reporting on achievements, and flagging areas where they require additional human resources support or funding. Likewise, policy-makers and

funding agencies can use the results to highlight areas of concern, set future priorities, and promote better management practices as needed.[70] This will also help OPC and CDFW communicate needs to policy-makers and request more financial support for MPA management.

Building on this philosophy of reflection, improvement, and learning, OPC—in collaboration and coordination with CDFW, FGC, and OST—will perform a long-term review of management at regular intervals. This review will focus on specific targets related to measuring progress toward the four network objectives and will seek to measure the effectiveness of governance, spending, partnership, transparency, and accountability. Examples of the types of measures focused on good governance of an effective management system that could be used in this review include:

- Broad participation and support across the stakeholder spectrum;
- Reliable, credible, transparent and salient scientific information to guide management decisions;
- Broad understanding of rules and regulations that support compliance;
- Implementation of regional monitoring plans;
- Effective coordination across agencies and partners, including tribal governments and communities, to implement the California Collaborative approach; and
- Sustainable funding, optimization of the use of existing funds, and additional funds effectively leveraged for the statewide network.[71]

As additional projects come online to support MPA management, partners across all scales can look to these six categories of measures to determine how their specific project will contribute.

As the California Collaborative approach moves forward, these six key measures can help assess and determine the effectiveness of MPA governance and the California Collaborative approach itself, with the understanding that improvements can be made to increase levels of success. The measures will be tested by OPC through a highly adaptive and robust evaluation process to be developed and to allow for course correction as needed.

Success at the end of the evaluation for California's MPA network process is defined as having strong oversight and a process for implementing the legal mandate, management planning, on-the-ground operations (including surveillance and enforcement, monitoring and evaluation, and outreach and education), social capital building, and long-term sustainable financing of an MPA network. These elements are subsequently enhanced by partnership across sectors and scales and by leveraging human and financial resources. In addition, California is poised to learn a significant amount from evaluation results about governance and cost-effective management for the MPA network. These lessons and best practices can be applied to other resource management issues in the state as well as shared worldwide, solidifying California's place as a global leader in sustainable ocean and coastal resource management.

# Appendices

## Appendix A. State and Federal Guiding Policies and Regulations for Marine Protected Area Management

| Policy | Description |
|---|---|
| | **State Policies** |
| **Marine Life Protection Act** | • Passed in 1999: Codified at Fish and Game Code Section 2850-2863 and subsequently directs CDFW, as the trustee for California's natural resources, to redesign California's system of MPAs into a robust network to "increase coherence and its effectiveness at protecting the State's marine life, habitat, and ecosystems"[72] and make MPAs more understandable and easier to enforce to improve compliance<br>• Seeks to fulfill six goals related to MPA implementation; see Section 2.1to review a full description of each of the goals<br>• Section 2861 directs FGC to, at least every three years, "receive, consider, and promptly act upon petitions from any interested party to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines" identified in the MLPA<br>• Section 2863 directs CDFW to "confer as necessary with the United States Navy regarding issues related to its activities" |
| **Marine Life Management Act** | • Passed in 1998: Codified in Fish and Game Code commencing with Section 7050; the MLMA opened a new era in the management and conservation of California's marine living resources; it includes a number of innovative features, including being applied not only to fish and shellfish taken by commercial and recreational fishermen but to all marine wildlife[73]<br>• Rather than assuming that exploitation should continue until damage has become clear, the MLMA shifts the burden of proof toward demonstrating that fisheries and other activities are sustainable<br>• Consolidated greater management authority within FGC and the CDFW<br>• Rather than focusing on single fisheries management, the MLMA requires an ecosystem perspective, including the whole environment; it strongly emphasizes science-based management developed with the help of all those interested in California's marine resources<br>• The MLMA set forth several underlying goals that complement and overlap with the MLPA. Conserve Entire Systems: It is not simply exploited populations of marine life that are to be conserved, but the species and habitats that make up the ecosystem of which they are a part. Non-Consumptive Values: Marine life need not be consumed to provide important benefits to people, including aesthetic and recreational enjoyment as well as scientific study and education. Sustainability: Fisheries and other uses of marine living resources are to be sustainable so that long-term health is not sacrificed for short-term benefits. Habitat Conservation: The habitat of marine wildlife is to be maintained, restored, or enhanced, and any damage from fishing practices is to be minimized. Restoration: Depressed fisheries are to be rebuilt within a specified time. |
| **Marine Managed Area Improvement Act** | • Passed in 2000: Establishes six classifications for California marine managed areas: state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, state marine recreational management areas, and state marine water quality protections areas<br>• Establishes the State Interagency Coordinating Committee (SICC): "the Secretary of the Resources Agency shall establish and chair the SICC, whose members are representatives from those State agencies, departments, boards, commissions, and conservancies with jurisdiction or management interests over marine managed areas"[74]<br>• Section 36725(a) authorizes FGC to "designate, delete, or modify state marine recreational management areas established by the Commission for hunting purposes, state marine reserves, and state marine conservation areas" and "to consult with, and secure concurrence from, the State Park and Recreation Commission prior to modifying or deleting state marine reserves and state marine conservation areas designated by the State Park and Recreation Commission" |

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| | • Section 36725(b) directs that "the State Park and Recreation Commission may not designate, delete, or modify a state marine reserve, state marine park, or state marine conservation area without the concurrence of FGC on any proposed restrictions upon, or change in, the use of living marine resources"<br>• Section 3625(d) authorizes SWRCB to "designate, delete, or modify state water quality protection areas"<br>• Section 3625(f) "directs (1) CDFW may manage state marine reserves, state marine conservation areas, state marine recreational management areas established for hunting purposes and, if requested by the State Water Resources Control Board, state water quality protection areas and (2) State Parks may manage state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas and (3) SWRCB and California regional water quality control boards may take appropriate actions to protect state water quality protection areas" |
| **California Ocean Protection Act** | • Passed in 2004, amended in 2011: Establishes OPC as the coordinating body for purposes related to coastal and ocean resources and sets up the California Ocean Protection Trust Fund[75]<br>• Section 35615 directs OPC to "coordinate activities of State agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations" |
| **California Ocean Resources Stewardship Act (CORSA)** | • Passed in 2000: directs OST to manage the science needs for State of California as they relate to ocean resources<br>• Section 36972(a) authorizes OST to "ensure adequate coordination of ocean resources management science among state, regional, and federal agencies and marine science institutions"<br>• Section 36972(b) establishes OST to "ensure the most efficient and effective use of state resources devoted to ocean resources management science and encourage the contribution of federal and non-governmental resources" |
| **Senate Bill No. 96, Committee on Budget and Fiscal Review. Budget Act of 2013: public resources** | • Section 22 requires CDFW to "regulate the protection of marine plants and animals in MPAs as defined"<br>• Existing law establishes OPC in state government, and prescribes the membership, terms of office, and functions and duties of the council<br>• This bill would require that, "commencing on July 1, 2013, OPC assume responsibility for the direction of policy of MPAs"[76] |
| **California Coastal Act** | • Enacted in 1976: Establishes the California Coastal Commission as a permitting authority for "activities that change the intensity of use of land or public accesses to coastal waters"[77]<br>• Section 30230 indicates the maintenance, enhancement, and restoration of marine resources are met and requires that "special protection shall be given to areas and species of special biological or economic significance"[78] |
| **State Regulation** | |
| **Master Plan for Marine Protected Areas** | • The MLPA directs CDFW to develop, and FGC to review and adopt, a *Master Plan for Marine Protected Areas* that acts as the regulatory document to guide the adoption and implementation of the Marine Life Protection Program and decisions regarding the siting of new MPAs and major modifications of existing MPAs[79] (*see MLPA for more information*) |
| **California Fish and Game Code Title 14, Section 632** | • Lists areas that have been declared by FGC to be MPAs, MMAs, or special closures[80]<br>• Sub-section (a): General Rules and Regulations defines the protection of resources for state marine reserves, state marine parks, state marine conservation areas, and state marine recreational management areas and defines rules and regulations for finfish, pelagic finfish, access, introduction of species, feeding of fish and wildlife, anchoring, transit or drifting, water quality monitoring, public safety, tribal take, and shore fishing<br>• Sub-section (b): Areas and Special Regulations for Use maps out the specific coordinates of boundaries and prohibitions for 147 specific MPA sites |

| | |
|---|---|
| **California Fish and Game Code Sections 856, 1006, 2012** | • Section 856 establishes grants enforcement authority to deputized law enforcement officers employed by CDFW[81]<br>• Section 1006 establishes inspection authority to CDFW "where birds, mammals, fish, reptiles, or amphibia may be stored, placed, or held for sale or storage"[82]<br>• Section 2012 indicates that "any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, reptiles, or amphibians shall be exhibited upon demand" by CDFW[83] |
| **State Penal Code (830) Peace Officers** | • 830.1 (a)(3) establishes "authority of these peace officers extends to any place in the state where a public offense has been committed or where there is probable cause to believe one has been committed"<br>• Local harbor districts and sheriff and police departments can employ peace officers to conduct on-water patrols within their jurisdiction[84]<br>• Section 830.2 (e) directs CDFW employees "designated by the director, provided that the primary duty of those peace officers shall be the enforcement of the law as set forth in Section 856 of the Fish and Game Code"<br>• Section 830.2 (f) directs that State Parks "designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code"[85] |
| **Division 6 California Public Resource Code** | • Established the California State Lands Commission in 1938 with authority to manage public lands and protect resources to ensure the future quality of the environment and balanced use of the lands and resources[86]<br>• Section 6217.2 (d) authorizes CDFW to use "moneys in the Marine Life and Marine Reserve management Account created in the Resources Trust Fund to fund the evaluation, coordination, and management of marine reserves and other marine managed areas"[87] |
| **California Water Code** | • Designates SWRCB as the state water pollution control agency for all purposes stated in the federal Water Pollution Control Act[88]<br>• Section 13170.2(a) requires SWRCB to "formulate and adopt a water quality control plan for ocean waters of the state which shall be known as the California Ocean Plan" |
| **Federal Policies** | |
| **Submerged Lands Act** | • Passed in 1954, amended in 2002: Indicates that state territorial waters extend from the "mean high tide and seaward to a line three geographical miles distant from the coast line of each such state"[89] |
| **National Marine Sanctuaries Act** | • Federal law passed amended and reauthorized in 2000: Purpose is to designate national marine sanctuaries, provide authority for coordinated conservation and management, maintain biological communities, improve public awareness, support and promote scientific research, create models of ways to conserve and manage marine areas, and cooperate with global programs<br>• Section 301, specific to interactions with state governments, shares that the purpose is to "develop and implement coordinated plans for protection and management of these areas with appropriate federal agencies, state and local governments, Native American Tribes and organizations, international organizations, and other public and private interests"[90]<br>• Section 303 indicates the Secretary of Commerce "may designate any discrete area of marine environment as a national marine sanctuary and promulgate regulations implementing designation if the Secretary determines that existing state and federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive management of the area, including resource protection, scientific research, and public education" |

| | |
|---|---|
| **Magnuson-Stevens Fishery Conservation and Management Act** | • Passed in 1976, amended in 1996 and again in 2006: Purpose is to designate a national program for the conservation and management of U.S. fishery resources and "to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources"[91]<br>• Section 104-297 (5) indicates that conservation and management refers to "all of the rules, regulations, methods, and other measures which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining any fishery resource and the marine environment" |
| **Coastal Zone Management Act** | • Passed in 1972: Purpose is to provide management of the nation's coastal resources, including the Great Lakes, and balance economic development with environmental conservation[92] |

## Appendix B: Tribal Roles and Opportunities in Marine Protected Area Management

Below is a list of existing and potential roles that California tribes and tribal governments can play to support MPA management. This is not an exhaustive list, and there are many other potential roles to explore in the future.

| Management Role | Activities |
|---|---|
| **Education and Outreach** | • Lead or collaborate on education and outreach related, but not limited, to history, traditional knowledge, preservation, and revitalization of tribal culture as relevant to ensuring the protection or evaluation of MPAs<br>• Lead or collaborate on signage and interpretive displays related to MPA management as well as cultural preservation and natural history aspects that would preserve tribal culture and be of interest generally<br>• Support the creation of tribal marine education programs for tribal education, public outreach, and ecological and cultural literacy[93] |
| **Stewardship** | • Lead or participate in Community Collaboratives<br>• Participate in decision-making process through consultation on rules and regulations<br>• Sit on scientific and technical committees related to management and conservation of MPAs<br>• Lead or join efforts to support MPA pollution prevention and watch programs, beach trash pick-up events, restoration projects, and other activities[94]<br>• Partake in collaboration and partnership building to enhance relationships between tribes and the state, locally or regionally[95] |
| **Science: Research and Monitoring** | • Collaborate to design evaluation criteria and conduct MPA monitoring for MPA network performance<br>• Collaborate to design and implement approaches that incorporate, but are not limited to, traditional knowledge in MPA monitoring<br>• Sit on scientific and technical committees related to MPA research and monitoring<br>• Collaborate with scientific and technical committees to provide understanding that incorporates, but is not limited to, traditional knowledge |
| **Compliance and Enforcement** | • Develop explanatory or other materials so compliance is less complicated<br>• Collaborate on enforcement, monitoring, and implementation<br>• Collaborate with District Attorney and tribal authorities on developing complementary administrative and enforcement processes on tribal land |
| **Sustainable Financing** | • Lead or collaborate on supporting and raising funds for aspects of MPA management and enforcement that are of importance to a tribe or to tribes |
| **Traditional Knowledge—Education and Incorporation** | • Provide education, outreach, or other information to support decision-making, including information on the interconnected nature of habitats, systems, and regional resource values |

## Appendix C: Roles for Engaging in the California Collaborative Approach

NGOs and local governments can play many different roles to support management and to cultivate stewardship for California's MPAs. In many cases, NGOs and local government are already playing many of these roles to support MPA management.

### Non-governmental Organizations

NGOs can play several key roles while engaging in the California Collaborative approach. See Table 4 in Section 4. Opportunities for California Collaborative Partners for specific roles of NGOs.

- ***Engage in Community Collaboratives and Regional Forums:*** Community Collaboratives provide a clear venue for NGOs and their constituents to engage in and obtain information and support on MPA management. The Community Collaborative Regional Forums, described in greater detail in Section 3, are a platform for local NGOs to engage directly with the State on issues and needs.

- ***Conduct Monitoring of MPAs:*** Several partnerships exist between academic institutions, NGOs, and individual citizens who are actively engaged in data collection to inform monitoring and adaptive management. Through the oversight and quality control of OST and CDFW, NGOs and communities can participate in monitoring partnerships either directly or through partnerships with academic institutions by responding to requests for proposals, engaging in fishermen collaborative research with fishermen, supporting MPA messaging, and volunteering for established and robust citizen-science programs.

- ***Engage in MPA Outreach***: CDFW has already begun to engage local partners to establish a set of standards and guidelines to meet the goal of statewide consistency and accuracy.[96] NGOs conducting outreach and education can engage with CDFW, ideally through their Community Collaborative or the Ocean Communicators Alliance, and draw upon the resources available on MPA messaging and templates, such as the *California Department of Fish and Wildlife Marine Protected Area Outreach Reference Guide for Partners.*[97]

- ***Support Compliance:*** The effectiveness of MPAs depends on compliance with regulations. NGOs can play a crucial role in supporting the compliance effort by providing a visible deterrent to potential violators. Organizing communities and interested citizens in MPA Watch Groups, providing awareness training, elevating community support, and actively reporting suspected violations can be facilitated by NGOs. Working with elected officials and community leaders to ensure appropriate outcomes from enforcement actions can also be valuable to overall compliance. Maintaining a positive relationship with wildlife officers from CDFW and other resources, NGOs can provide a force multiplier that will enhance compliance and assist in the enforcement of regulations in the marine environment.

- ***Support Financing and Funding of MPA Management***: Private philanthropy actively supported the design and designation phases and now the management of California's MPA network. There is an opportunity for private philanthropy to

become involved in financially supporting management on various scales. Currently, private donors can support registered 501(c)(3) organizations that are partnering to support management. In the future, however, additional mechanisms may be established to increase opportunities for giving.

## Local Government

Consistent with the jurisdictional roles and responsibilities identified in Table 3, local government can become part of the California Collaborative approach in a number of ways, including the following:

- ***Engage in Community Collaboratives:*** Many local governments are already engaging in their Community Collaboratives. Participating in the Community Collaborative, county and city governments can help to streamline communications with CDFW and identify key points of contact at the state level for various aspects of management, such as enforcement. The Community Collaboratives can also serve as a venue for communicating with the State on unique issues facing local MPAs. This collaboration allows for improved alignment and helps all levels of government stay informed about local priorities for MPA management.

- ***Support Enforcement and Compliance:*** Local law enforcement can work within its jurisdictional boundaries to build awareness of MPA regulations, provide accurate information, and observe and report violations. When working within their jurisdiction, officers may write and file a complaint or arrest for a violation. Local law enforcement can be the "first line of defense" and can be a valuable resource in building awareness for MPA regulations, providing accurate information, and developing intelligence.

- ***Leverage Funding for MPA Management:*** Local governments can help financially support MPA management by providing funding opportunities directly or through in-kind contributions of staff time and resources. Cities could also leverage state funds through their existing support of projects and programs, such as recreation and education.

- ***Engage in MPA Outreach:*** Many local governments currently operate education and outreach programs. There is an opportunity for these programs to align with the messaging and protocols reviewed and approved by CDFW to ensure consistency.

## Appendix D: Best Practices for Partnership and Components of Effective Partnership Agreements

Partners of the California Collaborative approach should abide by the following best practices in order to ensure that partnerships are effective and to avoid any conflict:[98]

- Communicate early, often, and effectively, especially about goals and expectations,
- Validate the partnership with some sort of agreement (either formal or informal, depending on the nature of the partnership),
- Maintain trust and respect through transparency and accountability,
- Avoid adversarial or litigious approaches to conflict resolution where feasible,
- Ensure that partners are committed to and understand this Partnership Plan's expectations,
- Engage partners with complementary and diverse expertise and draw upon the strengths of each partner,
- Consider non-traditional partnerships and creative new approaches to ongoing problems,
- Tap into the capacity of California's citizen resources,
- Develop a process for objectively evaluating the partnership, and
- Make sure that managing entities understand and embrace the partnerships that are being created.

For more-formalized partnerships, establishing a written partnership agreement is also critical. Components of an effective partnership agreement may include:

- Statement of guiding principles and partnership characteristics,
- Goals, objectives, and expectations for partnership,
- Roles and responsibilities,
- Governance and accountability,
- Project scope of work and timeline, and
- Process for assessing partnership effectiveness.

A work plan is another effective tool for managing expectations and performance. Work plans can map out specific tasks, who is carrying out the task, and the expected timeline for completion. Having regular check-ins on the status of the work plan and outlined tasks can be an effective tool for reporting on progress. A status report or dashboard could also be developed at regular intervals to record progress on tasks and activities.

Evaluating the partnership is an important tool for measuring the effectiveness and benefits of the partnership. Partnership evaluations can occur either on a set schedule, such as annually, or in real time. Partners can work together to develop a set of metrics or a set of questions for measuring progress to mutual or independent goals. These could include:

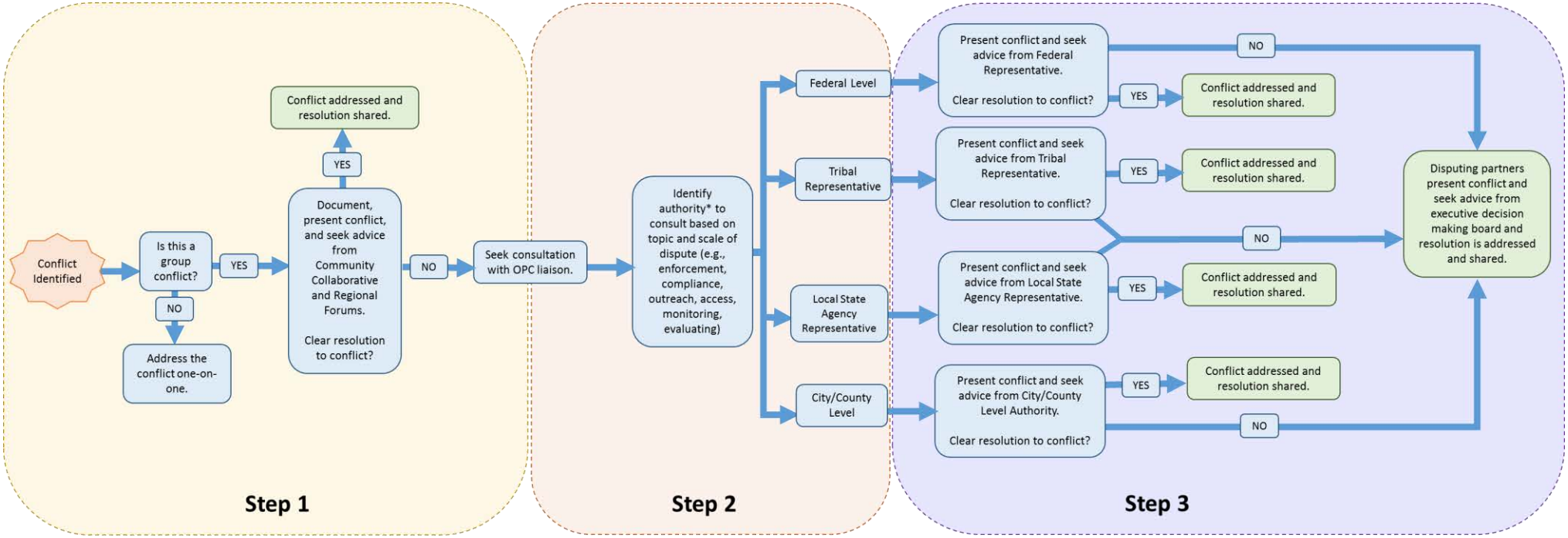
- Is this partnership operating successfully?
- What are the weaknesses or shortcomings of the partnership?
- Is the partnership successfully advancing each partner's goals?

Engaging a neutral third party to perform evaluations can be a transparent way to ensure that partners are accurately communicating progress or feel comfortable sharing

concerns or problems with the arrangement. Sharing results and lessons learned from the evaluation can provide a mechanism for improving elements and operations or can justify dissolving the partnership.

## Appendix E. Ideal Approach to Addressing Conflict in California Marine Protected Areas

The State encourages conflict resolution processes that do not let disagreements escalate and, to the extent possible, promotes resolution at the local scale using minimal resources. Partners are encouraged to work together in collaboration with local authorities, such as city, county, or tribal governments or community councils to develop solutions and tools that resolve conflicts and issues equitably. Below is a graphic depiction of the recommended incremental approach and process to addressing conflict in California Marine Protected Areas.




*Please Refer to Table 1, Table 2, and Table 3 to Identify Authority*

## Appendix F. Summary of Current and Potential State Government Funding Sources

| State Source | Description |
|---|---|
| **General Funds** | • The most significant source of state funding<br>• Provided core funding for MLPA management<br>• Monies allocated to CDFW for MLPA-related activities in 2012–2013 totaled just over $5 million[99] |
| **Environmental License Plate Funds (ELPF)** | • Revenues generated from the issuance of personalized license plates must be spent in support of specified conservation purposes, including several that are relevant to MLPA implementation[100]<br>• Natural Resources Secretary recommends ELPF projects and programs annually, and all proposed appropriations for the program must be included in the Governor's annual budget<br>• In 2011–2012, about $40 million was allocated from ELPF, with approximately $423,000 for MLPA-related activities allocated to CDFW[101] |
| **Future Water/Resource Bonds** | • Potential for future water/resource bonds to support management based on precedence that recent water and resource bonds (Propositions 12, 13, 40, 50, and 84) all contained funding directed toward coastal and ocean ecosystem protection<br>• Proposition 84 provided $90 million to OPC for investment in ocean programs<br>• Approximately 50% allocated in support of the activities and projects directly relevant to the MLPA<br>• Funds will be helpful in addressing issues upstream of MPAs, such as water quality<br>• Bond funding is limited to use for capital expenditures and is not a viable source of support for ongoing staffing costs |
| **State Tidelands Revenues** | • California receives a portion of the revenue derived from sale of oil and gas extracted from the State's tidelands<br>• Level of funds generated varies with production and oil prices |
| **Oil Spill Prevention and Administration Fund** | • State imposes a 6.5¢ fee on each barrel of oil transported through state marine terminals to fund the Office of Spill Prevention and Response Program; will revert to 5¢ in 2015<br>• Opportunity to increase the fee, but past attempts have failed<br>• Barrel tax might be an appropriate source of funding to support ongoing MPA monitoring to collect data that could be used to help assess damages and guide restoration activities in the event of a future oil spill |
| **Once Through Cooling Mitigation Fees** | • In 2010, SWRCB adopted a *Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling* (OTC Policy)<br>• OTC Policy requires conversion of coastal power plants from once-through cooling to alternative cooling to eliminate the loss of fish and larvae<br>• Power plants are required to mitigate the effects of their impacts on the marine environment, either through on-site mitigation projects or through mitigation fees<br>• OTC Policy states the Water Board's "preference" is that any mitigation fees will be directed to "mitigation projects directed toward increases in marine life associated with the State's MPAs in the geographic region of the facility"<br>• Directs California Coastal Conservancy to work with OPC on the proper allocation of those fees<br>• Mitigation fees for all the State's coastal power plants may generate up to $5.9 million dollars for MPA programs beginning in 2015<br>• Funds could be available from 2017 to 2020, although some may remain open until 2029<br>• Availability of interim mitigation fees will change over time |
| **Desalination Mitigation Fees** | • SWRCB is developing an amendment to the *California Ocean Plan* and the *Enclosed Bays and Estuaries Plan* that will address impacts and mitigation from future desalination plants<br>• In late 2013, a staff report was due to be presented at the Water Board, including recommendations similar to those for once-through cooling and directing mitigation fees to OPC |

| State Source | Description |
|---|---|
| | • Mitigation fee at each facility will depend upon several factors, including whether the seawater intake is subsurface or in the open ocean, and how and where the water is discharged<br>• Difficulty in predicting the future pace or design of coastal desalination operations and therefore to estimate the timing or range of possible revenues<br>• Revenues from desalination mitigation fees are likely to be far less than those generated from once-through cooling since the volumes of water are expected to be much smaller |
| **Decommissioning Offshore Oil Platforms** | • California has 27 offshore oil platforms, 23 of which are in federal waters<br>• In 2010, the Governor signed AB 2503, creating a process administered by CDFW to permit the partial decommissioning of offshore oil platforms with payment of a fee to the State<br>• Requires that the fee would be placed in a California Endowment for Marine Preservation<br>• Endowment funding decisions will be made by a five-member board that includes the Resources Secretary, CalEPA Director, and one representative each appointed by the Governor, Assembly Speaker, and Senate President<br>• Some of these funds would go to CDFW to create a program to manage the decommissioning process<br>• Funds would be used for projects to conserve, protect, restore, and enhance the open coastal and marine resources of the state<br>• Estimated revenues from the program range from $500 million to $1 billion<br>• Expected that leases will continue as long as oil prices remain high and interest in decommissioning remains low |
| **Natural Resource Damage Assessment Funds** | • When an oil spill or similar incident occurs in California waters, CDFW, USFWS, and NOAA typically work together to conduct a natural resource damage assessment (NRDA)[102]<br>• Goal of a NRDA process is to quantify the injuries to wildlife, habitat, and lost human use of those resources; to determine the amount of restoration necessary; and to develop a restoration plan<br>• A certain percentage of fines from oil spills are allocated to restoration in the spill region |
| **City or County Bed Tax** | • Funds could be acquired through a small percentage tax added to a hotel bill for every night a visitor stays at a hotel, motel, resort, or bed and breakfast<br>• This could be excised at the city or county scale<br>• Funds collected could go toward MPA management, including enforcement |
| **Recreational Non-Consumptive User Fees** | • Users are charged a small fee to access MPAs<br>• Other MPA sites around the world, including Bonaire National Marine Park and Hol Chan Marine Reserve in Belize, have successfully introduced user fees to raise funds to support management<br>• Fees could be collected through recreational tour operators |

## Appendix G. Organizations with Funding Mechanisms in Place for Philanthropy

| Organizations Able to Receive Funds | Funding Mechanism Description |
|---|---|
| **California Ocean Science Trust** | • 501(c)(3) nonprofit public benefit corporation able to receive funds from private or public donors<br>• CORSA charged OST to seek and provide funds for ocean resource science projects and to facilitate coordinated, multi-agency and multi-institution approaches to applying ocean science to management and policy |
| **California Wildlife Foundation** | • 501(c)(3) nonprofit organization dedicated to protecting the state's wildlife species and supporting programs of CDFW and its agency and resources partners<br>• Past projects have included support for MLPA implementation |
| **California Wildlife Officers Foundation** | • 501(c)(3) nonprofit organization created to support Wildlife Officers<br>• Foundation funds may be used to assist officers in conducting studies and obtaining equipment or other resources necessary for protecting wildlife and the environment |
| **Local Fiscal Sponsors** | • Community Collaboratives can identify a local fiscal sponsor. For example, several Community Collaboratives, including Orange County Marine Protected Area Council, San Diego MPA Collaborative, and Santa Barbara Channel Collaboratives, all use fiscal sponsors<br>• Goal is to function as a model for localized implementation of marine conservation efforts through regional communication and cooperation |
| **California State Parks Foundation** | • 501(c)(3) nonprofit organization whose mission is to help enhance State Parks with educational programs, capital projects, competitive grants, and fundraising<br>• Official relationships with more than 88 cooperating associations dedicated to enhancing the educational and interpretive programs in California State Parks |
| **Academic Institutions with Relevant Expertise in Ocean Science** | • Receive funds from private philanthropy to support MPA monitoring<br>• Provide in-kind support for MPA management-related activities<br>• Have access to a variety of grants, such as federal grants, that could leverage MPA-related efforts |
| **Community Foundations** | • 501(c)(3) charitable foundations that commonly operate at the city or county level and exist across the state<br>• Ability to set up special interest funds to support California's MPAs<br>• Provides a mechanism for individuals or structured foundations to give<br>• Networks, like the League of California Community Foundations, can be an effective central hub for helping community foundations to develop philanthropy around MPAs |

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