



OVERVIEW: What is the Marine Life Protection Act (MLPA)?

The Marine Life Protection Act (MLPA) is a law that requires the state to establish a “network” of marine protected areas in near-shore waters from Oregon to the Mexican border. This state law was written to reevaluate an array of marine protected areas that had been designated over the years.

Like our system of wilderness protection on land, the value of fully protecting some special places seems like common sense. But like we’ve discovered both on land and in the sea, getting it right takes applying the best science available.

The law also established what society has accepted for centuries—that the oceans and all its beauty and bounty are held in trust by our government for all citizens. That means that it is the government’s job to balance the public’s ability to access and “take” these resources, with the duty to protect them for current and future generations.

One important tool for balancing those interests is to set aside some places for full protection. But it has to be done in a way that ensures these special places are successful at protecting the diversity and abundance of marine life within the boundaries of the marine protected areas. Further, modern science has proven that the marine life in these protected areas are much older. Unlike humans and other mammals, fish exponentially reproduce more offspring as they grow older.

So, multiple marine reserves designed in a “network” can take advantage of physical ocean processes and the currents to distribute new offspring to areas *open to fishing as well as other marine reserves strategically placed in the ocean current’s path*. Our best efforts to place marine reserves in a network based on these principles will give us the greatest benefits *while minimizing the displacement of our current fishing efforts*. In other words, a successful network of marine reserves gives us the most “bang for the buck.”

Obviously, the difficult task is finding ways to protect these special places while not *unnecessarily displacing those of us who catch fish for a living, or for pleasure*. The Surfrider Foundation is working hard to gather first-hand knowledge from our members in order to help the science community find that balance.

FREQUENTLY ASKED QUESTIONS

Why is the Surfrider Foundation Working on the MLPA?

The Surfrider Foundation is dedicated to restoring and protecting our coast and ocean (for *all* ocean and beach users). If properly implemented, the Marine Life Protection Act is just one tool for accomplishing that mission.

Our involvement in the MLPA is “member-driven” and focuses on local knowledge. Our membership represents a wide diversity of people affected by the outcome of the MLPA—from fishers to beachgoers who simply want special places fully protected for their “intrinsic” value.

We support the MLPA because we understand our oceans are impaired and believe it’s critical we take steps now to ensure a sustainable future. Much like the reasoning behind establishing National Parks and fully protected wilderness areas on land, we recognize there is tremendous value in protecting special places in the ocean for the opportunity to witness and enjoy nature – or even simply the intrinsic value of knowing these places exist.

But we are also fishermen and believe fishing can (and should) be accommodated in the final proposals in a sustainable fashion. Just like Teddy Roosevelt who was an avid hunter and outdoorsman, he recognized the importance of protecting special places for their intrinsic value, and to *balance healthy populations of wildlife*. In a same vein, we are “watermen and waterwomen” who swim, surf, sail and fish, but also love the ocean and want to protect special places.

The cumulative impacts of human activities are taking a toll on our ocean’s ecosystems and we must do something now for current and future generations. The choice is ours. The duty is ours. The responsibility is ours. And the opportunity is now.

Bottom line: Surfrider’s work on the MLPA is about securing a sustainable future for our fishing communities, ensuring everyone has access to a healthy and wild ocean, and supporting diverse local businesses that rely on the coast and ocean.

Isn’t the problem pollution?

Pollution is both a threat to healthy marine life and presents human health risks for those of us who spend time in the water. And, of course, Surfrider Foundation chapters are doing everything we can to eliminate ocean pollution.

Nonetheless, eliminating pollution alone will not provide the benefits envisioned and required in the law. Also, while eliminating pollution is a critical piece of restoring and protecting wild and special places, the benefits of marine reserves can start to happen while we continue our efforts to eliminate pollution. They are both tools in the toolbox.

Will the MLPA “shut down” surfing, diving and other non-extractive recreation?

No. The MLPA actually encourages non-extractive recreational uses like kayaking, diving, snorkeling and of course surfing. A stated goal for the MLPA is to preserve and enhance opportunities for non-extractive activities which include recreational, educational, and research opportunities. The rationale for improving these activities is that significant educational, cultural, and economic benefits will be felt by local communities and ocean users.

The MLPA focuses on human activities that are burdening near-shore ecosystems; and surfing, kayaking, diving, and snorkeling are not among these. Marine Protected Areas simply limit the removal or extraction of resources (i.e. fishing, kelp harvesting, oil extraction, etc), *but still allow public access and non-extractive recreation.*

In fact, MPAs could actually enhance the experience for ocean users because MPAs increase biodiversity which means we will be sharing our favorite recreational spots with thriving marine life.

So, not only will non-extractive recreation be unaffected, but designating areas for protection will foster greater educational, cultural, and economic benefits for ocean users and local communities.

There has been some suggestion that MPAs will prohibit non-extractive recreation. This idea is far-fetched and only serves to undermine more legitimate concerns, and constructive recommendations for implementation from our members who also enjoy fishing or fish for their livelihood.

Will the MLPA “shut down” fishing ?

There are different levels of protection under the MLPA. Marine reserves will prohibit fishing within fully protected boundaries. Other protected areas *may limit* fishing opportunities. But it's extremely important to remember that **these areas will be a fraction of the coast and are designed to limit displacing fishing while still meeting the requirements of the law.** Finding that balance is why it is important for fishermen and others to work cooperatively through the Regional Stakeholder Group as the State designs this network of MPAs.

Creating MPAs will help replenish healthy fisheries in the long run. Studies show fish populations are declining and fishermen are now catching half of what they did in 1990 (and the fish they do catch are 45 percent smaller). MPAs allow marine populations to increase and individual species to grow to full maturity--which increases the number of offspring from protected areas. These larger adult populations may "spill over" the boundaries of MPAs and provide improved fishing in areas adjacent to MPAs as well as “re-stock” other areas as the young fish are transported by the currents.

Often times, when a State agency is creating a Marine Protected Area they will incorporate “a mix” of the different levels of protection. There three levels of protection for the MLPA:

- 1.) Marine Reserves prohibit resource extraction and fishing.
- 2.) Marine Conservation Areas limit recreational and commercial fishing.
- 3.) Marine Parks only prohibit commercial fishing.

Typically with “a mix” of protection levels, a Marine Reserve could be surrounded and/or “book ended” by either a Marine Conservation Area or Marine Park. It's important to remember that MPAs are spread out over several miles of the coast and therefore if fishing is prohibited in one area, it could be open in an adjacent area.

Why Should I get Involved?

The process for designating these areas allows for an unprecedented amount of public input, and consequently demands a balanced approach to meet the differing wants and needs of interested parties.

The state of California MUST implement this law. The state has taken measures to ensure there is representation of differing opinions in the process. Both the environmental and fishing communities are well represented on the Regional Stakeholder Group.

To find a stakeholder that represents your concern go here:

http://www.dfg.ca.gov/MLPA/pdfs/agenda_111808a.pdf

We understand the reluctance in the fishing community. In fact, many of our members are fishers—but fishers who have a deep commitment to restoring and protecting the coast for future generations. So, we appreciate comments from our members and the public that focus on a solution to implementing the MLPA in a way that ensures the goals of the law, but minimizes fishery dislocation to the extent possible. Simply opposing MPAs is not helpful or realistic at this point.

We have thought long and hard about supporting the MLPA and since 1999 we have held a supportive view. Please review some of our policy position documents.

http://www.surfrider.org/policy_mpa.asp

What about “special closures” and public access?

Again, the purpose of the MLPA is to examine and limit human activities that impinge on near-shore ecosystems—**non-extractive recreational activities and general public access are not considered damaging**. In fact the law encourages non-extractive recreation by saying: “...the area *shall be open to the public* for managed enjoyment and study....”

In the North-Central Coast, the process designated some “special closures” where public access was restricted to protect breeding and *haul-out areas for birds and marine mammals*. These areas were designated under different authority than the MLPA.

Surfrider Foundation believes these areas may be important to protecting the entire diversity of life on our coast and ocean. However, like MPAs designated under the MLPA, selection of these sites should be fully considered by the Regional Stakeholder Group and undergo the same scientific and socio-economic scrutiny as MPAs.

In limited situations where sensitive intertidal areas or bird/marine mammals breeding grounds are present, there could be special closures or limited access. However, Surfrider recognizes the importance of protecting these areas for greater ecological integrity and for the long-term protection of biodiversity. We are confident any limited access will not be overwhelmingly large, and that protection of sensitive habitats can be met *by guidance on appropriate access*.

CONCLUSION

In the End, What Will the Surfrider Foundation Support?

We are committed to following the MLPA process until the end and will not take an official position on any proposals until we have sought input from **both** fishermen and environmentalists.

Our analysis, and subsequent support for any proposal, *must* include views from **all** ocean users *and* fall in line with our mission statement. Mission Statement: the Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people, through conservation, activism, research and education.

We cannot emphasize enough the importance of all interested stakeholders finding common ground and recognizing the right, and public duty, to fully protect special places while not unduly limiting fishing opportunities.

We encourage our chapters and members to engage in this process in a respectful way that recognizes cross-interests in the outcome. We will support a final proposal that we believe meets scientific guidelines for ensuring the network produces the benefits of other successful marine reserves around the world.

If you would like to stay updated about the Surfrider Foundation's MLPA efforts, please email Stefanie at: Ssekich@surfrider.org

We also encourage you to share your ideas about marine protected area placement by completing this on-line survey sponsored by the Surfrider Foundation:

http://www.surveymonkey.com/s.aspx?sm=jwej4I8d5vtscSSwjSHw_3d_3d



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