

CALIFORNIA MARINE LIFE PROTECTION ACT INITIATIVE

Draft Report on Improving Coordination among State and Federal Agencies with MPA Responsibilities

August 28, 2006 draft

**Please submit comments to
MLPAComments@resources.ca.gov
by October 20, 2006**

Acronyms

BLM	Bureau of Land Management
BRTF	Blue Ribbon Task Force
CalEPA	California Environmental Protection Agency
CDFG	California Department of Fish and Game
CDPR	California Department of Parks and Recreation
CEA	Cooperative Enforcement Agreement
DOD	Department of Defense
DOI	Department of Interior
F&GC	Fish and Game Commission
FKNMS	Florida Keys National Marine Sanctuary
FMP	Fisheries Management Plan
GFNMS	Gulf of the Farallones National Marine Sanctuary
IMC	Interagency Management Committee (within FKNMS)
JEA	Joint Enforcement Agreement
MBNMS	Monterey Bay National Marine Sanctuary
MLPA	Marine Life Protection Act
MMS	Minerals Management Service
MOU	Memorandum of Understanding
MSA	Magnuson-Stevens Act
NERR	National Estuarine Research Reserve
NMFS	National Marine Fisheries Service (aka NOAA Fisheries)
NMSA	National Marine Sanctuaries Act
NOAA	National Oceanic and Atmospheric Administration
NOC	National Ocean Council
NOPA	National Ocean Protection Act
NPS	National Park Service
NSF	National Science Foundation
OCEO	Office of Communication, Education and Outreach (within CDFG)
OLE	Office of Law Enforcement (within NOAA)
OPC	Ocean Protection Council
PFMC	Pacific Fishery Management Council
RHI	Rigid hull inflatable
ROV	Remotely operated vehicle
SWRCB	State Water Resources Control Board
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
USCG	United States Coast Guard
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VAFB	Vandenberg Air Force Base
VMS	Vessel monitoring system

Executive Summary

In recent years, there has been increasing interest in ecosystem-based management of ocean resources and a recognition that the division of federal and state ocean jurisdictions at 3 nautical miles from shore complicates ecosystem-based management efforts. The recent Pew Oceans Commission and the United States Ocean Commission reports call for greater coordination between federal and state governments for the management of ocean resources.

The Marine Life Protection Act (MLPA) calls for the use of ecosystem-based management as it seeks to protect the structure, function, and integrity of ecosystems rather than to protect individual species. The memorandum of understanding (MOU) between the California Resources Agency, the California Department of Fish and Game, and the Resources Legacy Fund Foundation for the establishment of the California Marine Life Protection Act Initiative stipulates “the development of recommendations for coordinating the management of marine protected areas with the federal government by November 2006.” The MOU further states that the recommendations will draw from the US Commission on Ocean Policy and the Pew Ocean Commission. This report seeks to describe opportunities for coordination between the federal and state governments for the management of marine protected areas designated through the MLPA process.

The recommendations drawn from this report are organized by management function and summarized below. Please see the text of the report for a more detailed description of each recommendation.

Oversight coordinating bodies

Recommendation 1: Establish a Federal-Ocean Protection Council Working Group, consisting of the directors of California state departments and regional representatives of federal agencies with an interest in MPAs.

Recommendation 2: Establish a working group between representatives of the governors’ offices of California, Oregon, and Washington; and representatives of federal agencies with interest in MPAs.

Design of MPA’s in federal waters

Recommendation 3: State agencies should support efforts to establish MPAs in federal waters but the state process to establish MPAs should not be slowed so that the federal and state processes may occur concurrently.

Education and outreach

Recommendation 4: State agencies should coordinate education and outreach efforts related to MPAs among themselves and with federal

partners. Efforts may include placing educational dioramas regarding marine protected areas in State Parks, National Marine Sanctuary Visitor Centers, Estuarine Research Reserve Visitor Centers, National Wildlife Refuges, and National Parks. In addition, educational curricula may be developed that address the educational mandates of several agencies.

Recommendation 5: Depending upon the success of the 2006 MOU signed between the National Marine Sanctuary Program, the Estuarine Reserves Division, the U.S. Fish and Wildlife Service, and the National Park Service to improve conservation efforts, state agencies should consider becoming party to the MOU.

Surveillance and enforcement

Recommendation 6: CDFG should renegotiate the joint enforcement agreement with NOAA Fisheries to obtain more funding and to arrange for a more consistent stream of funds. CDFG should discuss with NOAA the possibility of basing federal funding on number of marine commercial and recreational fishers rather than tons of landings.

Recommendation 7: CDFG should pursue legal means to access vessel monitoring system data from NOAA Fisheries in order to better enforce federal laws and prosecute violators in the state judicial system.

Recommendation 8: CDFG should develop a joint enforcement agreement with the National Park Service to take advantage of CDPR rangers located in coastal CDPR lands.

Recommendation 9: CDFG should establish a cooperative enforcement agreement with CDPR to allow CDPR rangers to enforce Fish and Game Code statutes and Title 14 regulations outside the boundaries of CDPR lands.

Water quality programs

Recommendation 10: CDFG or another monitoring entity should coordinate water quality monitoring efforts with the SWRCB and the regional water quality control boards.

Permitting

Recommendation 11: Depending on future demand for marine aquaculture permits within National Marine Sanctuaries, the CDFG should consider entering into a memorandum of agreement with the NMSP for joint permitting.

Monitoring and adaptive management

Recommendation 12: CDFG should work with relevant federal agencies, either within the proposed California Marine Monitoring and Evaluation Institute or external to it, to develop a statewide marine research plan.

Recommendation 13: CDFG or the proposed California Marine Monitoring and Evaluation Institute should use the resources and infrastructure of the existing research programs to conduct MPA monitoring.

Recommendation 14: CDFG or the proposed California Marine Monitoring and Evaluation Institute should enter into a memorandum of understanding to conduct biological monitoring of marine species in coastal state parks.

Recommendation 15: Include the coordinators of existing federal-state monitoring partnerships (such as CRANE, SiMoN, CalCOFI and MARINE) in the proposed Regional MPA Management Advisory Committees.

Recommendation 16: Include the research directors of relevant federal agencies in the proposed Regional MPA Management Advisory Committees.

Recommendation 17: Stipulate that federal agencies seeking the proposed California Marine Monitoring and Evaluation Institute funding comply with data collection and formatting standards of the Institute in order to facilitate integration of federal and state databases.

Emergency and contingency planning

Recommendation 18: In order to protect marine resources from the damaging effects of oil spills, the Marine Region of CDFG should work with OSPR and the USCG to update the Area Contingency Plan to include MPAs designated as a result of the MLPA process.

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I. Introduction

A. Need for ecosystem-based management of ocean resources

In recent years there has been an increasing interest in ecosystem-based management of ocean resources. Ecosystem-based management has been defined many ways but most definitions include “the protection or restoration of the function, structure, and species composition of an ecosystem, recognizing that all components are interrelated” (Congressional Research Service 1994).

The division of federal and state ocean jurisdiction at 3 nautical miles offshore (with a few exceptions in California) complicates ecosystem-based management efforts because it divides some ecosystems into more than one management structure. By focusing on the ecosystem, rather than political boundaries, decision-makers and managers can coordinate their activities in order to reduce duplication of efforts and maximize limited resources (U.S. Commission on Ocean Policy 2004).

At the federal level, eleven of fifteen cabinet-level departments and four independent agencies play important roles in the development of ocean and coastal policy (U.S. Commission on Ocean Policy 2004). In California, ocean management is addressed by three agencies: Resources, Environmental Protection, and Health and Welfare. Within the Resources Agency, there are twelve departments and commissions that manage ocean and coastal natural resources. Within the Environmental Protection Agency, there are 3 departments that develop ocean water quality standards and regulate waste discharges. Lastly, within the Health and Welfare Agency, the Department of Health Services protects public health as it relates to the safety of marine waters, bathing beaches, and seafood consumption (California Resources Agency 1997).

Within the California state government there is increasing recognition of the need for coordination between the state and federal government for ocean resource management. The 2004 report, *Protecting Our Ocean: California's Action Strategy*, states that “ocean planning and regulation is fragmented at both the federal level and within California resulting in reduced efficiency and effectiveness of efforts to ensure clean water, productive habitats, sustainable fisheries, and functioning recreational beaches” (California Resources Agency 1997).

B. Introduction to the MLPA and deliverable to the Blue Ribbon Task Force

The Marine Life Protection Act (MLPA) of 1999 directs the State of California to improve the design and management of a network of marine protected areas

(MPAs) in state waters. The MLPA calls for the use of ecosystem-based management since it seeks to protect the structure, function, and integrity of ecosystems rather than individual species. To implement the MLPA, the California Resources Agency and the California Department of Fish and Game (CDFG) signed a memorandum of understanding (MOU) with the Resources Legacy Fund Foundation to create a public-private partnership called the Marine Life Protection Act Initiative. The MOU also stipulated the creation of a Blue Ribbon Task Force (BRTF), a panel of public policy experts created to provide advice on implementing the MLPA, and who would be supported by the MLPA Initiative staff.

The MOU between the California Resources Agency, the CDFG, and the Resources Legacy Fund Foundation for the MLPA Initiative stipulates “the development of recommendations for coordinating the management of marine protected areas with the federal government by November 2006.” The MOU further states that the recommendations will draw upon the United States Commission on Ocean Policy and the Pew Ocean Commission.

The purpose of the present report is to recommend how the federal and state governments can coordinate the management of MPAs¹. The report begins with a description of state and federal agencies with ocean and coastal responsibilities. Secondly, common obstacles to effective interagency coordination are discussed. The recommendations of the Pew Ocean Commission and the US Ocean Commission related to federal-state coordination will then be described. The report follows with a description of case studies of other interagency coordination efforts in ocean resource management. Institutional design issues, such as the creation of a federal-state coordination body, will then be discussed. The report will lastly identify potential partnerships between state and federal agencies for some of the functions of MPA management, such as education and enforcement.

¹ The MLPA Initiative recognizes the high degree of potential for collaboration between government, academic, and non-governmental organizations in the management of MPAs. However, the identification of these opportunities goes beyond the scope of the present report.

II. State and federal agencies with ocean and coastal-resource responsibilities

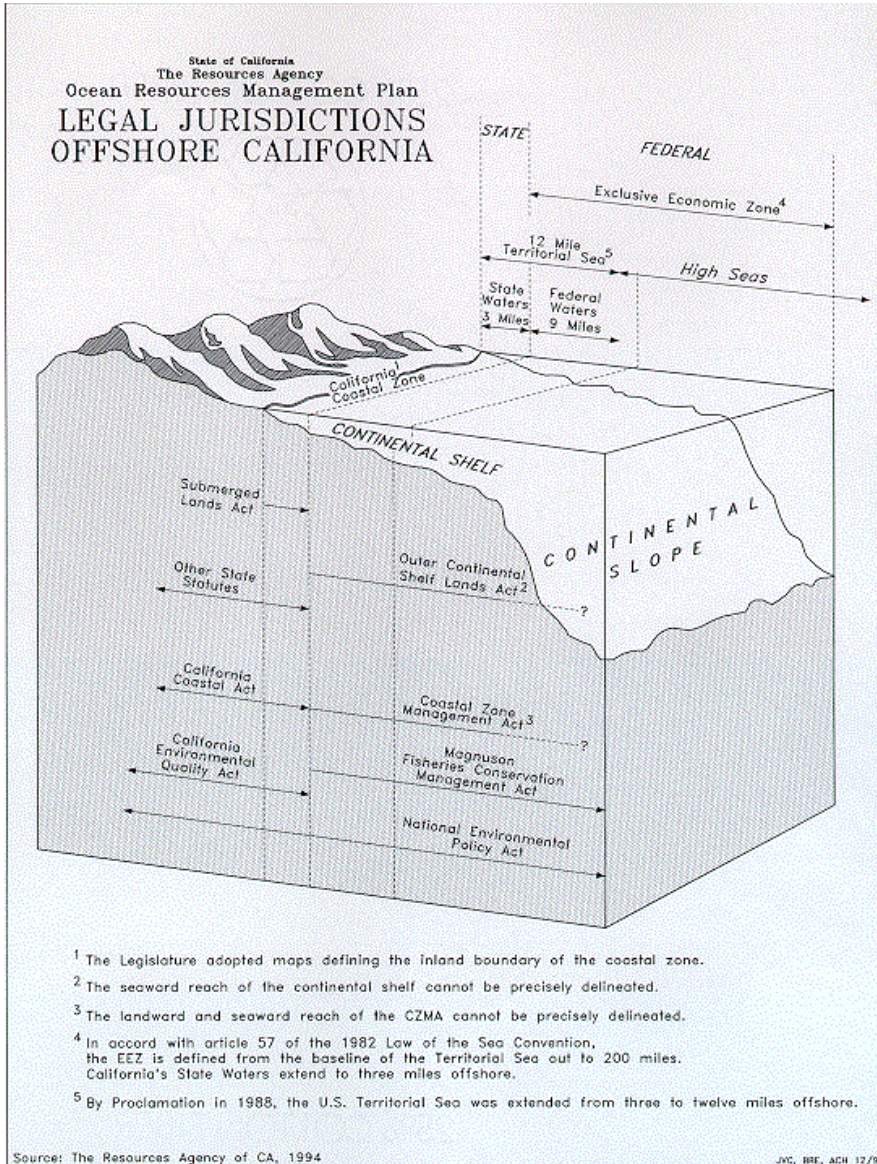


Figure 1: Legal jurisdictions offshore California (California Resources Agency 1997)

A. State agencies

The **California Department of Fish and Game** has management authority over living marine resources within state waters (generally between 0 and 3 nautical miles from shore or around offshore islands, with a few exceptions such as Monterey Bay and including estuarine areas) as well as authority to regulate fisheries that deliver catch to Californian ports. Thus, CDFG has some authority beyond state waters and often enforces regulations in this area. In addition, the

CDFG regulates marine aquaculture within state waters (California Fish and Game Code, section 15000-15007).

The **California Department of Parks and Recreation (CDPR)** is responsible for almost one-third of California's scenic coastline and manages coastal wetlands, estuaries, beaches, and dune systems within State Park units. Through State Water Bottom Leases², State Parks has management authority over fifteen underwater areas, though it does not have authority to restrict the take of living marine resources. The Fish and Game Commission may establish fishing regulations for state marine parks, but must have the concurrence of the Park and Recreation Commission to establish, modify or delete a state marine park (California Public Resources Code, section 96725).

The **California State Lands Commission** has responsibility for leasing state lands, including submerged lands in state waters (excluding aquaculture which is regulated by the CDFG).

The **California Coastal Commission (CCC)** regulates the use of land and water in a legislatively-designated coastal zone. The coastal zone varies between several hundred feet above mean high tide in highly urbanized areas and up to 5 miles in rural areas and extends to the state water offshore boundary. Development in the San Francisco Bay is regulated by the Bay Conservation and Development Commission (BCDC). The establishment of MPAs may require a coastal development permit from the CCC or BCDC if public access is limited or if there is any physical development (such as signage) (California Coastal Commission 2005).

The **State Water Resources Control Board (SWRCB)** has regulatory authority over discharges into marine waters from point and nonpoint sources, as well as other water-quality related aspects. SWRCB has authority to create state water quality protection areas and areas of special biological significance, which are classifications of marine managed areas (MMAs) and are not MPAs (although MPAs are a subset of MMAs). Regional water quality control boards are the units within the SWRCB that oversee local management issues throughout the state (California Marine Life Protection Act Initiative 2005).

B. Federal agencies

The **Department of Defense (DOD)** has installations along the California coast for which there may be a conflict between military activities and protection of natural resources offshore of the bases. The Department of Defense and the CDFG have made efforts in the past to allow for military activities within MPAs located offshore of military installations. In 1994, Vandenberg Air Force Base

² The submerged land of Point Lobos State Reserve was transferred from the California State Lands Commission to the California Department of Parks and Recreation in 1960 (Schaub 2006).

(VAFB) and CDFG signed an MOU establishing which military activities would be considered “necessary and compatible” with VAFB’s mission and as a result, allowed within the Vandenberg Marine Resources Protection Act Ecological Reserve³ (now called Vandenberg State Marine Reserve). However, the MOU was never executed (Milton 2006).

The U.S. Air Force established 9 danger zones after September 11, 2001 in waters offshore of VAFB, one in which boats can only transit through but cannot stop (danger zone 4).

Governor Schwarzenegger’s *California’s Action Strategy* of September 2004 declares that state agencies should coordinate ocean and coastal management activities that impact military facilities or operations with the Department of Defense (California Resources Agency and California Environmental Protection Agency 2004).

On January 11, 2005, several representatives of the Department of Defense presented to the BRTF the concerns of the DOD regarding the establishment of MPAs near military areas. DOD is concerned that MPAs will limit the ability of the military to fulfill its mission. The representatives noted that some branches of the military, such as the U.S. Marine Corp, would be more severely affected by MPAs than other branches as they have a greater need for marine areas for training (Department of Defense 2005).

In order to facilitate coordination between the state of California and the Department of Defense, Mr. Walter Schobel, Airspace and Offshore Management Flight Chief of the U.S. Air Force, was appointed to the MLPA Central Coast Regional Stakeholder Group in April 2005.

In March 2006, the U.S. Air Force, in a letter to the California Resources Agency, stated that “military operating restrictions off Vandenberg Air Force Base’s coast already significantly protect marine life.” The Air Force further states that an “unqualified MPA” within Vandenberg’s operating area would be inconsistent with the mission of the Air Force. However, if provided with additional rules to ensure no mission impact, the Air Force is willing to re-evaluate the measure (Wolf 2006).

There have been recent efforts to develop a MOU between VAFB and CDFG for CDFG’s assistance in clearing the danger zones of vessels when VAFB plans to conduct training operation (Warrington 2006). However, the impetus for the

³ The Vandenberg Marine Resources Protection Act Ecological Reserve was established in 1994 under the authority of the Marine Resources Protection Act of 1990. The reserve spans 5.8 miles of coastline within the Vandenberg Air Force Base and extends to the 60’ isobath.

development of the MOU has slowed until the MPAs in the central coast project area become designated (Milton 2006).

The **Department of Commerce** has several agencies with responsibility for ocean and coastal resources. The **National Oceanic and Atmospheric Administration (NOAA)** conducts research and manages ocean resources through three units which have direct interest in MPA issues: the National MPA Center, the National Marine Sanctuary Program, and NOAA Fisheries.

National MPA Center was established by Executive Order 13158 of 2000 to oversee efforts to create a national system of MPAs and to assist government agencies in participating in this effort. The National MPA Center also supports the MPA Federal Advisory Committee established under the executive order as well as a Science Institute which provides scientific information and policy analysis to support the planning, management and evaluation of the nation's MPAs (California Marine Life Protection Act Initiative 2005).

National Marine Sanctuary Program (NMSP) manages 14 marine protected areas that encompass more than 150,000 square miles of marine and Great Lakes waters from Washington State to the Florida Keys, and from Lake Huron to American Samoa. The system includes 13 national marine sanctuaries and the Northwestern Hawaiian Islands Marine National Monument. Since 1972, the NMSP has worked cooperatively with the public and federal, state, and local officials to protect sanctuary resources while allowing compatible commercial and recreational activities. Increasing public awareness of marine heritage, scientific research, monitoring, exploration, educational programs, and outreach are the principal tools the NMSP uses to fulfill its mandates. Sanctuaries have broad authority for establishing regulations under the National Marine Sanctuaries Act (NMSA) (Brookhart 2006).

NOAA Fisheries (the National Marine Fisheries Service or NMFS) has regulatory authority for marine finfishes, invertebrates, and marine mammals other than sea otters in waters 3-200 nautical miles from shore. Among other laws, NOAA Fisheries derives its authority from the Magnuson-Stevens Fisheries Conservation Act of 1976 (Magnuson-Stevens Act or MSA). Under the MSA, NOAA Fisheries manages any fishery that is the subject of a fishery management plan (FMP) developed by regional fishery management councils (see below) as well as some non-FMP species (California Marine Life Protection Act Initiative 2005).

Pacific Fishery Management Council (PFMC) is one of eight regional fishery management organizations established by the Magnuson-Stevens

Act. The councils develop fishery management plans for fisheries within 200 miles of shore; these plans must be approved by the Secretary of Commerce and are implemented by NOAA Fisheries. The PFMC has management authority for approximately 80 species of finfishes, primarily those associated with the bottom (groundfish), but also others such as highly migratory species (California Marine Life Protection Act Initiative 2005).

National Estuarine Research Reserve System (NERRS) is a network of terrestrial and aquatic areas established for long-term research, education and stewardship. Within California, there are three national estuarine reserves, one each in Elkhorn Slough, the Tijuana River, and San Francisco Bay. NOAA manages them jointly with CDFG, California Department of Parks and Recreation (CDPR), and San Francisco State University, respectively. Long-term research, monitoring, and public education are the main objectives of the reserves. NOAA provides 70% of the sites' funding, while the state partner is required to provide the remaining 30%. Enforcement activities generally are the responsibility of the state partners (Golfarb 2005).

The **Department of Interior** has several agencies with responsibility for ocean and coastal-resources.

United States Fish and Wildlife Service (USFWS) conserves, protects and enhances populations of fish, other wildlife, and plants and manages the system of National Wildlife Refuges. The system includes the following coastal refuges in California: Castle Rock, Humboldt Bay, San Pablo Bay, Marin Islands, Farallon, Don Edwards San Francisco Bay, Salinas River, Guadalupe-Nipomo Dunes, Seal Beach, and the Tijuana Slough.

National Park Service (NPS) has several park lands located along the California coast including Redwood National Park, Point Reyes National Seashore, Golden Gate National Recreation Area, Channel Islands National Park and the Cabrillo National Monument. The typical seaward boundary of coastal national park lands extends to 1000 feet offshore, with the exception of the Channel Islands National Park which has a seaward boundary that extends to 1 nautical mile⁴. The National Park Service regulates the use of the seabed within these 1000 feet but there is ambiguity as to its authority to regulate the harvest of living marine resources (Neubacher 2006). Please see section V(A) for a more detailed

⁴ Adjacent to the Golden Gate National Recreation Area, there are several underwater areas (mostly former military properties) that remain the property of the federal government (Ueber 2006)

description of the role of the Channel Islands National Park in the management of MPAs in the Channel Islands.

Bureau of Land Management (BLM) has management responsibility for the California Coastal National Monument established in 2000, which extends from shore to twelve nautical miles seaward and is composed of thousands of small rocks and pinnacles above mean high tide. The primary purpose of the monument is to protect geological values, including habitat. The BLM would need to work through the regulatory process of the California Fish and Game Commission to establish regulations affecting living marine resources in state waters adjacent to any part of the monument. The BLM manages living marine resources in cooperation with CDFG; a memorandum of understanding formalizes this agreement and includes the CDPR (California Marine Life Protection Act Initiative 2005; Hanks 2006).

Minerals Management Service (MMS) manages the nation's natural gas, oil and other mineral resources on the outer continental shelf.

Please see Appendix A for maps of federal and state agencies areas of operation along the coast.

III. Introduction to interagency collaborations

A. Definition of collaboration

Difficult interagency working relationships have often been cited as a significant barrier to effective program implementation (Bardach 1998). The *Reinventing Government* philosophy of Osborne and Gaebler in the early 1990s promoted interagency collaboration as a way for government to manage for results rather than for outputs (Osborne and Gaebler 1992). Interagency collaboration has been increasingly recognized as an important element in program implementation and is the focus of the Ford Foundation and Kennedy School of Government for their Innovations in American Government awards.

Interagency collaboration has been defined as “any joint activity by two or more agencies that is intended to increase the public value by their working together rather than separately” (Bardach 1998). In this context “working together” can vary greatly from operating joint enforcement teams to clarifying existing divisions of labor between agencies in order to increase public value.

B. Goals of interagency collaboration

There are two primary goals of interagency collaboration: 1) cost-savings to the tax-payer; and 2) performance enhancement. Cost-savings can be achieved when one agency benefits from the comparative advantage of another agency to

provide a service. For example, an agreement between a health department and a housing authority for the latter to test for lead paint during routine inspections of apartments may allow detection of lead paint at a cost lower than what the health department would have spent on their own inspections.

Performance enhancement occurs when two or more collaborating agencies are better able to meet their missions and the needs of the public. The opportunity for performance enhancement occurs when problems are conceptualized more holistically than each specialized agency is capable of doing alone and the resources necessary to solve these problems are obtained. For example, performance is enhanced when welfare agencies work together with health and human services agencies to provide health services to individuals who may have initially sought only job training from the welfare agency.

C. Obstacles to effective collaboration

Despite the benefits described above, there are several obstacles to effective collaboration.

1. Differing organizational missions and performance evaluation

First of all, government structures have become more specialized since the Progressive Era of the early 20th century. Agencies have distinct missions and personnel within those agencies often identify themselves with a particular epistemological community. It is often difficult for members of one epistemological community to collaborate with those from another community. In addition, performance evaluation has traditionally been based upon meeting the goals of the home agency rather than the goals of the interagency collaboration.

2. Protection of “turf”, including mission and resources

Second, government bureaucracies tend to protect their “turf” or the jurisdiction of the agency and resources needed to accomplish the agency’s mission. Bardach (1998) theorizes that agencies with similar missions and who compete for the same resources will distrust each others’ motivations, fear each other’s enhanced visibility, hide information about available resources, and as a result, will experience greater difficulty collaborating.

3. Differing operational procedures

Third, interagency collaboration may be hindered when agencies have incompatible procedures, processes, data, and computer systems (Government Accountability Office 2005). An example of one such obstacle may differing procedures for the approval of spending that may lead to a delay in the activities of the collaborative

4. Risk to leaders who initiate collaboration

Lastly, potential leaders of interagency collaborations may not be willing to step forward and assume the burdens of leadership. Although there are certainly people who are motivated by serving the public interest for various reasons, there is a greater incentive to invest time and energy in increasing the agency's capacity to do its own internal and self-contained tasks (Bardach 1998).

Please see Appendix B for a description of practices to build and sustain interagency collaborations and a description of contracting issues.

IV. Pew Oceans Commission's and U.S. Ocean Commission's Recommendations regarding federal state coordination

U.S. ocean policy has recently undergone assessments by two commissions, the Pew Oceans Commission and the U.S. Commission on Ocean Policy. The two commission reports represent the first holistic review of U.S. ocean policy since the Stratton Commission report of 1969. The Pew Oceans Commission is an independent, privately financed review of U.S. policy with respect to living marine resources. The Pew Oceans Commission's 18 members were appointed in June 2000 and worked over the course of two and half years to develop their recommendations which were published in May 2003.

The U.S. Ocean Commission was established by Congress through passage of the Coastal Act of 2000. The President appointed the 16 members of the Commission who held 16 public meetings, 18 regional site visits and received hundreds of presentations and public comments. The U.S. Ocean Commission released their final report in September 2004.

The Pew Oceans Commission and U.S. Ocean Commission share a number of policy recommendations for improving ocean resource management. There are several recommendations that directly address federal and state coordination, described below. However, recommendations that indirectly address federal and state coordination are described more thoroughly in Appendix C of this report. In addition, an analysis of efforts to implement the Pew Oceans Commission and U.S. Ocean Commission recommendations can also be found in Appendix C.

A. Establish a Presidential Council of Advisors

The U.S. Ocean Commission recommends the establishment of a President's Council of Advisors composed of governors of coastal states and other appropriate state, territorial, tribal and local government representatives; and individuals from the private sector, research institutions, and non-governmental organizations. The purpose of the Council of Advisors would be to advise the President on ocean and coastal policy matters. The Council of Advisors would be co-chaired by the Assistant to the President and a nonfederal member of the Council (U.S. Commission on Ocean Policy 2004).

B. Establish Regional Ocean Councils

Both the Pew Oceans Commission and the U.S. Ocean Commission recommend the establishment of regional ocean councils. However, the Commissions differ in that the Pew Oceans Commission recommends that the councils be established by statute whereas the U.S. Ocean Commission recommends the councils be voluntary and more flexible in their purpose and structure.

The Pew Oceans Commission recommends the establishment of regional ocean ecosystem councils that would preliminarily be based upon current federal fisheries management councils but could be changed at a later date. The council would be composed of federal, state and tribal representatives whose main task would be to develop and oversee the implementation of regional ocean governance plans. The regional ocean governance plan would address the following issues: management of living marine resources, protection of habitat, protection of water quality, and management of development affecting marine ecosystem health. All regional ocean governance plans would need approval from the head of the National Oceans Agency (discussed in Appendix B). The regional ocean council would be a coordinating body while leaving the day-to-day management to the appropriate authorities, such as federal marine fisheries management to NOAA Fisheries and the regional fishery management councils.

The U.S. Ocean Commission states that the purpose of the regional ocean councils is to facilitate more coordinated and collaborative approaches to realizing opportunities and addressing concerns in the region. The councils would develop regional goals and priorities and identify the best mechanism for responding to each issue. The councils would also work with the President's Council of Advisors on Ocean Policy (described in Appendix B) to communicate regional needs at the national level and better address issues of national importance in the regions. The U.S. Ocean Commission states that the regional councils should be flexible in nature, with the participants in development deciding the structure, function, and membership of the group. Like the Pew Oceans Commission, the U.S. Ocean Commission recommends that the councils be established at a regional scale similar to those of the current federal fishery management councils. The proposed regional ocean councils are not intended to supplant any existing authorities, such as the regional fishery management councils, state agencies, and tribal governments. However, the function and structure of the regional councils may change over time and may allow the council to enter into interstate compacts, interagency agreements, or changes to regulatory requirements.

Please see Table 1 for a comparison of Pew Ocean Commission and U.S. Ocean Commission recommendations regarding federal state coordination.

Table 1: Comparison of Pew Oceans Commission and U.S. Ocean Commission recommendations with respect to federal-state coordination

Comparison of recommendations regarding federal/state coordination of ocean resources		
Recommendations	Pew Ocean Commission (2003)	U.S. Ocean Commission (2004)
1. Establish a Presidential Council of Advisors	not addressed	Presidential Council of Advisors
1a. Membership	n/a	Governors of coastal states and other appropriate state, territorial, tribal and local government representatives; and individuals from the private sector, research institutions, and non-governmental organizations
1b. Chairmanship	n/a	Co-chaired by the Assistant to the President and a nonfederal members of the Council
1c. Purpose	n/a	Advise the President on ocean and coastal policy matters
2. Establish Regional Ocean Councils	Established by statute	Voluntary
2a. Membership	Federal, state and tribal representatives	Flexible
2b. Chairmanship	not addressed	not addressed
2c. Purpose	Develop and oversee the implementation of regional ocean governance plans	Facilitate more coordinated and collaborative approaches to realizing opportunities and addressing concerns in the region
2d. Geographic scale	Initially through regional fisheries management councils but may be modified in the future	Similar to those of the current federal fisheries management councils

V. Case studies of interagency collaboration in ocean resource management

There are several examples of successful interagency collaborations in ocean resource management including the MPAs around the Channel Islands, Florida Keys National Marine Sanctuary, and fisheries management in general. In addition, there are several new interagency collaborations such as the California Ocean Protection Council and the Gulf of Mexico Alliance.

A. Channel Islands MPAs

The Channel Islands off the coast of Santa Barbara, California were designated as both a National Park and a National Marine Sanctuary in 1980. The Channel Islands National Park (CINP) encompasses the islands of San Miguel, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara, including the rock islets, submerged lands, and waters within one nautical mile of each island. The Channel Islands National Marine Sanctuary (CINMS) encompasses the same five islands plus Richardson Rock and Castle Rock, including the area from mean high tide to six miles offshore. As mentioned previously, the California State Lands Commission has jurisdiction of submerged land from mean high tide to 3 nautical miles offshore while CDFG has jurisdiction over living marine resources in the same area. As a result, there is overlapping jurisdiction between the NPS, National Marine Sanctuary Program, the California State Lands Commission, and CDFG between mean high tide and 1 nautical mile offshore. Jurisdiction of the National Marine Sanctuary Program, the State Lands Commission, and CDFG overlap between mean high tide and 3 nautical miles offshore (see figure 2).

In 1998 a group of recreational fishermen from Oxnard, the Channel Islands Marine Resources Restoration Committee submitted a proposal for marine reserves in the Channel Islands to the California Fish and Game Commission (F&GC). The proposal was debated within the F&GC for about 1 year. The CINMS then approached the CDFG to create a joint federal-state partnership to consider the establishment of marine reserves within the CINMS. A stakeholder process ensued over 4 years to develop proposals for MPAs in state and federal waters. In October 2002, the F&GC approved, by a vote of 2 to 1, the establishment of 10 state marine reserves and 2 state marine conservation areas (one allowing limited recreational fishing only and one allowing limited recreational and commercial fishing) encompassing a total of 132 square nautical miles, or 19% of the state waters within the CINMS (see figure 2). The process to designate the complementary federal portions of these MPAs is underway (see below).

California and Federal Agency Coastal Areas of Operation In the Channel Islands Area

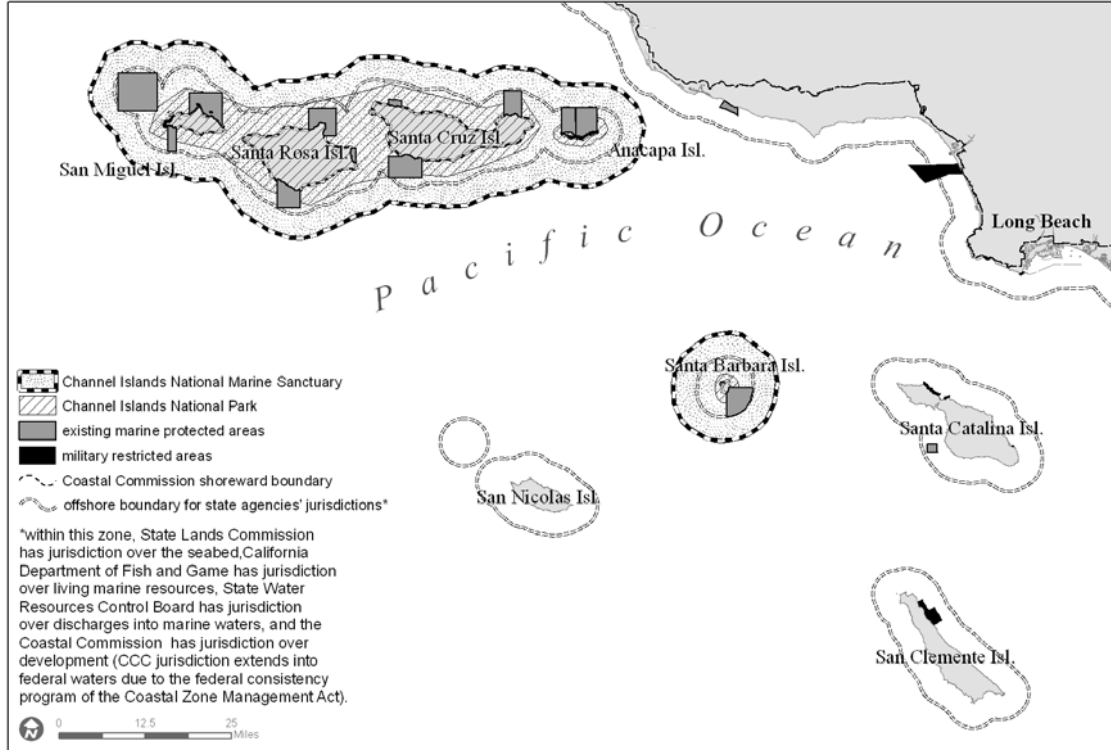


Figure 2: Map of California and Federal Agency Coastal Areas of Operation and existing MPAs in state waters in the Channel Islands (Paulo Serpa, CDFG).

There is a high level of coordination between federal and state agencies with respect to law enforcement of the MPAs in the Channel Islands. CDFG has three Lieutenants and four boarding officers based in Santa Barbara and Ventura Counties that conduct enforcement operations in the Channel Islands. The CDFG has stationed a new patrol vessel, the *Swordfish*, in Ventura for the purposes of patrolling the Channel Islands. An additional patrol vessel is stationed in Dana Point, Orange County, and assists with enforcement in the islands. Several skiffs can be used as weather permits but do not regularly patrol the islands. Lastly, the CDFG has two airplanes that conduct regular patrols over the islands (Davis and Moretti 2005).

The CINMS has no dedicated federal enforcement agents. However, the CINMS has 2 research vessels which spend an average of 180 days on the water and can report violations, thus serving as additional deterrence. In addition, the CINMS has an airplane that conducts surveillance twice a week and can communicate with CDFG via radio (Davis and Moretti 2005). In 2002, NOAA and CDFG signed a Cooperative Enforcement Agreement (CEA) to assist the

Department of Commerce in carrying out law enforcement responsibilities under the National Marine Sanctuaries Act (NMSA) and other NOAA resource protection statutes and regulations. Under this agreement, CDFG wardens were deputized as Federal law enforcement agents and authorized to enforce the NMSA and its regulations. Between 2002 and 2005 the CDFG received \$80,000 per year in return for providing enforcement patrols of CINMS. However, federal funding for cooperative enforcement agreements has ceased and the reimbursement from NOAA to CDFG has decreased to \$10,000 for fiscal year 2005-2006, \$57,000 for fiscal year 2006-2007, and \$14,000 for fiscal year 2007-2008 (California Department of Fish and Game and Monterey Bay Sanctuary Foundation 2005b; Warrington 2006).

The Channel Islands National Park currently employs nine full time and three seasonal law enforcement rangers, of which 3 are dedicated fulltime to marine patrol with an emphasis on MPA enforcement. Enforcement assets include three patrol boats moored at the islands and three additional boats in Ventura. CINP rangers have the authority to enforce all CDFG regulations, by assimilating them as federal regulations within the National Park waters out to 1 nautical mile from the islands.

In addition, NPS has an agreement with the U.S. Coast Guard to conduct joint fisheries patrols of MPAs by U.S. Coast Guard helicopters twice per week and on call as available. There currently is no agreement between CINPS and the CINMS for cooperative law enforcement although a general agreement regarding cooperative conservation efforts between the NMSP, Estuarine Reserves Division, USFWS, and NPS was signed in August 2006 (please see section VI (B)(2) for details) (Fitzgerald 2006).

The CINP, CINMS, and CDFG have partnered with California Sea Grant to publish and distribute flyers that illustrate the boundaries and regulations associated with each MPA (Davis and Moretti 2005). The CDFG recently completed a regulatory process with the F&GC to consolidate all regulations for all state MPAs into a single section with the California Code of Regulations, Title 14, in order to improve public education and compliance.

Communication between enforcement agencies has been noted as a challenge in the Channel Islands. In some cases, agencies are unaware, or slow to become aware of, enforcement actions taken by other agencies. An enforcement officer may issue a warning to a violator without the knowledge that the person had already been cited for the same violation by a different agency. Suggested changes to address this challenge include better coordination and training. The development of a strategic enforcement plan, including systematic operations and coordination, has been identified as a possible tool for improved coordination (Davis and Moretti 2005).

Nevertheless, according to Davis and Moretti (2005) the local cooperative work between the CDFG, CINP, and CINMS is considered “especially beneficial” to the management of the Channel Islands MPAs. Davis and Moretti state, “the [C]DFG has effectively leveraged staff time and enforcement jurisdiction in state waters to gain the education/outreach and research/monitoring capabilities of National Marine Sanctuaries and National Parks” (Davis and Moretti 2005).

A monitoring program is in place within and adjacent to the new Channel Islands MPAs. The program is a cooperative venture among state and federal agencies, universities and other research institutions, and fishermen. The collaboration is informal in nature; commitments have not been formalized in a memorandum of understanding. In 2004 there was a contract established for data collection. The program builds on existing long-term monitoring programs, in particular those established by NPS, and is obtaining data, intertidally and in shallow and deep water, at all of the MPAs in order to determine changes in species diversity, relative abundance, and size distribution. Monitoring results can be used to evaluate the effectiveness of the MPAs in meeting their established goals (California Marine Life Protection Act Initiative 2005).

Upon the F&GC’s establishment of the MPAs in state waters, CINMS initiated the federal process to consider establishing a network of MPAs to complement the MPAs in state waters. CINMS staff worked with the Pacific Fishery Management Council (PFMC) and NOAA Fisheries to develop a set of MPA alternatives and associated regulations, which are currently under public review in a draft environmental impact statement developed by NOAA. The PFMC is given the opportunity to draft sanctuary fishing regulations to meet sanctuary goals and objectives. The PFMC has established a marine reserves subcommittee to review the CINMS draft environmental impact statement and provide recommendations to the council members. The subcommittee has been meeting regularly for several years to discuss the issue of MPAs (California Marine Life Protection Act Initiative 2005).

B. California Ocean Protection Council

The California Ocean Protection Act of 2004 created the California Ocean Protection Council (OPC). The OPC is chaired by the Secretary of Resources and includes the State Lands Commission Chair, the Secretary for Environmental Protection, and two non-voting, ex-officio members of the California Legislature. The purpose of the Council is to:

- Coordinate activities of ocean-related state agencies to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations.
- Establish policies to coordinate the collection and sharing of scientific data related to coastal and ocean resources between agencies.

- Identify and recommend to the Legislature changes in law.
- Identify and recommend changes in federal law and policy to the Governor and Legislature (California Ocean Protection Council)

The California Ocean Protection Act of 2004 also created the California Ocean Protection Trust Fund managed by OPC to support projects consistent with the Act. The OPC is currently funded with a legislative appropriation, tideland oil royalties and bond funds from both the State Coastal Conservancy and the State Water Resources Control Board (California Ocean Protection Council).

The OPC approved a five-year strategic plan in June 2006 which calls for the creation of a State Agency Steering Committee composed of senior representatives of state agencies with responsibility for coastal- and ocean-management. The State Agency Steering Committee will meet for the first time in September 2006.

The purpose of the State Agency Steering Committee is to:

- Identify top priorities for each fiscal year
- Identify strategies and projects within and across agencies to address these top priorities
- Assess the capabilities of agencies to carry out their ocean and coastal protection responsibilities
- Identify necessary funding for priority actions-either through redeploying existing funds, developing cross-cutting budgets, or identifying new funding
- Recommend any necessary legislative action or regulatory changes to implement priority actions and strategies (California Ocean Protection Council)

C. Florida Keys National Marine Sanctuary's Federal/state coordinating bodies

The Florida Keys National Marine Sanctuary (FKNMS) represents an important example of local, state and federal coordination in ocean resource management. The FKNMS was designated in 1990 to protect the marine resources of the Florida Keys, educate the public about this environment, promote marine research, and develop a sanctuary management plan that would regulate human activities that adversely affect the resources of the FKNMS (Suman 1997). NOAA developed a Final Management Plan and Environmental Impact Assessment, which was released to the public in 1994. The Management Plan describes the roles of state and federal agencies in the management of the FKNMS.

The National Marine Sanctuaries Act (NMSA) provides the legal basis for federal-state coordination in the FKNMS. One of the mandates of the NMSA is “to develop and implement coordinated plans for the protection and management of

[national marine sanctuaries] with appropriate Federal, State, and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas” (16 U.S.C. 1431-1445 1972). The NMSA further allows NOAA to “enter into cooperative or financial agreements with states, local governments, regional agencies, inter-state agencies, and other persons” (16 U.S.C. 1431-1445 §311(a)).

To ensure Florida’s input and participation in the FKNMS development process, the State of Florida Inter-Agency Management Committee (IMC), comprised of state agency heads in coastal zone management, was formed (Suman 1997).

<p><u>Inter-Agency Management Committee (IMC)</u> Florida Department of Natural Resources (FDNR) Florida Department of Environmental Regulation (FDER) Florida Department of Community Affairs (FDCA) Governor’s Office</p>

The IMC helped form the voluntary Inter-Agency Core Group in 1991 which joined together resource managers from federal, state, and local agencies in an early attempt to prioritize management strategies and coordinate management options. Subgroups of individuals from federal and state agencies helped draft the FKNMS management plan.

Table 2: Membership in FKNMS Inter-Agency Core Group (Suman 1997)

<p><u>Inter-Agency Core Group</u></p> <p>Federal agencies:</p> <ul style="list-style-type: none">• National Park Service (NPS)• U.S. Fish and Wildlife Service (USFWS)• Environmental Protection Agency (USEPA)• National Oceanic and Atmospheric Administration (NOAA) <p>State agencies:</p> <ul style="list-style-type: none">• Florida Department of Environmental Regulation, Coastal Management• Florida Department of Natural Resources, Bureau of Natural and Cultural Resources, Bureau of Sanctuaries and Research Reserves, and the Marine Research Institute• Florida Department of Community Affairs• Governor's Office <p>Local agencies:</p> <ul style="list-style-type: none">• South Florida Water Management District• Monroe County Department of Marine Resources
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NOAA, USEPA, DOI, USACE, US Coast Guard (USCG), the governor of Florida, South Florida Water Management District, and the municipalities of Monroe County then signed the Interagency Compact Agreement. The Interagency Compact Agreement is the formal commitment to the management process, recognition of the Inter-Agency Core Group, and agreement to abide by specified conflict resolution processes.

The Final Management Plan details ten action plans that establish a cooperative management structure and details which agencies will take the lead in the action plan. For each action plan there are activity-specific memoranda of agreement between federal and state agencies such as the Cooperative Enforcement Agreement, the Submerged Cultural Resources Agreement, and the Protocol for Emergency Response Notification, among others.

A Co-Trustees Agreement signed between NOAA and the state of Florida specifies that the co-trustees will cooperatively manage the FKNMS in a manner consistent with the management plan and activity-specific memoranda of agreements.

Table 3: Tools for establishing federal-state coordination in the FKNMS (Suman 1997)

<p><u>Tools for establishing federal/state coordination in FKNMS:</u></p> <ul style="list-style-type: none">• <i>Inter-Agency Compact Agreement</i>- formal commitment to implement the management plan and recognition of Inter-Agency Group• <i>Activity-specific memoranda of agreement</i> (e.g. Cooperative Enforcement Agreement)• <i>Co-Trustees Agreement</i>- formal commitment between NOAA and the trustees of Florida

Suman (1997) identifies 6 factors responsible for the high level of federal-state cooperation in the FKNMS case:

1. Clear legal mandate in NMSA and FKNMSPA to establish federal-state partnerships.
2. Shared federal and state concern for the ecosystem health of the Florida Keys
3. Improvement of federal-state relationships from conflictual between 1960-1975 to cooperative from 1975 to the present.
4. Recognition that Monroe County's prior efforts to establish a marine reserve were vulnerable to local political attack. Initiation of a federal-state process shifted debate away from local politics.
5. Inclusion of state sovereign lands in the Sanctuary.
6. Recognition of the importance of ecosystem management by state and federal resource managers.

Suman also identifies local opposition, the enormity of proposed tasks, and budgetary uncertainty as the greatest obstacles to robust federal-state cooperation in the FKNMS (Suman 1997).

D. Gulf of Mexico Alliance, Governors' Action Plan for Healthy and Resilient Coasts

In the spring of 2004, Governor Bush of Florida extended an invitation to the governors of other Gulf of Mexico states to work together on improving the health of the Gulf. The resulting Gulf of Mexico Alliance, including the Governors of Alabama, Florida, Louisiana, Mississippi, and Texas, was established in March 2006. The Alliance is also working through the Gulf of Mexico States Accord to facilitate involvement of six Mexican states in the collaboration. The Bush Administration's U.S. Ocean Action Plan supports the Gulf of Mexico Alliance as a regional partnership (Bush 2004).

The Alliance is supported by a Gulf of Mexico Regional Partnership Federal Workgroup consisting of 13 federal agencies coordinated by USEPA and NOAA. The purpose of the Workgroup is to:

- Support regional leadership of the five Gulf States;
- Supplement Gulf Coast recovery and rebuilding efforts in a coordinated manner;
- Provide local resource managers with state/federal data and decision-support tools; and
- Build upon existing partnerships in the Gulf; including the non-regulatory USEPA Gulf of Mexico Program (Gulf of Mexico Alliance 2006).

The Gulf of Mexico Regional Partnership Federal Workgroup:

- Council on Environmental Quality
- National Aeronautics and Space Administration (NASA)
- National Science Foundation
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture
- U.S. Department of Commerce/National Oceanic and Atmospheric Administration
- U.S. Department of Defense/U.S. Navy
- U.S. Department of Energy
- U.S. Department of Interior
- U.S. Department of Health and Human Services/Food and Drug Administration
- U.S. Department of State
- U.S. Department of Transportation
- U.S. Environmental Protection Agency

The Gulf of Mexico Alliance Governors' Action Plan identifies five priorities for initial focus of action, including:

- Water quality for healthy beaches and shellfish beds;
- Wetland and coastal conservation and restoration;
- Environmental education;
- Identification and characterization of Gulf habitats; and
- Reductions in nutrient inputs to coastal ecosystems (Gulf of Mexico Alliance 2006).

Within the five priorities, eleven goals are established to be accomplished in 36 months or by March 2009. To accomplish each goal, several outcomes and commitments are detailed. Both state and federal agencies have committed to achieve the 36-month outcomes (Gulf of Mexico Alliance 2006).

For example, for the Alliance's wetland and coastal conservation and restoration priority, the state of Louisiana would take the lead for regional coordination. The Louisiana Spatial Reference Center at Louisiana State University, the USEPA, NOAA, USACE, USFWS, and USGS would lead serve as "action leads". Finally

other collaborators and contributors would include the states of Alabama, Florida, Mississippi, Texas; the Gulf of Mexico Foundation; Coastal America; MMS; National Science Foundation (NSF); State Department; USACE; USFWS; University of Colorado Natural Hazards Center; The Nature Conservancy; and NPS (Gulf of Mexico Alliance 2006).

One of the action items under the wetland and coastal conservation and restoration priority is to “streamline coastal restoration and conservation efforts”. To accomplish this, the Governors’ Action Plan calls for the establishment of a Gulf of Mexico Alliance Regional Restoration Coordination Team made up of Gulf States, federal agencies, and other private-sector partners in order to “identify regional priority sites for conservation and restoration, fund conservation and restoration projects more efficiently and resolve policy roadblocks to successfully conserve and restore vital coastal habitat” (Gulf of Mexico Alliance 2006).

E. State-federal coordination of fisheries management

Fisheries management is example of coordination between federal and state governments. Prior to the passage of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA) in 1975, states managed fisheries within their waters (generally out to 3 nautical miles) while fishing in waters outside 3 nautical miles was not regulated (Weber and Iudicello-Martley 2005). However, the early 1970s saw frustration among federal policy makers with ineffective state management and a dramatic expansion of foreign fishing off U.S. shores. Congress responded by passing the MSA which claimed U.S. jurisdiction over fisheries within 200 miles of U.S. shores, known as the Exclusive Economic Zone (EEZ), and established the governance structure for federal fisheries management.

There is significant collaboration between California and the federal government on several activities within federal fisheries management. First of all, both state and federal fisheries management processes require the development of a stock assessment. CDFG employees often help to develop federal stock assessments through their participation in Management Teams of the PFMC. The Management Team is given the task of monitoring fisheries and preparing Fishery Management Plans, stock assessments, and impact analyses. Federal-state coordination is also promoted through the participation of state scientists on the Scientific and Statistical Committee (SSC). The SSC provides multidisciplinary peer review of proposed fishery management actions, including reviewing stock assessments, assessment methods, and biological, economic and social impact analyses.

The Director of CDFG is a voting member of the PFMC and as such votes on any regulatory actions that the Management Team proposes.

Enforcement of fisheries management is an activity in which there is an especially high level of state and federal coordination. Enforcement efforts were first coordinated through a 1978 memorandum of understanding between NOAA and CDFG. A cooperative enforcement agreement (CEA) to cross-deputize state wardens to enforce federal law was signed in 2002 followed by a joint enforcement agreement (JEA) for the transfer of monies from NOAA to CDFG. Please see section VI(B)(3) for a more detailed explanation of the agreement.

Table 4 below illustrates the management functions of fisheries management and the role of the federal and state governments in fulfilling those functions.

Table 4: Fisheries Management Functions and Tasks (Weber and Iudicello-Martley 2005)

Management function	NMFS	Council	Other federal agencies	States	Industry
<i>1. Policy making and evaluation</i>					
Scoping problems		X	X	X	X
Setting objectives		X		X	
Long-range planning	X	?			
Research				X	X
Public education		X		X	X
<i>2. Productive capacity of the fishery</i>					
Monitoring habitat	X			X	
Monitoring condition of stock	X			X	
<i>3. Compliance with rules</i>					
Implementation and enforcement			X	X	
<i>4. Fishery harvest</i>					
Stock assessment	X			X	
Harvest planning		X		X	
Harvest monitoring	X			X	
<i>5. Fishery access</i>					
Membership/exclusion		X		X	
Harvest allocation		X		X	
Transfer of membership		X		X	
<i>6. Resource use coordination</i>					
Planning the coordination of different harvest regimes and strategies	X	X		X	
<i>7. Returning optimum value</i>					
Supply planning					X
Product quality			X	X	X
Product diversity					X

VI. Opportunities for federal-state collaboration in the management of MPAs in California

Recommendations for federal-state collaboration in the management of MPAs specific to California are divided between recommendations for an oversight coordinating body and recommendations for specific management activities. Within management activities, opportunities for collaboration are described in the areas of design of MPAs in federal waters, public education and outreach, surveillance and enforcement, water quality programs, permitting, monitoring and adaptive management, and emergency and contingency planning.

A. Recommendations for an oversight coordinating body

Imperial (2005) identifies the need for “institutional level” collaboration or efforts to formalize shared policies, rules, norms, practices, procedures, and processes such as development of a memorandum of understanding. It may also entail the development of a collaborative organization that “performs a variety of functions such as serving as conveners, catalysts for action, conduits for information and advocacy, organizers, funders, technical assistance providers, capacity builders, partners, dispute resolvers, or facilitators” (Imperial 2005).

There are a variety of structures and possible memberships of an oversight coordinating body. This report addresses two potential bodies, one working at the state level and one at the regional level.

1. Federal-Ocean Protection Council working group

Recommendation 1: Establish a Federal-Ocean Protection Council Working Group, consisting of the directors of state departments and regional representatives of federal agencies with an interest in MPAs. The OPC Steering Committee, consisting of the directors of state agencies with ocean or coastal responsibilities, will be convened in September 2006. Members of the OPC Steering Committee and representatives of federal agencies with an interest in MPAs should form a Federal-OPC Working group to coordinate MPA management efforts. This recommendation is consistent with the Marine Managed Areas Improvement Act which calls for the establishment of a State Interagency Coordinating Committee comprised of CDFG, CDPR, California Coastal Commission, SWRCB, the State Lands Commission, and any additional members designated by the Secretary for Resources (California Public Resources Code §36800).

Suggested membership includes:

- Director of CDFG
- Director of CDPR
- Director of SWRCB
- Executive Officer, State Lands Commission
- Director of MPA Monitoring Institute (discussed below)
- Superintendent, West Coast regional office of the National Marine Sanctuary Program
- Regional Director of the National Park Service
- Representative of Department of Defense
- Manager, California Coastal National Monument, Bureau of Land Management
- Representative of the MPA Center
- Representative of NOAA Fisheries or PFMC

2. Federal-Pacific Coast regional working group

The Pew Ocean Commission and U.S. Ocean Commission reports both recommend the establishment of new regional approaches to ocean management and the improvement of regional coordination with federal agencies.

Recommendation 2: Establish a working group between representatives of the states of California, Oregon, and Washington and federal agencies with interest in MPAs. The purpose of the working group may be to share information about the health of the region's marine ecosystems, engage federal partners on issues important to the region, and where possible, coordinate management efforts.

Suggested membership includes:

- Representative of the state of Washington
- Representative of the state of Oregon
- Representative of the state of California
- Superintendent, West Coast regional office of the National Marine Sanctuary Program
- Regional director of the National Park Service
- Representative of Department of Defense
- Representative of the MPA Center
- Representative of NOAA Fisheries or PFMC

B. Recommendations for specific management activities

There are many existing collaborative efforts between state and federal agencies with respect to the activities needed to manage MPAs, such as education, enforcement, monitoring, and research. While specific collaborative efforts may be mentioned, please refer to Appendix D for a more complete list of MPA-related institutions and programs. The list in Appendix D focuses on institutions and programs specific to the California central coast; however, many programs listed operate state-wide.

1. Design of marine protected areas in federal waters

Some people have advocated that the design of MPAs in state and federal waters should occur concurrently in order to maximize the benefits of ecosystem-based management. In order to assess the advantages of coordination in this area, the legal authority of federal agencies will first be described.

The legal authority to establish marine protected areas in federal waters may be found in the National Marine Sanctuaries Act (NMSA) or the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA).

Under the NMSA, a sanctuary may regulate fishing only if its designation document lists fishing as an activity that may be regulated. Currently, the designation document of 3 of the 4 sanctuaries in California (Monterey Bay, Gulf of the Farallones, and Cordell Bank) do not list fishing as an activity that may be regulated. The Channel Islands NMS is proposing changes to its designation document to regulate fishing as part of its ongoing marine reserves process⁵. Under the NMSA, regional fishery management councils are given the opportunity to draft fishing regulations in the Federal waters of a sanctuary (not just for fisheries covered under a Council's Fisheries Management Plan (FMP)).

In 2001, Monterey Bay National Marine Sanctuary (MBNMS) staff began a public process to review and update the sanctuary's 1992 management plan. Two years later, after extensive public outreach and input, the MBNMS produced a series of proposed action plans as part of its joint management plan review process, which have been approved by the Sanctuary Advisory Council (SAC). The draft management plan is now under NOAA review. One of these action plans is titled "Marine Protected Areas." A formal working group with a diverse array of stakeholder representation, including state and federal agencies, was formed during the management plan review process. This group continues to meet to implement the plan that they helped create. While there is no target date for the completion of the working group's activities, much useful information has already been generated, including a draft list of conservation goals and

⁵ Please see section V(A) for a description of the process to establish MPAs in federal waters around the Channel Islands.

objectives related to MPAs and information on the socioeconomic value of different portions of Sanctuary waters, and over 80 relevant data biological and physical data layers. The working group has recently identified 12 areas of geographic interest for further consideration (California Marine Life Protection Act Initiative 2005, Price 2006).

Staff at the Gulf of the Farallones National Marine Sanctuary (GFNMS) recently formed a working group to discuss additional protection for estuarine areas called esteros, a few of which border the sanctuary. While the additional protection focuses on water quality, which is not a stated goal of the MLPA process, one of the esteros is already a state-designated MPA. Currently, the working group is not considering MPAs within state waters outside the esteros (California Marine Life Protection Act Initiative 2005) .

Under the Magnuson-Stevens Act the regional fishery management councils have the authority to establish marine protected areas in federal waters by regulating fishing. However, the councils have limited ability to protect fish and habitat in MPAs from anything other than fishing impacts such as might occur through dredging or waste disposal (Pacific Fishery Management Council 2006).

Executive Order 13158 signed by President Clinton in 2000 establishes the Marine Protected Areas Center within NOAA and directs the center to work with the Department of Interior and other agencies to develop a national system of MPAs⁶. However, the executive order does not create any new authority to establish or manage MPAs. The executive order also created an MPA Federal Advisory Committee, made up of non-Federal scientists, resource managers, and other interested people whose purpose is to provide expert advice to the Department of Commerce and Department of the Interior (Clinton 2000).

As described above, there are uncertainties regarding the National Marine Sanctuary Program's legal authority to designate no-take MPAs within a sanctuary and there have been substantial delays in the designation of MPAs in federal waters around the Channel Islands. The MLPA calls for a statewide network of MPAs be established by 2011. Although the advantages of coordinating the design of MPAs in state and federal waters would be substantial from an ecosystem-based management perspective, the MLPA process should not be delayed to occur concurrently with the federal process.

Nevertheless, state agencies should support efforts to establish MPAs in federal waters by sharing information and tools and cooperating with the activities of the MPA Center. Coordination between the design of MPAs in federal and state

⁶ The Executive Order defines a "marine protected area" as "any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein."

waters should be promoted through the continued participation of federal agency staff on MLPA regional stakeholder groups and the continued participation of state agency representatives on sanctuary advisory councils and the PFMC.

Recommendation 3: State agencies should support efforts to establish MPAs in federal waters but the state process to establish MPAs should not be slowed so that the federal and state processes may occur concurrently.

2. Education and public outreach

Education and public outreach is an important aspect of MPA management. One of the six goals of the MLPA is to “improve recreational, educational, and study opportunities” (Fish and Game code, section 2853(b)(3)). The Act goes on to state that the Marine Life Protection Program shall have “provisions for educating the public about MPAs” (Fish and Game code, section 2853(c)(4)).

a) California Department of Fish and Game

In September 2005, the Office of Communication, Education and Outreach (OCEO) within the CDFG was formed to coordinate education and outreach efforts in the state. As of July 2006, OCEO was supported by 14 permanent staff including a Deputy Director, a Supervising Information Officer, 4 Public Informational Officers, 3 formal educators, 3 administrative staff, and 2 staff dedicated to publication of materials. With respect to the Marine Region, there is 1 Associate Marine Biologist who fills the role of a Public Information Officer and 1 Research Writer, both based out of the Monterey office. In addition, CDFG contracts services of a Public Information Officer specific to the MLPA process which is reimbursed by the Resources Legacy Fund Foundation (Fees 2006).

With the increased budget for the Marine Region in fiscal year 2006-2007, the Director of the Marine Region has stated his intentions to add at least 1 permanent position for education within the Marine Region (Fees 2006).

Efforts to coordinate education efforts between CDFG and federal agencies are informal in nature and the only federal-CDFG agreement to date regarding education is for joint management of the Elkhorn Slough National Estuarine Research Reserve. However, the CDFG has expressed interest in further discussions regarding federal-state collaboration on education and outreach (Fees 2006).

b) California Department of Parks and Recreation

The California Department of Parks and Recreation employs approximately twelve interpretive specialists in the headquarters office in Sacramento to develop educational programs and themes. Additionally, each of the 19 administrative districts in the state employs approximately one Interpretive Specialist. In the past CDPR has partnered with other state and federal agencies

to have signage placed on CDPR lands. District administration can approve efforts to collaborate on a regional basis but efforts spanning across districts need approval from CDPR headquarters (Schaub 2006).

c) National Marine Sanctuary Program⁷

Education and public outreach is one of the primary missions of the National Marine Sanctuary Program. Educational activities include volunteer programs, visitor centers and exhibits, signage, teacher training programs, public service announcements, presentations and outreach events, media outreach, and bilingual education (Price 2006).

The Monterey Bay National Marine Sanctuary employs 7 full time education staff focused on an array of programs and products focused on marine issues. The MBNMS currently has roughly \$25,000 in fiscal year 2005-2006 focused solely on MPA education, most of which is dedicated to the production of a "Citizen's Guide to MPAs" pamphlet and a public service announcement. There is the equivalent to a half time person (divided among a few staff) dedicated to MPA outreach (Price 2006).

A visitor's center for the Channel Islands National Marine Sanctuary is located in Ventura. The MBNMS recently opened a visitor's center in San Simeon and is in the planning process for a visitor's center in Santa Cruz. Additionally, the Gulf of the Farallones National Marine Sanctuary (GFNMS) and MBNMS have a joint visitor display at Pigeon Point lighthouse in San Mateo County. The GFNMS has a visitor's center at Crissy Field in San Francisco and visitor displays at the Pacifica visitor center, California Academy of Sciences in San Francisco, and the Aquarium of the Bay in San Francisco. The Cordell Bank National Marine Sanctuary has informational displays at the GFNMS Visitors Center and joint exhibits with GFNMS at the Point Reyes National Seashore Bear Valley Visitors Center and University of California's Bodega Bay Marine Lab (Kogan 2006).

The NMSP has partnered with many other state and federal agencies including California Department of Parks and Recreation and the US Forest Service to develop and initiate implementation of a California Signage Plan. The plan assessed existing signage focused on natural resources along the coast, identified gaps and future needs, and recommended locations and messages for new signs which will integrate across the goals of various federal and state agencies, incorporate multiple logos in signs, and create consistent messaging all along the coast. There is a potential opportunity to integrate MPA messaging into this effort as specific sites become implemented (Price 2006).

⁷ Please see section V(A) for a detailed description of education and public outreach resources and partnerships by National Marine Sanctuary Program in the Channel Islands MPAs.

In August 2006 the three National Marine Sanctuaries in central California (Monterey Bay, Gulf of the Farallones, and Cordell Bank) received and will share the use a new 65' catamaran, the *Fulmar*, to be based in Monterey and used for educational and research purposes (Kogan 2006).

d) Federal interagency collaboration on marine education

The National Estuarine Research Reserve System (NERR), the National Park Service (NPS), and U.S. Fish and Wildlife Service (USFWS) each have areas of operation along the California coast in which education about MPAs may be appropriate. The Cabrillo National Monument (NPS) in San Diego County employs five interpretive rangers that conduct educational tours of the tidepools for school-aged children. In addition, there is a group of volunteers who educate the public about the tidepools during low tides. Finally, Cabrillo National Monument managers hope to redevelop a key public education area, known as Whale Overlook, and would like to discuss with CDFG the possibility of including education about MPAs in the new design (DiMattio 2006).

There is an educational component to each of the USFWS' wildlife refuges, including school programs and dioramas. The USFWS expressed interest in discussing the possibility of including MPA-related materials in their educational programs (Kohler 2006).

On August 21, 2006 the National Marine Sanctuary Program and the Estuarine Reserves Division of NOAA; and the USFWS and the National Park Service of the Department of Interior signed a general agreement to collaboration on "conservation efforts". Among the efforts are improved management and operational efficiencies, increased understanding of important natural and cultural resources, increased effectiveness of joint planning efforts, enhanced public awareness and education, and improved law enforcement and rescue capabilities (U.S. Department of Commerce and U.S. Department of the Interior). The MOA states that each agency will establish a point of contact at the national level for interagency coordination and implementation of the agreement. Interagency working groups should be formed to carry out the purpose of the agreement. The MOA also mandates that appropriate states should be identified to participate in the cooperative conservation efforts.

Education and public outreach is a management activity for which there has been a considerable degree of federal-state coordination, especially between CDPR and federal partners. The NMSP, NERR, NPS, and USFWS have substantial existing capacity for education and public outreach that state agencies may be able to leverage.

Recommendation 4: State agencies should coordinate education and outreach efforts related to MPAs among themselves and with federal

partners. Efforts may include placing educational dioramas regarding marine protected areas in State Parks, National Marine Sanctuary Visitor Centers, Estuarine Research Reserve Visitor Centers, National Wildlife Refuges, and National Parks. In addition, educational curricula may be developed that address the educational mandates of several agencies.

Recommendation 5: Depending upon the success of the 2006 MOU signed between the National Marine Sanctuary Program, the Estuarine Reserves Division, the U.S. Fish and Wildlife Service, and the National Park Service to improve conservation efforts, state agencies should consider becoming party to the MOU.

3. Surveillance and enforcement

The MLPA finds that many of California's existing MPAs lack enforcement and as a result the MPAs "fall short of their potential to protect and conserve living marine life and habitat" (Fish and Game code, section 2851). To remedy this, the MLPA requires that the Marine Life Protection Program provide for adequate enforcement measures (Fish and Game code, section 2853 (b)(5)).

The maintenance and enhancement of cooperative efforts with other agencies is listed as an objective of an enforcement plan developed by CDFG (California Marine Life Protection Act Initiative 2005). The development of standard operating procedures, a standardized training program, and enhanced memoranda of understanding are listed as steps necessary for enforcement collaboration with other agencies (California Marine Life Protection Act Initiative 2005)

a) California Department of Fish and Game

The California Department of Fish and Game enforces all Fish and Game Code and Title 14, California Code of Regulations restrictions, marine water pollution incidents, homeland security, and general public safety.

CDFG's enforcement resources include the following:

- Seven patrol boats (54'-65' long) stationed at major ports, staffed by 22 officers, and five support personnel
- Eight patrol boats (24'-30' long)
- 15 patrol skiffs
- 230 wardens in the field for both inland and marine patrol, a portion of which have a "marine emphasis"
- Fleet of single- and twin-engine fixed wing aircraft (California Marine Life Protection Act Initiative 2005)

The CDFG and NOAA Fisheries have a long-standing partnership to enforce federal laws, including the Magnuson Stevens Fishery Conservation and Management Act, the National Marine Sanctuary Act, the Marine Mammal Protection Act, the Endangered Species Act, the Fish and Wildlife Improvement Act and the Lacey Act (California Department of Fish and Game and U.S. Department of Commerce 2005). Enforcement efforts were first coordinated through a 1978 memorandum of understanding. A cooperative enforcement agreement (CEA) to cross-deputize state wardens to enforce key federal environmental laws was signed in 2002 followed by a joint enforcement agreement (JEA) for the transfer of monies from NOAA to CDFG (California Department of Fish and Game and U.S. Department of Commerce 2005; Kathey 2006; U.S. Department of Commerce and State of California 2002; Warrington 2006). The CDFG has received approximately \$750,000 per year for performing roughly 1000 personnel hours of enforcement, mainly of groundfish regulations and those pertaining to species protected under the Endangered Species Act (California Department of Fish and Game and U.S. Department of Commerce 2005). The level of federal funding is based roughly upon the tonnage of landings in the state but can vary significantly on a year-by-year basis (Warrington 2006).

The vessel monitoring system (VMS) uses geographic positioning systems to track the position of commercial fishing vessels with groundfish permits. A particular challenge of the CDFG in enforcing federal laws is the inability for CDFG wardens to access VMS data maintained by NOAA fisheries. Due to concerns regarding confidentiality, the legal office of NOAA Fisheries has determined that the states will not be allowed to access the database without prior approval. Furthermore, VMS data cannot be used as evidence in the California state judicial system, significantly reducing the ability of the state to prosecute violators (Warrington 2006).

b) California Department of Parks and Recreation

CDPR has 250 enforcement personnel in 105 of coastal parks that span 25% of the California Coast. CDPR rangers and permanent lifeguards are state park peace officers and have the authority to enforce state law, regardless of park boundaries. However, their primary duty is the protection of park resources and visitors through the enforcement of park rules, regulations and other laws (Schaub 2006). According to Penal Code Section 830.2, the jurisdiction of State Park Peace Officers extends to anywhere in the State. Thus, some peace officers duties and responsibilities extend beyond the park boundaries and state peace officers will enforce state law, including California Fish and Game Code, primarily within state park boundaries (Schaub 2006). State park peace officers have played an important role in enforcing the Fish and Game Code, especially in efforts to stop abalone poaching (Warrington 2006).

CDPR primary jurisdiction in coastal parks extends seaward to mean high tide. However, the department also has authority to enforce state park rules and regulations on tidelands or submerged lands abutting State Parks lands out to 1000 feet beyond mean high tide (Schaub 2006).

CDPR possesses 4 vessels (25+ foot) capable of offshore operations. They are used primarily for public safety but that can be used for enforcement. Several smaller boats and personal watercraft are available in other parks for aquatic search and rescues in near shore waters. Salt Point State Parks, Pt. Lobos State Reserve and a few other units have special marine management programs with interpretation and resource protection elements (Schaub 2006).

c) National Marine Sanctuary Program⁸

The Monterey Bay National Marine Sanctuary has one full-time uniformed officer and patrol vehicle assigned by the NOAA Office for Law Enforcement (OLE). The officer can request investigative and other support from up to five NOAA Special Agents stationed in central California. The MBNMS has a 30' catamaran cabin cruiser and shares a Lake Seawolf aircraft with the Channel Islands National Marine Sanctuary that are both available for surveillance and enforcement related missions (Kathey 2006).

In 1997, the Monterey Bay National Marine Sanctuary and a private donor approached the California Resources Agency about providing field enforcement support to the Monterey Bay National Marine Sanctuary. An MOU was entered into between the Monterey Bay Sanctuary Foundation and CDFG and CDPR so that the foundation would manage the \$650,000 donation. With these funds, CDFG purchased two 25-ft rigid hull inflatable (RHI) boats, marked with both the CDFG and NOAA emblems, to be used for enforcement in the MBNMS (Kathey 2006). The MOU with CDFG expired in 2000 and since that time, two additional MOUs have been entered into to expend the remaining funds from the original agreement (California Department of Fish and Game and Monterey Bay Sanctuary Foundation 2005a). The most recent MOU reimburses CDFG approximately \$80,000 over a 3-year period for enforcement activities within the MBNMS (Warrington 2006).

In 1998, a Cooperative Enforcement Agreement (CEA) was entered into by the U.S. Department of Commerce, CDFG, and CDPR to cross-deputize CDFG wardens and CDPR rangers to enforce the National Marine Sanctuaries Act, as well as several ocean-related federal laws (U.S. Department of Commerce and State of California 1998). This CEA was necessary to implement the objectives of the MOU described above. Through the CEA and MOU, CDPR provides a

⁸ Please see section V(A) for a detailed description of surveillance and enforcement resources and partnerships within the Channel Islands National Marine Sanctuary.

half-time enforcement ranger position in the San Simeon/Cambria area for enforcement support in the southern portion of the MBNMS.

CDFG assets that support MBNMS enforcement efforts in the region include five wardens that regularly patrol the sanctuary; the 60' patrol boats *Steelhead*, *Bluefin*, and *Marlin*; and the two RHI's described above (Kathey 2006).

The Cordell Bank and the Gulf of the Farallones National Marine Sanctuaries do not have full-time sanctuary enforcement personnel, but can request assistance from NOAA Office of Law Enforcement (Kogan 2006). There are no current agreements between the CDFG and the Gulf of the Farallones nor the Cordell Bank National Marine Sanctuaries for enforcement activities (Warrington 2006).

The USCG issued a 2003 Commandant Instruction confirming their authority and desire to enforce the NMSA (U.S. Department of Homeland Security 2003). The USCG provides a range of maritime enforcement support, including the provision of aircraft and vessel support for patrols, vessel traffic information, annual training for Coast Guard units on Sanctuary regulations, and facility support for NOAA enforcement assets (Kathey 2006).

In 2005, the Department of Commerce (through the National Marine Sanctuary Program and National Marine Fisheries Service) entered into an MOU with the Department of Interior (through the US Fish and Wildlife Service and National Parks Service). The MOU established a formal working relationship between the agencies to provide a means for national and local level enforcement cooperation and assistance as well as facilitating communication and sharing resources.

d) NOAA Fisheries

The NOAA Fisheries Office for Law Enforcement (OLE) has enforcement responsibilities in federal fishery management areas, National Marine Sanctuaries, and critical habitat areas for marine mammals, endangered species, and habitat protection. NOAA Fisheries' internal capacity for enforcement is low and is focused on investigations rather than patrols (Warrington 2006). Federal fisheries patrols off the California coast are conducted by the CDFG and the USCG through collaborative enforcement agreements with NOAA Fisheries (Davis and Moretti 2005).

e) National Park Service, Department of Interior⁹

The Point Reyes National Seashore employs 10 rangers who are cross-deputized to enforce California state laws. Two of the 10 rangers focus on marine resource protection. Equipment relevant to marine enforcement includes dock facilities and a 30'-, a 25'-, and an 18'-boat. The Point Reyes National Seashore

⁹ Please see section V(A) for a detailed description of surveillance and enforcement resources and partnerships by National Park Service in the Channel Islands MPAs.

also coordinates with the Gulf of the Farallones National Marine Sanctuary for use of the sanctuary's boat for enforcement (Neubacher 2006).

The Golden Gate National Recreation Area has 76 trained and active law enforcement officers (carrying firearms), 60 trained uniformed rangers (no firearms) and eight uniformed beach patrol officers. The GGNRA has two RHIs for rescue and fire response (Ueber 2006).

The Cabrillo National Monument employs four rangers to enforce regulations, including the protection of intertidal areas. An agreement between the U.S. Navy, U.S. Army Corp of Engineers, and the NPS allows the NPS to administer all NPS regulations 300' out from the seaward boundary of the Cabrillo National Monument. The NPS regularly checks for fishing licenses for visitors fishing from shore within the Monument. The Mia Tegner State Marine Conservation Area lies within the 300' administrative area of the Cabrillo National Monument but the NPS does not possess any boats to enforce regulations in this area. For cases in which NPS enforcement officers suspect illegal take is occurring within the state conservation area, CDFG enforcement officers are alerted (DiMattio 2006).

f) United States Fish and Wildlife Service

Law enforcement resources for the USFWS national refuge systems vary by the needs of the particular refuge. For example, the Don Edwards San Francisco Bay Refuge employs two officers while most refuges have one enforcement officer. Generally speaking, USFWS national refuge enforcement resources do not include boats (Kohler 2006).

g) California Coastal National Monument

Enforcement personnel and equipment for the California Coastal National Monument is provided by the regional offices of the Bureau of Land Management. County sheriffs can deputize BLM rangers to enforce state laws, including Fish and Game Code statutes. There are approximately 50 BLM rangers in California, with the majority stationed on inland BLM land (Hanks 2006).

Table 5 summarizes the assets and activities of various federal and state agencies with respect to surveillance and enforcement.

Table 5: Natural resource enforcement assets in California (adapted from (California Marine Life Protection Act Initiative 2005).

Agency	Assets and Activities
<i>U.S. Coast Guard</i>	The U.S. Coast Guard has a primary role in protecting natural resources under the Oil Pollution Act of 1990, the Rivers and Harbors Act of 1899, and the Marine Plastic Pollution and Control Act. The U.S. Coast Guard works directly with the Department's Office of Spill Prevention and Response (OSPR) on oil pollution incidents. They also provide limited support for State and Federal fisheries regulation enforcement. In addition, the USCG is authorized to enforce the regulations of the National Marine Sanctuaries.
<i>U.S. Fish and Wildlife Service</i>	U.S. Fish and Wildlife Service agents and officers have the statutory authority to enforce the Marine Mammal Protection Act, Endangered Species Act and Lacey Act.
<i>NOAA Fisheries</i>	The CDFG has a Joint Enforcement Agreement with NOAA Fisheries. NOAA Fisheries provides funding to the state to enforce federal regulations in state waters, federal offshore waters and in bays, estuaries, rivers and streams.
<i>National Marine Sanctuaries</i>	Sanctuary enforcement in Central California is conducted by the ~5 special agents from the NOAA Office of Law Enforcement. In addition to those agents, there are several sanctuary officers within the central coast area, patrolling the Monterey Bay National Marine Sanctuary. Boats and aircraft are available for law enforcement patrols in all California Sanctuaries. Law enforcement agreements coordinate enforcement efforts, share physical resources, cross deputize state officers and provide federal funds for state operations.
<i>National Park Service</i>	The National Park Service has enforcement personnel stationed at various federal parks along the California coast and at some of the off-shore islands.

Agency	Assets and Activities
<i>California Department of Fish and Game</i>	Seven large patrol boats and over twenty smaller craft are dedicated to marine patrol efforts. One large patrol boat is primarily responsible for the Channel Islands marine protected areas law enforcement patrols. Two large patrol boats are within the central coast area.
<i>California Department of Parks and Recreation</i>	The Department of Parks and Recreation manages approximately one third of the California coastline and has law enforcement personnel stationed in park units throughout California, many with on water patrol capability. These officers have the authority to enforce Fish and Game statutes.

Currently, there is a high degree of federal-state coordination with respect to surveillance and enforcement of marine regulations as evidenced by the numerous agreements between CDFG and NOAA. However, there are opportunities to improve the coordination between CDFG and NOAA, as described below. The NPS has a high degree of internal capacity in the area of surveillance and enforcement which may be leveraged by state agencies. Finally, there is a considerable opportunity to improve surveillance and enforcement functions through a cooperative agreement between state partners, CDFG and CDPR.

Recommendation 6: CDFG should renegotiate the joint enforcement agreement with NOAA Fisheries to obtain more funding and to arrange for a more consistent stream of funds. CDFG should discuss with NOAA the possibility of basing federal funding on number of marine commercial and recreational fishers rather than tons of landings.

Recommendation 7: CDFG should pursue legal means to access vessel monitoring system data from NOAA Fisheries in order to better enforce federal laws and prosecute violators in the state judicial system.

Recommendation 8: CDFG should develop a joint enforcement agreement with the National Park Service to take advantage of CDPR rangers located in coastal CDPR lands.

Recommendation 9: CDFG should establish a cooperative enforcement agreement with CDPR to allow CDPR rangers to enforce Fish and Game Code statutes and Title 14 regulations outside the boundaries of CDPR lands.

4. Water quality programs

Although water quality protection is not an explicit goal of the MLPA, it may be an important determinant of the success of protecting living marine resources and habitats within MPAs. The Fish and Game Commission has the authority to regulate discharges of “any substance or material deleterious to fish, plant life, or bird life” into state waters (Fish and Game code, sections 5650 (a) (6)). However, it is largely the State Water Resources Control Board (SWRCB) which regulates most point and non-point discharges into the marine environment. The SWRCB has the authority to designate specific marine areas as Areas of Special Biological Significance (ASBS), in which no discharges are permitted. MPAs designated through the MLPA process may overlap with previously established ASBSs. However, no new ASBSs have been nominated and there are no plans to designate any new ASBSs (Gregorio 2006). Nevertheless, water quality should be monitored along with biological indicators in order to determine the degree to which living marine resources are affected by water quality.

Recommendation 10: CDFG or another monitoring entity should coordinate water quality monitoring efforts with the SWRCB and the regional water quality control boards.

5. Permitting

The protection of marine resources within an MPA may be negatively affected by certain activities such as aquaculture and scientific research, both of which are regulated by the Fish and Game Code. Permitting of such activities is an important function of MPA management as it allows for a rational level of use of marine resources.

a) Aquaculture permits

The CDFG regulates aquaculture activities that occur within state waters.

Proposed aquaculture facilities within a National Marine Sanctuary would require a permit if the facilities resulted in discharges into sanctuary waters. Within the Monterey Bay National Marine Sanctuary, the only existing aquaculture facilities are land-based but discharge waste into the Sanctuary. For cases such as these, the MBNMS and the Regional Water Quality Control Board has entered into a memorandum of understanding regarding discharge permits (Hall 2006). If marine aquaculture facilities are proposed in a sanctuary that results in discharges, there may be an opportunity for CDFG and the National Marine Sanctuary Program to collaborate to streamline the permitting process.

b) Scientific research permits

The CDFG regulates the take of living marine resources within state waters, and as such regulates take for the purpose of scientific research. Scientific collecting within MPAs is generally permitted, but CDFG may apply more restrictive

conditions in local areas. CDFG currently employs one staff member for the approval of marine scientific research permits, but this function will soon transfer from the Marine Region to License and Revenue Branch.

Proposed research activities within a National Marine Sanctuary would necessitate a permit for overflights below 1000ft of altitude or if the seabed were disturbed, such as through sediment collection or moorings (Monterey Bay National Marine Sanctuary). The California State Lands Commission does not require a permit for the disturbance of the seabed unless the scope of the project is large (Hall 2006). In such cases, there may be an opportunity for the California State Lands Commission to coordinate with the National Marine Sanctuary Program on issuing permits.

c) Overflights

The CDFG can regulate overflights below 1000ft in altitude within 1 mile of shore in order to protect marine mammals and birds from disturbance. The National Marine Sanctuary also regulates overflights below 1000ft but within 3 miles of shore. CDFG and the NMSP currently coordinate their permitting of overflight activities on an informal basis through sharing information and notifying applicants of the possible need for a permit from the other agency (Hall 2006). There may be an opportunity for increased collaboration by formalizing a joint permitting process.

d) Authorization permits

The National Marine Sanctuary Program issues authorization permits, whereby some activities permitted through another federal or state agency would be allowed within a sanctuary without incurring a full permit review process. For example, take the case of a land owner who wished to build a retaining wall above mean high tide (outside of the sanctuary jurisdiction). The owner would be required to obtain a permit from the California Coastal Commission in order to construct the retaining wall. If the owner then wanted to engage in activities that do fall within the jurisdiction of the sanctuary and relate to the permitted activities (such as using a tractor on the beach to build the retaining wall), the sanctuary may authorize the activity based upon the California Coastal Commission's permit. Due to the limited number of permitting personnel, the benefit of the authorization permit system is to lessen the burden of the NMSP by relying upon the permitting process of other agencies (Hall 2006).

Recommendation 11: Depending on future demand for marine aquaculture permits within National Marine Sanctuaries, the CDFG should consider entering into a memorandum of agreement with the NMSP for joint permitting.

6. Monitoring and adaptive management

The MLPA requires adaptive management to ensure that a system of MPAs meets its stated goals (Fish and Game code, section 2853 (c) (3)). The MLPA defines adaptive management as “a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood” (Fish and Game code, section 2852 (a)).

The MLPA requires that the master plan include “[R]ecommendations for monitoring, research, and evaluation in selected areas of the preferred alternative, including existing and long-established MPAs, to assist in adaptive management of the MPA network, taking into account existing and planned research and evaluation efforts” (Fish and Game code, section 2856(a)2(H)).

a) California Department of Fish and Game

The CDFG employs 25-30 personnel for monitoring and research and has a scientific diving program, with 30 divers who conduct scuba surveys at specific times of the year. Several CDFG research staff are located in NOAA Fisheries offices in Santa Cruz and La Jolla and collaborate on federal stock assessment efforts. CDFG also has a marine GIS lab that employs three personnel. The CDFG’s physical resources for dedicated research include a 85’, a 45’, and a 24’ boat as well as several inflatable vessels and a remotely operated vehicle (ROV). The 45’ boat, the *Garibaldi*, is stationed in San Pedro and is currently shared with several federal agencies and academic institutions. The 85’ boat is a trawler stationed in San Pedro that is currently underutilized (Coulston 2006). The CDFG enforcement program also cooperates with the diving program by occasionally providing enforcement vessels as dive platforms. CDFG is participating in several monitoring and research partnerships with federal agencies including Cooperative Research and Assessment of Nearshore Ecosystems (CRANE) program, the Sanctuary Integrated Monitoring Network (SiMoN), Multi-Agency Rocky Intertidal Network (MARINE), and the California Cooperative Oceanic Fisheries Investigations (CALCOFI), among others (please see Appendix D for a more detailed description of these programs). Coordination between the state and federal governments is also facilitated by participation of several state agencies, including CDFG, on the MBNMS Advisory Council and a CDFG representative on SiMoN’s science committee. CDFG has identified the need for a statewide research plan and expressed desire to work with federal agencies to determine current gaps in research and how to best utilize CDFG research efforts (Coulston 2006).

b) California Department of Parks and Recreation

The California Department of Parks and Recreation has no formal program or dedicated funding for biological monitoring of marine species although some districts or individual parks may take on this activity. The focus of CDPR's efforts in biological monitoring has been the removal of invasive terrestrial plant species (Schaub 2006).

c) National Marine Sanctuary Program

The Sanctuary Integrated Monitoring Network (SiMoN), a program administered by the MBNMS, is composed of more than 40 institutions and agencies that perform monitoring activities within the MBNMS and share their summary information with SiMoN. SiMoN seeks to integrate existing monitoring programs, identify information gaps, and avoid duplication in 1) surveying and characterizing habitats; 2) assessing the impact of natural processes or human activities on specific resources; and 3) long-term monitoring. SiMoN also makes monitoring data available to managers, decision makers, the research community, and the general public (Sanctuary Integrated Monitoring Network). In addition to SiMoN, the MBNMS employs one research coordinator and four scientific scuba divers who collaborate with CDFG in the CRANE project (DeVogelaere 2006). The SiMoN program is currently being expanded to other California sanctuaries.

As mentioned previously, the three national marine sanctuaries in the central California coast are received in August 2006 and will share the use of a 65' catamaran, the *Fulmar*, to be used for educational and research programs, and to a lesser extent, enforcement (Kogan 2006).

d) National Park Service¹⁰

Since 1990, the Cabrillo National Monument has participated in the MARINE program for intertidal monitoring, in which 13 taxa of intertidal species are surveyed by highly trained volunteers every spring and fall. The results from 15 years of sampling have recently been published. With respect to marine research, the Cabrillo National Monument employs a Natural Resources Division Leader and plans to hire a marine biologist part-time. The Cabrillo National Monument is interested in developing a research program for the kelp forests located offshore of the monument (Compton 2006).

In 2006, both the Golden Gate National Recreation Area and the Point Reyes National Seashore also began the MARINE program, and CINP has been conducting MARINE surveys since the 1990s (Becker 2006).

¹⁰ Please see section V(A) for a detailed description of monitoring and research resources and partnerships by National Park Service in the Channel Islands MPAs.

e) United States Fish and Wildlife National Refuges

Scientific research and monitoring within USFWS National Refuges are focused on seabird populations and inland fish populations. For example, at the Farallon National Refuge, there is data on seabird populations spanning more than 30 years. Generally speaking, there is one biologist employed at each of the refuges along the California coast (Kohler 2006).

f) California Marine Monitoring and Evaluation Institute

The Adaptive Management and Monitoring and Evaluation Framework, developed by the MLPA Initiative, recommended the establishment of an institute with the “singular purpose and dedicated capacity to allow the partnership to move forward” by coordinating monitoring and research, managing data, catalyzing research and development of new monitoring and analytical methods, translating results for different target audiences, and adaptive management. The Framework calls for the establishment of Regional MPA Management Advisory Committees consisting of stakeholders and scientists appointed by the Director of CDFG (California Marine Life Protection Act Initiative 2006). In addition, the Long-Term Funding Recommendations to Resources Secretary Chrisman approved by the Blue Ribbon Task Force include a recommendation to create a “California Marine Monitoring and Evaluation Institute” (referred to as the Institute) as a structure through which multiple parties can collaborate.

The Ocean Protection Council in April 2006 reserved \$2 million for the development of a program for monitoring MPAs established by the MLPA. The OPC staff is currently developing a proposal for the creation of an institute similar to that recommended in the Adaptive Management and Monitoring and Evaluation Framework and Long-Term Funding Recommendations.

Currently, there exists a significant level of federal-state coordination and also substantial opportunities for further increased collaboration in the area of monitoring and adaptive management. The NMSP, NPS, NERR, and USFWS have a high degree of capacity for monitoring that California state agencies may be able to leverage for MPA monitoring. The proposed California Marine Monitoring and Evaluation Institute can serve to coordinate the various monitoring programs.

Recommendation 12: CDFG should work with relevant federal agencies, either within the proposed California Marine Monitoring and Evaluation Institute or external to it, to develop a statewide marine research plan.

Recommendation 13: CDFG or the proposed California Marine Monitoring and Evaluation Institute should use the resources and infrastructure of the existing research programs to conduct MPA monitoring.

Recommendation 14: CDFG or the proposed California Marine Monitoring and Evaluation Institute should enter into a memorandum of understanding to conduct biological monitoring of marine species in coastal state parks.

Recommendation 15: Include the coordinators of existing federal-state monitoring partnerships (such as CRANE, SiMoN, CalCOFI and MARiNe) in the proposed Regional MPA Management Advisory Committees.

Recommendation 16: Include the research directors of relevant federal agencies in the proposed Regional MPA Management Advisory Committees.

Recommendation 17: Stipulate that federal agencies seeking the proposed California Marine Monitoring and Evaluation Institute funding comply with data collection and formatting standards of the Institute in order to facilitate integration of federal and state databases.

7. Emergency and contingency planning

Emergency and contingency planning is an activity in which a high degree of federal and state collaboration is already taking place. CDFG, through its Office of Oil Spill Prevention and Response (OSPR) is the lead state agency for marine oil spill and other deleterious materials prevention and response. The State Interagency Oil Spill Committee, chaired by OSPR, shares responsibility for oil spill prevention.

The U.S. Coast Guard has lead responsibility at the federal level (with substantial involvement by USEPA) for coordinating and implementing the planning and response to discharges of oil and hazardous substances into coastal or ocean waters.

The federal Oil Pollution Act and the California Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 required the development of contingency plans. The USCG and CDFG, through OSPR, agreed to joint preparation of contingency plans. The contingency plan for California identifies over 400 coastal ecologically sensitive sites and lays out corresponding response strategies. For each site, resources of primary concern are developed (California Department of Fish and Game, Office of Spill Prevention and Response and U.S. Coast Guard 2005).

There are memoranda of understanding between the state of California and USFWS, NOAA Fisheries, BLM, respectively, to coordinate oil spill response. In addition there are regional efforts among the province of British Columbia, the states of Washington, Oregon, California, and Hawaii, and Mexico to coordinate

oil spill response at the international level (California Department of Fish and Game, Office of Oil Spill Prevention and Response and U.S. Coast Guard 2005).

Oil Spill Response preparation includes conducting periodic practice drills. Safe Seas 2006 was a NOAA-sponsored drill centered in the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries. This exercise built on the oil spill preparedness efforts of governments, the private sector, and universities in California. Safe Seas 2006 was a multi-agency effort in collaboration with U.S. Coast Guard, California Office of Spill Prevention and Response, Harley Marine Services, and Department of the Interior. More than 300 people participated in training, field operations, oceanographic surveys, and incident command post activities. Vessels and aircraft from agencies such as NOAA, the U.S. Coast Guard, and U.S. Air Force Reserve were used in this drill. Additionally, the Central and Northern California Ocean Observing System activated the new surface current mapping radar in support of exercise data requirements. The purpose of these types of drills is to train new staff, practice multi-agency coordination, and test response strategies prior to an actual event (Kogan 2006).

Recommendation 18: In order to protect marine resources from the damaging effects of oil spills, the Marine Region of CDFG should work with OSPR and the USCG to update the Area Contingency Plan to include MPAs designated as a result of the MLPA process.

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Appendix A: Maps of California and Federal Agency Coastal Areas of Operation

California and Federal Agency Coastal Areas of Operation

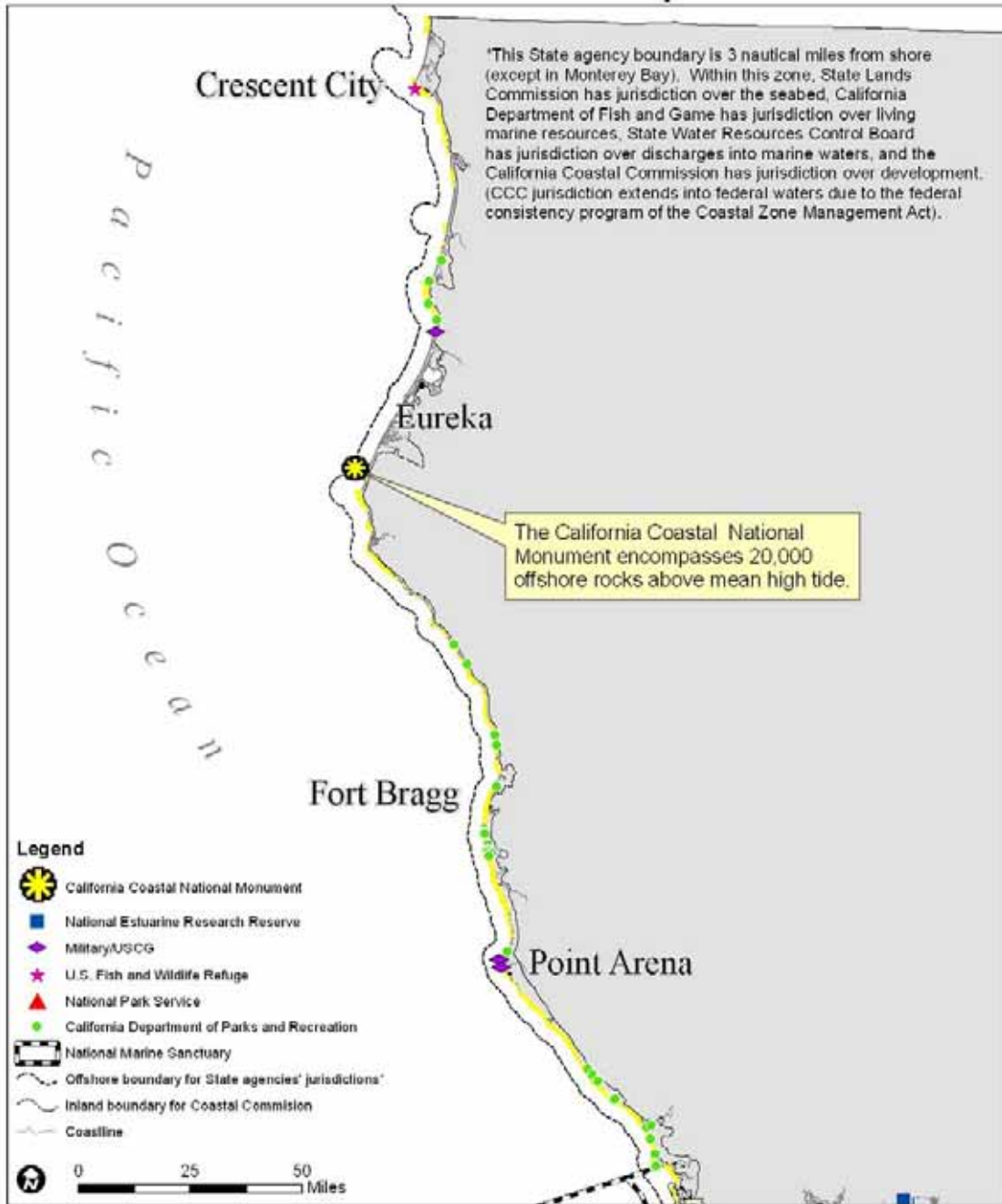


Figure 3: California and Federal Agency Coastal Areas of Operation, Northern California (Paulo Serpa, CDFG)

California and Federal Agency Coastal Areas of Operation

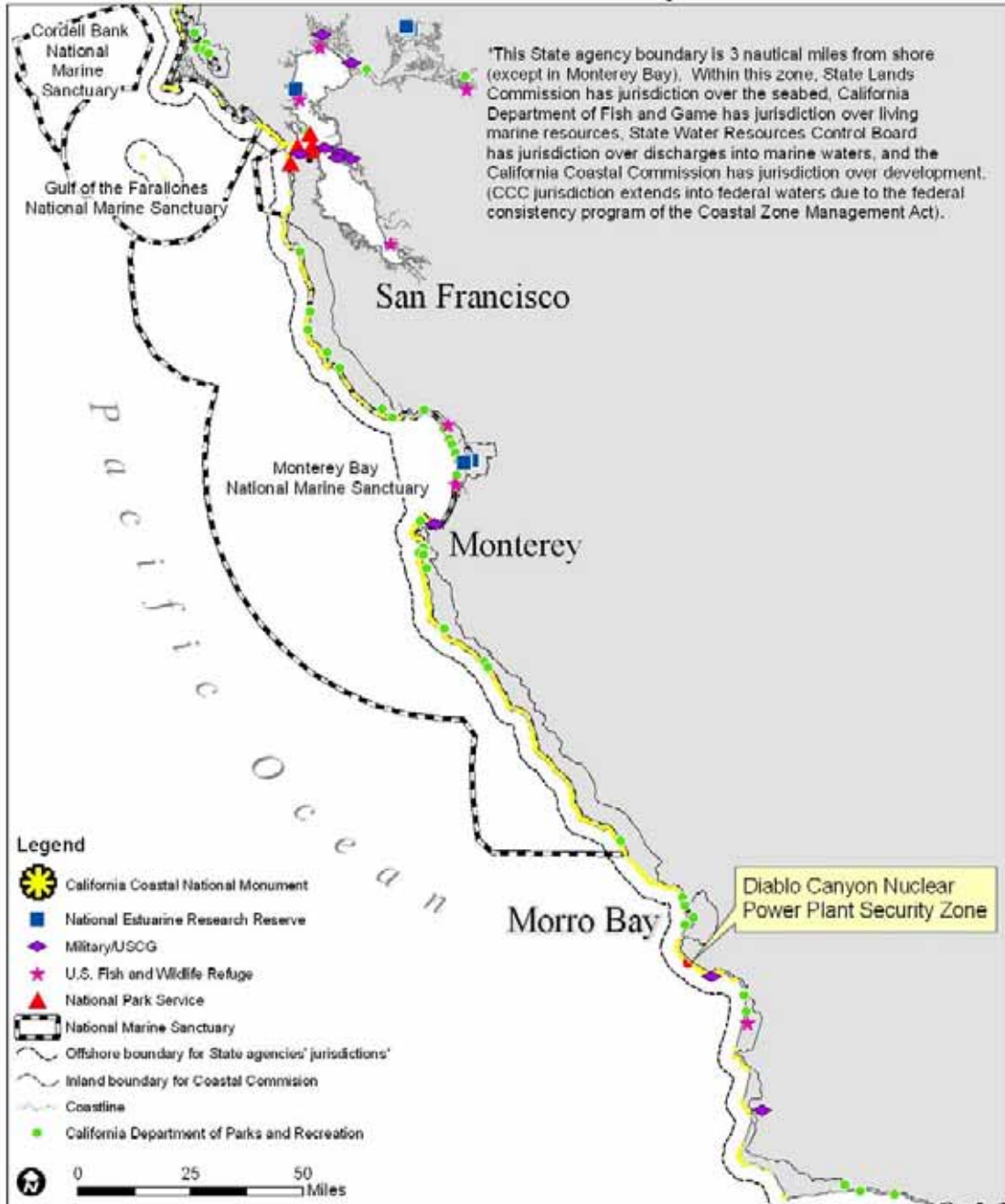


Figure 4: California and Federal Agency Coastal Areas of Operation, Central California (Paulo Serpa, CDFG)

California and Federal Agency Coastal Areas of Operation

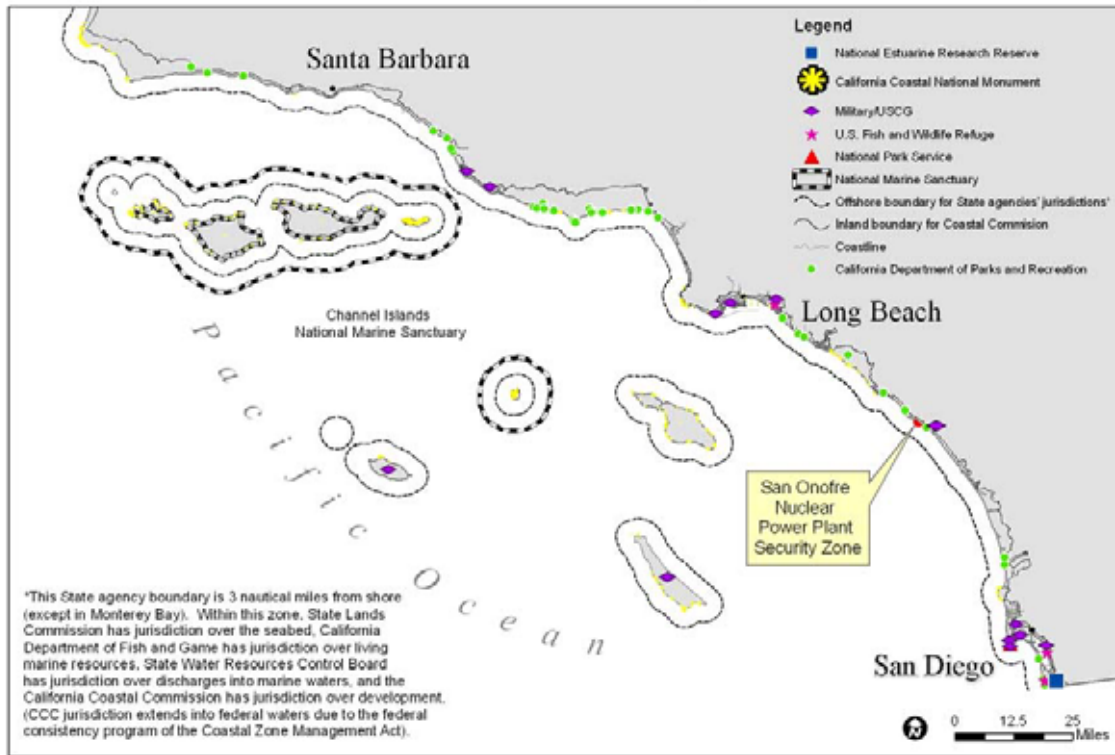


Figure 5: California and Federal Agency Coastal Areas of Operation, Southern California (Paulo Serpa, CDFG)

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Appendix B: Interagency collaborations

A. Steps to build and sustain interagency collaboration

The Government Accountability Office (2005) describes an 8-step process to build and sustain an interagency collaboration:

1. Define an articulate a common outcome

To overcome the barriers to interagency collaboration described earlier, agencies must have a clear and compelling rationale for working together. The rationale can either be imposed upon the agencies externally, such as through legislation, or can be developed internally based upon the agencies' own perceptions of the benefits of collaboration. The common outcome needs to be consistent with each agency's respective goals and mission.

2. Establish mutually reinforcing or joint strategies to achieve the outcome

Joint strategies will help to coordinate the partner agencies' activities, core processes, and resources to accomplish the common outcome.

3. Identify and address needs by leveraging resources

The unwillingness of potential partners to contribute resources is the most common obstacle to development of an interagency collaboration. However, a significant benefit of interagency collaboration is in using the comparative advantages various agencies to achieve the common outcome. Human, information technology, physical, and financial resources necessary to initiate and sustain the collaborative effort should be identified and efforts made to share such resources.

4. Agree on roles and responsibilities

Collaborating agencies should work together to identify the roles and responsibilities of each agency, including the leadership of the collaborative effort.

5. Establish compatible policies, procedures, and other means to operate across operational boundaries

Agencies may need to address the compatibility of standards, policies, procedures, and data systems used in the collaborative effort. Frequent communication may facilitate the collaborative effort by building the mutual trust necessary to sustain the collaborative effort.

6. Develop mechanisms to monitor, evaluate, and report results

Collaborating agencies need to develop the means to monitor and evaluate their efforts in order to determine areas of improvement. In addition, the means to report this information to the public and accept public comment should be developed.

7. Reinforce agency accountability for collaborative efforts through agency plans and reports

Strategic or annual performance plans of each collaborating agency should be used to establish complementary goals and strategies. Such plans reinforce accountability of the participating agencies.

8. Reinforce individual accountability for collaborative efforts through performance management systems

The risk to leaders who initiate collaboration was mentioned previously as an obstacle to effective collaboration. Individual accountability for collaborative efforts should be reinforced by identifying competencies related to collaboration and setting performance expectations for collaboration. For example, the Department of Interior evaluates the performance of its senior executives, in part, on their ability to successfully collaborate with customers, partners, and stakeholders (Government Accountability Office 2005).

B. Management of partnerships through contracts

1. Types of Contracts

Collaboration between government agencies may occur on an informal (such as monitoring efforts in the Channel Islands) or a formal basis (such as joint enforcement agreements between CDFG and federal agencies). Informal collaboration can be very effective as it may allow for improved performance without incurring the costs of establishing a formal relationship. However, informal collaboration may not be appropriate in cases where personnel from one agency represent the interests of another (such as cross-deputization of enforcement personnel) or where the transfer of funds is involved.

Within the area of law enforcement, two particular types of contracts have emerged. A cooperative enforcement agreement (CEA) is typically an agreement to give enforcement personnel of one agency the authority to enforce the regulations of a second entity. A joint enforcement agreement (JEA) allows for the transfer of funds from one agency to another for the provision of enforcement services.

Lastly, a mutual aid agreement is a formal agreement among government agencies to lend assistance across jurisdictional boundaries when required;

typically in cases of an emergency or natural disaster, such as a wildfire or oil spill.

2. Design versus performance requirements

The literature on contracting describes two ways of specifying the contract requirement: design and performance. An example of a design requirement would be that the grass at a military base shall be cut once a week between 15 April and 15 September, an once a month between 16 September and 14 April, using mowers meeting Underwriter Laboratory's Standard L1447-1988 for electric lawn movers. An example of a performance requirement would be that the grass at a military base shall be kept at an even height of no more than ½ inch (Kelman 2002). The literature contends that performance requirements are generally superior to design requirements; however, performance requirements have several disadvantages. First of all, it may be difficult to determine the precise performance that the contract seeks to obtain. Secondly, the inclusion of a performance requirement may place a high level of risk on the organization performing the work and as a result, they may be less willing to accept a performance requirement.

3. Cost sharing

There are two basic options for sharing costs among collaborating entities: cost reimbursement and fixed-price. In fixed-price contracting, one agency pays the other a specific amount of money for well-defined products or services. Such is the case of the joint enforcement agreement between CDFG and NOAA, whereby NOAA pays CDFG \$750,000/year for the provision of 1,000 personnel hours of enforcement. Cost reimbursement contracting involves one agency paying the other for all legitimate direct and indirect costs attributable to the contract. Cost reimbursement contracting is typically used when there is a high degree of uncertainty on the part of the contractor as to the potential costs incurred to provide the particular service (Kelman 2002).

Due to restrictions on contracting agreements for government agencies, it may be advantageous to funnel money through private foundations that represent the interests of the government agency. As mentioned previously, the Monterey Bay Sanctuary Foundation entered into an MOU with CDFG to reimburse the CDFG for enforcement activities within the sanctuary (California Department of Fish and Game and Monterey Bay Sanctuary Foundation 2005a).

Appendix C: Pew Oceans Commission and U.S. Ocean Commission Recommendations

A. Recommendations indirectly related to federal state coordination of ocean resources

1. Enact a National Ocean Policy Act (NOPA)

The Pew Oceans Commission recommends the enactment of a National Ocean Policy Act that would, at a minimum, “address geographic and institutional fragmentation by providing a unifying set of principles and standards for governance; establishes processes to improve coordination among governments, institutions, users of ocean resources, and the public; and provides adequate funding to accomplish these goals” (Pew Oceans Commission 2003).

2. Consolidate government organizations with responsibility for ocean resources

Both the Pew Oceans Commission and U.S. Oceans Commission recommend the establishment of an independent oceans agency. However, the recommendations differ in that the U.S. Oceans Commission recommends the establishment of a single independent agency for both terrestrial and ocean ecosystem-based management while the Pew Oceans Commission advocates for an independent agency dedicated exclusively to ocean and coastal issues. The reports also differ in the process they recommend for establishment of the proposed agency; the U.S. Ocean Commission advocates a phased approach while the Pew Oceans Commission recommends the more immediate establishment of a National Oceans Agency which would be an independent agency outside of the Department of Commerce.

The U.S. Ocean Commission recommends a 3-step phased approach to establishing an independent ecosystem-based natural resource management agency that includes:

1. Phase I—Immediate Action: Solidify NOAA’s role as the nation’s lead civilian ocean agency through the enactment of a NOAA organic act that codifies the agency’s establishment within the Department of Commerce, clarifies its mission, and strengthens execution of its functions. The U.S. Ocean Commission recommends that NOAA’s organizational structure be developed around three core functions: 1). Assessment and prediction of ocean, coastal, and atmospheric conditions, 2). Management of ocean and coastal areas and resources, and 3). Research and education of marine resources.

2. Phase II—Medium-term Action: Strengthen other agencies with ocean-related responsibilities and consolidate selected ocean and coastal functions and programs where such consolidation would eliminate unnecessary duplication,

achieve more effective policy implementation, and not undermine the central mission of any agency. Agencies specifically mentioned in the U.S. Ocean Commission report include: Department of Interior, Environmental Protection Agency, US Army Corp of Engineer's Directorate of Civil Works, and National Aeronautics and Space Administration. It is recommended that the National Ocean Council and the President's Council of Advisors on Ocean Policy (described below) should review all ocean, coastal and atmospheric programs for possible consolidation.

3. Phase III—Long-term Action: Include oceans and coasts within a unified federal agency structure to manage all natural resources according to an ecosystem-based management approach. The U.S. Ocean Commission recommends the possible establishment of a Department of Natural Resources or some other structural unification to integrate all of the nation's natural resource programs (U.S. Commission on Ocean Policy 2004).

The Pew Oceans Commission specifically cites the main task of the National Oceans Agency would be to implement NOPA on a national scale. Membership of the agency is depicted in Table 6.

Table 6: Pew Oceans Commission's recommendation for membership in the National Oceans Agency

<p><u>Pew Oceans Commission's recommendation for membership in the National Oceans Agency</u></p> <ul style="list-style-type: none">• NOAA• Ocean Minerals Program of the Minerals Management Service (Department of Interior)• Marine mammal and seabird programs of the U.S. Fish and Wildlife Service (Department of Interior)• Chesapeake Bay Program and National Estuaries Program, Environmental Protection Agency (EPA)• Coastal and Marine Component of EPA's Environmental Assessment and Monitoring Program• Aquaculture programs for marine species at the U.S. Department of Agriculture• Shoreline protection activities of the Army Corp of Engineers
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3. Establish a Permanent Interagency National Oceans Council (NOC)

Both the Pew Oceans Commission and the U.S. Ocean Commission recommend the establishment of a permanent interagency ocean council within the Executive

Office of the President. However, the two commissions differ in the purpose, composition, and leadership of the Council.

As discussed previously, the Pew Oceans Commission advocates for the passage of a National Ocean Protection Act. The purpose of the Interagency Ocean Council would be “provide well-structured interagency coordination on oceans issues and resolve interagency disputes on NOPA implementation” (Pew Oceans Commission 2003). The Council would be headed by the new head of the National Oceans Agency (discussed previously) and would be composed of the members outlined below.

Table 7: Pew Ocean Commission’s recommended membership of the Interagency Oceans Council

<p><u>Pew Oceans Commission’s recommended membership of the Interagency Oceans Council:</u></p> <ul style="list-style-type: none">• Secretary of the Interior• Administrator of the EPA• Secretary of State• Secretary of Defense• Secretary of Agriculture• Secretary of Transportation• Secretary of Homeland Security• Director of the Office of Management and Budget• Director of the National Science Foundation• Other department and agency heads who from time to time are directed by the President to attend.

In contrast, the U.S. Ocean Commission states that the purpose of the council would be to “oversee all existing and new ocean and coastal-related interagency mechanisms and coordination efforts” (U.S. Commission on Ocean Policy 2004). The U.S. Ocean Commission recommends that the NOC be composed of cabinet secretaries of departments and directors of independent agencies with relevant ocean- and coastal-related responsibilities but does not indicate which departments and agencies to include.

The U.S. Ocean Commission recommends that the Council would be chaired by an Assistant to the President with support from a small staff. The Assistant to the President should be a high-level presidential appointee who is independent of any agency or department represented in the NOC (U.S. Commission on Ocean Policy 2004). The Assistant would also co-chair the President’s Council of Advisors on Ocean Policy.

The U.S. Ocean Commission recommends the establishment of an Office of Ocean Policy that would support the Assistant to the President, the National Ocean Council (NOC), and the Presidential Council of Advisors on Ocean Policy. The U.S. Ocean Commission also recommends the establishment of a Committee on Ocean Science, Education, Technology, and Operations (COSETO) to coordinate and plan federal marine facilities and operations, provide federal oversight of the Integrated Ocean Observing System, and coordinate ocean-related educational efforts. The Committee for Ocean Resource Management (CORM) is recommended by the U.S. Ocean Commission to “oversee and coordinate the work of existing ocean and coastal interagency groups, and less formal efforts, recommend the creation of new topical task forces as needed, and coordinate with government-wide environmental and natural resource efforts that have important ocean components” (U.S. Commission on Ocean Policy 2004).

Lastly, the U.S. Ocean Commission recommends that the National Ocean Council review all existing ocean-related councils and commissions, such as the Marine Mammal Commission, for their utility, reporting structure, and connections to the NOC.

The U.S. Oceans Commission’s proposed structure for coordination of federal ocean activities is illustrated in Figure 6 below.

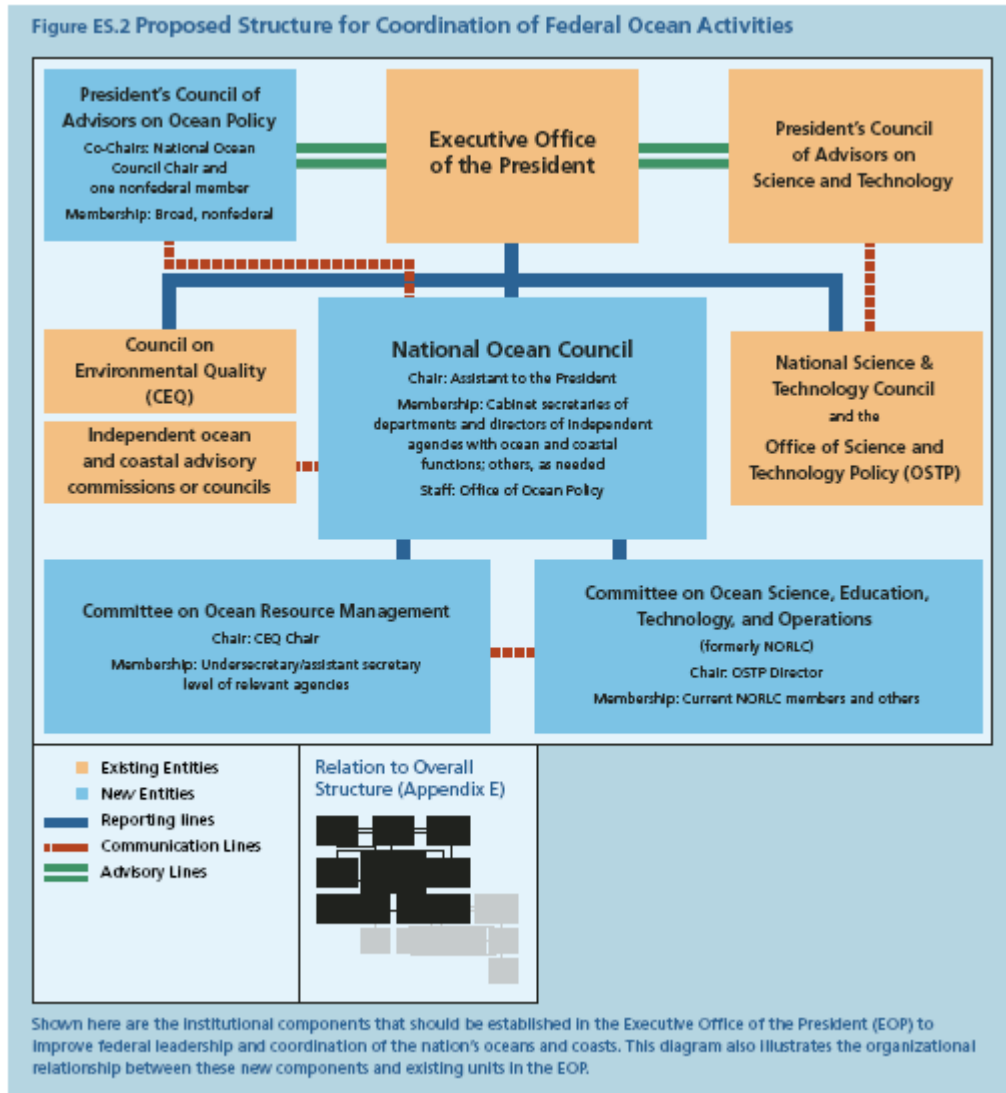


Figure 6: U.S. Ocean Commission's Proposed Structure for Coordination of Federal Ocean Activities (U.S. Commission on Ocean Policy 2004)

4. Improve Federal Agencies' Regional Coordination and Adopt Common Federal Regional Boundaries

Many federal agencies divide their operations and management responsibilities along regional lines which, in some cases, can result in regional offices operating in relative isolation from one another and from the head office. The U.S. Ocean Commission recommends that the President, through an executive order, direct all agencies with ocean or coastal-related programs to immediately improve their regional coordination and outreach to regional stakeholders. The report specifically cites the need for NOAA, United States Environmental Protection Agency (USEPA), Army Corp of Engineers (USACE), the Department of Interior (DOI), and the US Department of Agriculture (USDA) to:

1. Collaborate with local, state, territorial, tribal governments, and nongovernmental organizations to identify regional priorities and information needs.
2. Identify inconsistencies in agency mandates, policies, regulations, practices or funding that prevent regional issues from being effectively addressed and communicate them to the National Ocean Council.
3. Improve coordination and communication among agencies, including the possible development of interagency protocols to guide regional decision-making.
4. Coordinate funding and grants in a manner consistent with regional priorities (U.S. Commission on Ocean Policy 2004).

The U.S. Ocean Commission also recommends the formation of a task force to make recommendations regarding the consolidation of regional boundaries for ocean and coastal-related programs. The consolidation of these regional boundaries should be complementary to the establishment of regional councils although the boundaries need not be exactly the same.

5. Establish Regional Ocean Information Programs and Regional Ecosystem Assessments

The ecosystem-based approach to ocean resource management advocated by the Pew Oceans Commission and U.S. Ocean Commission reports requires greater knowledge about ocean and coastal ecosystems so that managers can make appropriate decisions. Efforts to meet information needs would ideally be carried out under the guidance of regional ocean councils; however, pending the establishment of these councils, the U.S. Ocean Commission recommends that establishment of a regional ocean information program. The governors in each region should select a suitable entity to carry out research, data collection, information product development, and outreach efforts (U.S. Commission on Ocean Policy 2004).

The U.S. Ocean Commission also recommends that NOAA and the USEPA work together with other federal agencies to coordinate the development of regional ecosystem assessments. The purpose of the regional ecosystem assessments would be to establish a baseline of ocean and coastal ecosystem health in order to determine the impacts human activities on the ecosystem. The U.S. Ocean Commission further recommends that the Council on Environmental Quality revise the National Environmental Quality Act guidelines so that the regional ecosystem assessments are incorporated into environmental impact statements (U.S. Commission on Ocean Policy 2004).

B. Efforts to implement the Pew Ocean Commission and U.S. Ocean Commission Recommendations

1. U.S. Ocean Action Plan

The Ocean Act of 2000 stipulates that the President is to respond to the U.S. Ocean Commission's report within 90 days of its receipt (U.S. Public Law 106-256§ 4(a)). On December 17, 2004 the President released his formal response, known as the "U.S. Ocean Action Plan" (Bush 2004). With respect to enhancing ocean leadership and coordination, the Bush administration advocates a phased approach. The initial phase includes:

1. Codifying the existence of NOAA within the Department of Commerce by passage of an organic act.
2. Establishing a cabinet-level federal ocean, coastal, and Great Lakes coordinating entity
3. Supporting voluntary regional collaboration

The second phase involves the strengthening of all Federal agencies with ocean-related responsibilities and the possible consolidation of appropriate agencies (Bush 2004).

a) Introduction of the NOAA Organic Act

Consistent with the recommendation of the U.S. Ocean Commission, the Bush Administration has drafted a NOAA Organic Act (H.R. 4607 introduced at the Administration's request on June 17, 2004) and will seek its passage in the 109th Congress (Bush 2004). However, the Bush Administrations' Ocean Action Plan differs from the Pew Oceans Commission and U.S. Ocean Commissions' recommendations in that there is no recommendation for a consolidation of government organizations with responsibility for ocean resources in the short-term.

b) Committee on Ocean Policy

With respect to the recommendation by both the Pew Oceans Commission and U.S. Ocean Commissions for an interagency ocean council described previously, President Bush established by Executive Order a cabinet-level Committee on Ocean Policy. The Committee on Ocean Policy is chaired by the Chairman of the Council on Environmental Quality and includes the following members:

Cabinet-level:

- Secretary of State
- Secretary of Defense
- Secretary of the Interior
- Secretary of Agriculture
- Secretary of Health and Human Services
- Secretary of Commerce
- Secretary of Labor
- Secretary of Transportation
- Secretary of Energy
- Secretary of Homeland Security
- The Attorney General

Non-cabinet-level

- Administrator of the Environmental Protection Agency
- Director of the Office of Management and Budget
- Administrator of the National Aeronautics and Space Administration
- Director of National Intelligence
- Director of the Office of Science and Technology Policy
- Director of the National Science Foundation
- Chairman, Joint Chiefs of Staff
- Assistants to the President for National Security Affairs, Homeland Security, Domestic Policy, Economic Policy
- Employee of the Office of the Vice President
(Committee on Ocean Policy)

The stated purpose of the Committee on Ocean Policy is to:

1. Coordinate the activities of executive departments and agencies regarding ocean-related matters in an integrated and effective manner to advance the environmental, economic, and security interests of present and future generations of Americans; and
2. Facilitate, as appropriate, coordination and consultation regarding ocean-related matters among Federal, State, Tribal, and local governments, the

private sector, foreign governments, and international organizations.
(Bush 2004)

The Committee on Ocean Policy was scheduled to meet for the first time in early 2005 to develop an 18-month work plan to address a number of the U.S. Ocean Commission's recommendations (Bush 2004).

The Committee on Ocean Policy established by President Bush differs from the National Ocean Council recommended by the U.S. Ocean Commission in that the U.S. Ocean Commission recommended that the National Ocean Council be independent from the Council on Environmental Quality (see Figure 6). As a result of this structure, the Committee on Ocean Policy is chaired by the Chairman of the Council on Environmental Quality whereas the U.S. Ocean Commission recommended it be chaired by an "Assistant to the President". In addition, the U.S. Ocean Commission recommended the creation of an Office of Ocean Policy, or a small dedicated staff for the National Ocean Council, whereas the Committee on Ocean Policy has no such dedicated staff.

The Committee on Ocean Policy differs from the Interagency Oceans Council recommended by the Pew Oceans Commission in that the Interagency Oceans Council was to be chaired by the head of the new national ocean agency. In addition, the Pew Oceans Commission envisioned the role of the Interagency Ocean Council would be to coordinate and oversee the national ocean agency's implementation of the National Ocean Policy Act (NOPA). Since neither recommendation for the establishment of a national ocean agency nor passage of a National Ocean Policy Act, the Bush Administration's Committee on Ocean Policy differs substantially from that recommended by the Pew Ocean Commission.

The Bush Administration's proposed governance structure does not include a President's Council of Advisors on Ocean Policy recommended by the U.S. Ocean Commission. As a result of the differing structure, state representatives will not have a direct advisory role to the President.

Significant differences exist between the Bush Administration's ocean governance structure and that recommended by the Pew and U.S. Ocean Commission with respect to sub-committees that report to the Committee on Ocean Policy. As these sub-committees may be less relevant to federal/state coordination efforts, the reader is referred to pages 7 through 9 of the U.S. Ocean Action Plan and Figure 7 below for more information (Bush 2004).

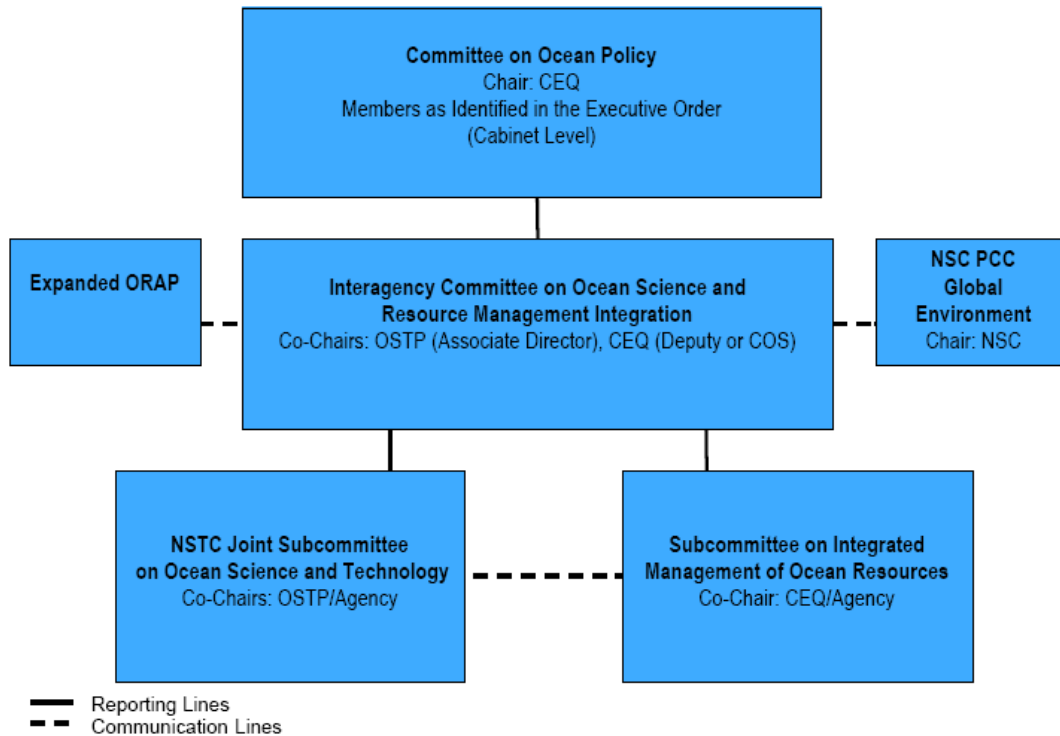


Figure 7: Coordinated Ocean Governance Structure established by the U.S. Ocean Action Plan (ORAP=Ocean Research Action Plan; NSC= National Security Council; PCC=Policy Coordinating Committee) (Bush 2004)

c) Regional coordination

With respect to regional coordination, President Bush signed the Advance Ocean Stewardship through Implementation of Cooperative Conservation Executive Order on August 26, 2004. The executive order “directs Federal agencies that oversee environmental and natural resource policies and programs to promote cooperative conservation in full partnership with States, local governments, Tribes, and individuals” (Bush 2004). The Committee on Ocean Policy is to ensure that this executive order is implemented.

2. Regional efforts to implement the Pew Oceans Commission and U.S. Ocean Commissions’ recommendations.

At the regional level, there are several initiatives being developed to coordinate ocean governance, including the Great Lakes, Northeast, Gulf of Mexico, West Coast, and the Southeast (Joint Oceans Commission Initiative 2006). The Gulf of Mexico Alliance was described as a case study of federal/state coordination in section V(D) of this report.

3. Fritz Hollings National Ocean Policy and Leadership Act (S. 2647)

The National Ocean Policy and Leadership Act was introduced in July 2004 by Senators Hollings, Stevens, Inouye, and Greg. The Committee on Commerce, Science and Transportation approved the bill as amended by substitute sponsored by Senators Hollings, McCain, Stevens, Inouye, Snowe, Breaux, Lautenberg, and Boxer (Committee on Commerce, Science, and Transportation 2004). The bill addresses many of the recommendations of the Pew Oceans Commission and U.S. Ocean Commission with respect to federal/state coordination.

First of all, the bill sets forth a national ocean policy similar to that recommended by the Pew Oceans Commission. Among other goals, the National Ocean Policy proposed in the bill seeks to “protect, maintain, and restore the long-term health, productivity, and diversity of the ocean environment” and to “ensure long-term responsible and sustainable use of fishery resources and other coastal resources held in the public trust, using ecosystem-based management and an adaptive approach” (Hollings 2004).

Second, the bill establishes NOAA, by statute, as the lead Federal ocean and atmospheric agency and identifies its authorities, duties, and powers. The bill strengthens NOAA by providing it with more budgetary and administrative autonomy by having the Office of Management and Budget evaluate its budget proposal in the natural resource program and by isolating the Administrator from political pressure by establishing a 5-year term for the office (Committee on Commerce, Science, and Transportation 2004). Although this bill does not go so far as to establish an independent oceans agency recommended by the Pew Oceans Commission, it does address the U.S. Ocean Commission’s recommendation to strengthen NOAA as the first step towards reorganization.

Third, the bill establishes a Council of Ocean Stewardship within the Executive Office of the President. The Council would be composed of 3 to 5 members appointed by the President and confirmed by the Senate. The Council members are to have expertise in ocean resource issues and would serve full time. The Council would be responsible for improving Federal interagency planning and budget coordination, among other functions (Hollings 2004). The Council of Ocean Stewardship fulfills the role of the Interagency Oceans Council and the National Ocean Council recommended by the Pew Oceans Commission and U.S. Ocean Commissions, respectively. However, the Council of Ocean Stewardship differs from other recommendations largely because the members are neither secretaries of departments nor directors of independent agencies.

Fourth, the bill proposes the creation of a Presidential Panel of Advisers on Oceans, Atmosphere, and Climate Change. The panel would be composed of

not more than twenty-five members, twenty-four of whom shall be non-federal employees. At least one representative shall be nominated by a Governor from each of the coastal regions identified in the U.S. Ocean Commission report. The Chairman of the Council on Ocean Stewardship (described above) shall co-chair the panel with a nonfederal member designated by the President (Hollings 2004). The creation of this Presidential Panel of Advisers on Oceans, Atmosphere, and Climate Change is very similar to the Council of President's Advisors recommended by the U.S. Ocean Commission.

Of the recommendations regarding federal/state coordination from the Pew Oceans Commission and U.S. Oceans Commission, the Fritz Hollings National Ocean Policy and Leadership Act is largely silent on the issue of the creation of regional advisory councils.

4. National Oceans Protection Act of 2005 (S. 1224)

The National Oceans Protection Act of 2005 was introduced into the U.S. House of Representatives on June 9, 2005 by Representative Boxer of California and co-sponsored by Representative Lautenberg. With respect to federal/state coordination, the bill proposes a National Ocean Policy, establishes NOAA by statute, creates a Council on Ocean Stewardship and creates a Presidential Panel of Advisers on Oceans and Climate.

The National Ocean Policy proposed in this bill is nearly identical to the language used in the Fritz Hollings National Ocean Policy and Leadership Act.

The bill establishes NOAA by statute and reorganizes NOAA around 3 functional areas: 1). Assessment and prediction of ocean, coastal, and atmospheric conditions, 2). Management of ocean and coastal areas and resources, and 3). Research and education of marine resources.

The bill proposes the creation of a Council on Ocean Stewardship within the Executive Office of the President. The Council shall be composed of no more than 5 members who are appointed and serve at the pleasure of the President but whose appointment requires Senate confirmation. The purpose of the Council includes the coordination of activities among Federal agencies and promotion of efforts to increase partnerships with coastal states.

A Presidential Panel of Advisers on Oceans and Climate is proposed as part of the National Oceans Protection Act of 2005. The Panel would consist of not more than 25 members, one of whom shall be the Chairman of the Council on Ocean Stewardship, and 24 of whom shall be non-Federal members appointed by the President and at least 1 nominated by each Governor from coastal regions. The Chair of the Council on Ocean Stewardship and a non-Federal member appointed by the President shall co-chair the Presidential Panel. The purpose of

the Panel is to advise the President and Council on Ocean Stewardship on policy on a national and regional basis (Boxer 2005).

The National Ocean Protection Act of 2005 has no provisions for the creation of regional councils advocated by both the Pew Oceans Commission and U.S. Ocean Commissions.

As of June 2005, the bill was referred to the Senate Committee on Commerce, Science, and Transportation.

5. Oceans Conservation, Education, and National Strategy for the 21st Century Act (H.R. 2939)

The Oceans Conservation, Education, and National Strategy for the 21st Century Act was introduced in the U.S. House of Representatives on June 16, 2005 by Representative Weldon of Pennsylvania and co-sponsored by Representatives Farr, Allen, and Saxton. With respect to federal/state coordination issues, the bill establishes a national oceans policy, establishes NOAA as the lead ocean agency by statute, and creates a Committee on Ocean Policy.

The Committee on Ocean Policy proposed by the bill would be composed of cabinet-level secretaries of ten agencies, directors of four departments, four coastal Governors, and the Chair of the Council on Environmental Quality. The Secretary of Commerce shall Chair the Committee on Ocean Policy.

The bill also proposes the creation of a Council of Advisors on Ocean Policy that would include no more than 17 members appointed by the President and consisting of a member of a state, tribal, or local government as well as representatives from the marine research, fisheries, and non-governmental community, among others.

The bill also proposes the establishment of Regional Ocean Partnerships to provide for a more “systematic communication, collaboration, and integration of Federal and State coastal and ocean environmental and resource management efforts” (Weldon 2005). The Partnership shall be composed of Federal and State representatives appointed by Federal agency heads and Governor, respectively. A Citizens Advisory Committee comprised of nongovernmental members of the public shall be established to advise the Regional Ocean Partnership. The bill states that California would be part of the Pacific Ocean Region that also includes the states of Washington and Oregon.

As of June 2005, the bill had been referred to both the House Resources Committee and the House Science subcommittee on Environment, Technology, and Standards. The House Resources Committee requested an executive comment from the Commerce Department.

6. National Oceanic and Atmospheric Administration Act (H.R. 5450)

The National Oceanic and Atmospheric Administration Act was introduced in the U.S. House of Representatives on May 22, 2006 by Representative Vernon Ehlers of Michigan. The bill establishes, by statute, the mission and functions of the NOAA (Ehlers 2006). However, it does not address the 3 core functions of NOAA recommended by the U.S. Ocean Commission: 1). Assessment and prediction of ocean, coastal, and atmospheric conditions, 2). Management of ocean and coastal areas and resources, and 3). Research and education of marine resources. As of May 2005, the National Oceanic and Atmospheric Administration Act was referred to the House Resource Subcommittee on Fisheries Conservation, Wildlife and Oceans.

7. Joint Ocean Commission Initiative

In order to catalyze efforts for implementation of their recommendations, members of both the Pew Oceans Commission and U.S. Ocean Commissions decided to form the Joint Ocean Commission Initiative (JOCI) in late 2004. The JOCI is guided by a ten-member Task Force, five from each Commission, led by Admiral James Watkins and Mr. Leon Panetta, chairs of the U.S. Commission and Pew Oceans Commission, respectively (Joint Oceans Commission Initiative 2006).

In March 2006, ten members of the U.S. Senate asked the JOCI to advise them on the ten most important actions Congress should take to implement the recommendations of the JOCI. In June 2006, the JOCI responded to the Senators by publishing *From Sea to Shining Sea: Priorities for Ocean Policy Reform* (Joint Oceans Commission Initiative 2006).

With respect to federal-state collaboration, the JOCI advocates for:

- 1). Passage of a National Ocean Policy Act using language almost identical to the Fritz Hollings National Ocean Policy and Leadership Act described above.

- 2). Establishment of NOAA in law and Congressional oversight of the Administration's implementation of the U.S. Ocean Action Plan for interagency coordination. Congressional oversight would include requiring the Administration to prepare a progress report of the Committee on Ocean Policy. Based upon the results of the progress report, Congress may codify a permanent federal coordinating committee with staff support provided by the Office of Ocean Policy, call upon the President to select an Assistant to the President, and establish a nonfederal Council of Advisors.

- 3). Legislation to create a national framework to support regional approaches which may include the creation of regional governance entities with a mix of

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federal and state representatives, formation of citizens' advisory committees, and the development of regional ocean strategic plans.

Table 8: Comparison of Pew Ocean, U.S. Ocean Commission, Bush Administration's Ocean Action Plan, and the Joint Ocean Commission Initiative's recommendations with respect to federal-state coordination of ocean resource management

Comparison of recommendations regarding federal/state coordination of ocean resources				
Recommendations	Pew Ocean Commission (2003)	U.S. Ocean Commission (2004)	Bush Administration's Ocean Action Plan (2004)	Joint Ocean Commission Initiative (2004)
1. Enact a National Ocean Policy Act	"address geographic and institutional fragmentation by providing a unifying set of principles and standards for governance; establishes processes to improve coordination among governments, institutions, users of ocean resources, and the public; and provides adequate funding to accomplish these goals"	not addressed	not addressed	"Congress should acknowledge in legislation the importance of oceans to the nation's economic and ecological health and adopt a national policy to protect, maintain, and restore marine ecosystems so that they remain healthy, resilient, and able to deliver the services people want and need".
2. Consolidate government organizations with responsibility for ocean resources	National Oceans Agency	Department of Natural Resources (3-phased approach includes: 1. strengthening of NOAA, 2. consolidation of agencies with ocean responsibilities, 3. creation of Department of Natural Resources)	1st phase: Introduction of the NOAA Organic Act (H.R. 4607) for passage in 109th Congress. 2nd phase: strengthening and possible consolidation of other agencies with ocean or coastal responsibilities.	NOAA Organic Act
2a. Agencies/departments to be consolidated	<ul style="list-style-type: none"> • NOAA • Ocean Minerals Program of the Minerals Management Service (Department of Interior) • Marine mammal and seabird programs of the U.S. Fish and Wildlife Service (Department of Interior) • Chesapeake Bay Program and National Estuaries Program, Environmental Protection Agency (EPA) • Coastal and Marine Component of EPA's Environmental Assessment and Monitoring Program • Aquaculture programs for marine species at the U.S. Department of Agriculture • Shoreline protection activities of the Army Corp of Engineers 	Potential agencies/departments are to be recommended by the National Ocean Council and the President's Council of Advisors on Ocean Policy	not addressed	Congress to work with the Administration to identify and act upon opportunities to improve federal agency coordination on ocean and coastal issues
3. Establish a Permanent Interagency National Oceans Council	Interagency Ocean Council	National Ocean Council	Committee on Ocean Policy within the Council of Environmental Quality	Congressional oversight of Bush Administration's Committee on Ocean Policy. If needed, pass legislation to create a permanent federal coordinating committee with staff support provided by an Office of Ocean Policy in Executive Office of the President.
3a. Membership	<ul style="list-style-type: none"> • Secretary of the Interior • Administrator of the EPA • Secretary of State • Secretary of Defense • Secretary of Agriculture • Secretary of Transportation • Secretary of Homeland Security • Director of the Office of Management and Budget • Director of the National Science Foundation • Other department and agency heads who from time to time are directed by the President to attend. 	Cabinet secretaries of departments and directors of independent agencies with relevant ocean- and coastal-related responsibilities	<ul style="list-style-type: none"> • Secretaries of State, Defense, Interior, Agriculture, Health and Human Services, Commerce, Labor, Transportation, Energy, Homeland Security • The Attorney General • Administrator of the EPA • Director of the OMB • Administrator of the NASA • Director of National Intelligence • Director of the Office of Science and Technology Policy • Director of the National Science Foundation • Chairman, Joint Chiefs of Staff • Assistants to the President for National Security Affairs, Homeland Security, Domestic Policy, Economic Policy • Employees of the Office of the Vice President 	not addressed
3b. Chairmanship	Head of National Oceans Agency	Assistant to the President	Chair of CEQ	Congressional oversight of Bush Administration's Committee on Ocean Policy. If necessary, Congress to pass legislation establishing an Assistant to the President as Chair of the permanent federal coordinating committee.
3c. Purpose	"provide well-structured interagency coordination on oceans issues and resolve interagency disputes on NOPA implementation"	"oversee all existing and new ocean and coastal-related interagency mechanisms and coordination efforts"	Coordinate activities of Federal agencies and departments and to facilitate coordination among Federal, State, Tribal, and local governments, the private sector, foreign governments, and international organizations	"oversee the federal government's implementation of a national ocean policy, resolve interagency disputes, and coordinate ocean budgets"
4. Establish a Presidential Council of Advisors	not addressed	Presidential Council of Advisors	not addressed	Congressional oversight of Bush Administration's Committee on Ocean Policy. If needed, pass legislation to create a nonfederal Council of Advisors.
4a. Membership	n/a	Governors of coastal states and other appropriate state, territorial, tribal and local government representatives; and individuals from the private sector, research institutions, and non-governmental organizations	n/a	not addressed
4b. Chairmanship	n/a	Co-chaired by the Assistant to the President and a nonfederal members of the Council	n/a	not addressed
4c. Purpose	n/a	Advise the President on ocean and coastal policy matters	n/a	"to provide advice on ocean and coastal issues"
5. Establish Regional Ocean Councils	Established by statute	Voluntary	not addressed	Congress should pass legislation to create a regional governance entity
5a. Membership	Federal, state and tribal representatives	Flexible	n/a	Approximately 20-25 members with a mix of federal and state representatives. Advised and supported by citizen advisory councils
5b. Chairmanship	not addressed	not addressed	n/a	not addressed
5c. Purpose	Develop and oversee the implementation of regional ocean governance plans	Facilitate more coordinated and collaborative approaches to realizing opportunities and addressing concerns in the region	n/a	Develop regional strategic ocean plans
5d. Geographic scale	Initially through regional fisheries management councils but may be modified in the future	Similar to those of the current federal fisheries management councils	n/a	not addressed
6. Improve Federal Agencies' Regional Coordination and Adopt Common Federal Regional Boundaries	not addressed	Through executive order direct NOAA, EPA, USACE, DOI, and USDA to improve regional coordination. Formation of a task force to consider permanent consolidation of regional boundaries	The Advance Ocean Stewardship through Implementation of Cooperative Conservation Executive Order on August 26, 2004 "directs Federal agencies that oversee environmental and natural resource policies and programs to promote cooperative conservation in full partnership with States, local governments, Tribes, and individuals"	"Congress should call upon the President to direct federal agencies to identify opportunities to further coordinate existing programs and activities to assist and support more effective implementation of regional approaches"
7. Establish Regional Ocean Information Programs and Regional Ecosystem Assessments	not addressed	Governors to select an entity to carry out research, data collection, info development and outreach. NOAA and EPA to coordinate development of assessments and CEO to revise NEPA guidelines to include assessments.	not addressed	not addressed

Table 9: Comparison of efforts to implement the Pew Ocean and U.S. Ocean Commissions' recommendations with respect to federal-state coordination

Recommendations	Efforts to implement the Pew and U.S. Ocean Commissions' Recommendations			
	Fritz Hollings National Ocean Policy and Leadership Act (S. 2647) 2004	National Oceans Protection Act of 2005 (S. 1224)	Oceans Conservation, Education, and National Strategy for the 21st Century Act (H.R. 2939) 2005	National Oceanic and Atmospheric Administration Act (H.R. 5450) 2006
1. Enact a National Ocean Policy Act	Similar to that recommended by the Pew Oceans Commission, for example "protect, maintain, and restore the long-term health, productivity, and diversity of the ocean environment" and to "ensure long-term responsible and sustainable use of fishery resources and other coastal resources held in the public trust, using ecosystem-based management and an adaptive approach".	Nearly identical to the language used in the Fritz Hollings National Ocean Policy and Leadership Act.	"protect, maintain, and restore the health of marine ecosystems..."	not addressed
2. Consolidate government organizations with responsibility for ocean resources	NOAA Organic Act (OMB to evaluate its budget proposal in the natural resource program and establishment of a 5-year term for the Administrator).	NOAA Organic Act and organizes NOAA around 3 functional areas: 1). Assessment and prediction of ocean, coastal, and atmospheric conditions, 2). Management of ocean and coastal areas and resources, and 3). Research and education of marine resources.	NOAA Organic Act	NOAA Organic Act
2a. Agencies/departments to be consolidated	not addressed	not addressed	Marine mammal management currently under jurisdiction of USFWS	not addressed
3. Establish a Permanent Interagency National Oceans Council	Council of Ocean Stewardship within the Executive Office of the President	Council on Ocean Stewardship within the Executive Office of the President	Committee on Ocean Policy	not addressed
3a. Membership	3 to 5 members appointed by the President and confirmed by the Senate. Members serve at the pleasure of the President. The Council members are to have expertise in ocean resource issues and would serve full time.	No more than 5 members who are appointed and serve at the pleasure of the President but whose appointment requires Senate confirmation.	<ul style="list-style-type: none"> • Secretary of Commerce • Secretary of the Interior • Administrator of the EPA • Secretary of State • Secretary of Defense • Secretary of Agriculture • Secretary of Transportation • Secretary of Homeland Security • Secretary of Education • Secretary of Health and Human Services • Director of the Office of Management and Budget • Director of the NSF • 4 State Governors appointed by National Governors Association • Administrator of NASA • Chair of the National Research Council Governing Board • Chair of the Council on Environmental Quality 	n/a
3b. Chairmanship	not addressed	not addressed	Secretary of Commerce	n/a
3c. Purpose	Improve Federal interagency planning and budget coordination, among other functions	Coordination of activities among Federal agencies and promotion of efforts to increase partnerships with coastal states.	Includes facilitation of interagency coordination and advancement of ecosystem-based management of Regional Ocean Partnerships	n/a
4. Establish a Presidential Council of Advisors	Presidential Panel of Advisors on Oceans, Atmosphere, and Climate Change	A Presidential Panel of Advisors on Oceans and Climate	Council of Advisors on Ocean Policy	not addressed
4a. Membership	Not more than twenty-five members, twenty-four of whom shall be non-Federal employees. At least one representative shall be nominated by a Governor from each of the coastal regions identified in the U.S. Ocean Commission report.	Not more than 25 members, one of whom shall be the Chairman of the Council on Ocean Stewardship, and 24 of whom shall be non-Federal members appointed by the President and at least 1 nominated by each Governor from coastal regions.	No more than 17 members appointed by the President and consisting of a member of a state, tribal, or local government as well as representatives from the marine research, fisheries, and non-governmental community, among others	n/a
4b. Chairmanship	The Chairman of the Council on Ocean Stewardship and a nonfederal member designated by the President	Chair of the Council on Ocean Stewardship and a non-Federal member appointed by the President	not addressed	n/a
4c. Purpose	To advise and assist the President and the Chairman of the Ocean Stewardship Council on ocean policy matters.	Advise the President and Council on Ocean Stewardship on policy on a national and regional basis	Advise the President, National Oceans Advisor, and Committee on Ocean Policy	n/a
5. Establish Regional Ocean Councils	not addressed	not addressed	Regional Ocean Partnerships. Citizens Advisory Council to advise Regional Ocean Partnerships.	not addressed
5a. Membership	n/a	n/a	NOAA, DOI, EPA, USDA, USACE, DOD, DHS, DoC, other federal agencies as needed (including ED of regional fisheries management council) ; representative of State agency; inland state appointee; local gov'l representative	n/a
5b. Chairmanship	n/a	n/a	not addressed	n/a
5c. Purpose	n/a	n/a	To develop Regional Ocean Strategic Plans.	n/a
5d. Geographic scale	n/a	n/a	Pacific Ocean Region (CA, OR, WA)	n/a
6. Improve Federal Agencies' Regional Coordination and Adopt Common Federal Regional Boundaries	not addressed	not addressed	not addressed	not addressed
7. Establish Regional Ocean Information Programs and Regional Ecosystem Assessments	not addressed	not addressed	not addressed	not addressed

Appendix D: Matrix of MPA-Related Institutions and Programs in the Central Coast

Introduction. The following matrix presents a list of entities and programs with the potential to affect, or be affected by, marine protected areas in the California Marine Life Protection Act (MLPA) Initiative's Central Coast pilot region stretching from Pigeon Point in the north to Point Conception in the south. In some instances, coordination among agencies will be important to avoiding potential conflicts, while in other instances, the activities of agencies and other institutions may offer opportunities for collaboration in the implementation of specific measures in individual marine protected areas (MPAs).

The MLPA Initiative developed this matrix as a starting point for addressing two MLPA Initiative requirements: 1) to develop recommendations for coordinating the management of marine protected areas with the federal government; and 2) to secure agreement and commitment among state agencies with marine protected area responsibilities. The information in this matrix is intended to guide the MLPA Initiative in making practical recommendations for institutional agreements that will support California's marine protected areas. As suggested above, this matrix also will serve as a source of information for those staff and stakeholders engaged in implementing MPAs along the Central Coast.

The MLPA Initiative anticipates that this initial draft has missed programs meriting their own entries, and may reflect information based on inaccurate or outdated websites. The MLPA Initiative welcomes comments from knowledgeable individuals who can correct errors and omissions, and recommend improvements, including further tailoring entries to reflect Central Coast conditions.

Overview of entries. Each entry is assigned to one of seven categories of activities: monitoring and research; planning and management; regulation; education and outreach; funding; or military operations. The entries are further assigned to one or more subcategories; see below for a summary list of categories and subcategories. Each entry identifies a lead agency or agencies, briefly summarizes the program, cites the authorizing legislation, when relevant, and provides a link to a website, when available. The legal citations are intended to reflect the principal law or laws providing the legal authority for the program described; they are not exhaustive. Entries are also categorized by jurisdiction (federal, state, or local government; academic; and "NGO" for nongovernmental organization). Finally, a "Level of Implementation" category relates to the level at which decisions are made about a particular program's activities; the designations are nationwide, coastwide, regional, and local. "Coastwide" describes programs that at a minimum encompass the entire California coastline, but may also apply to a larger Pacific region. The table format allows entries to be sorted according to these different categories. Where laws comprise multiple sections, this document cites only the initial section.

Acronyms used in this matrix. The following are acronyms that appear in this document:

CDFG	California Department of Fish and Game	NPDES	Clean Water Act National Pollutant Discharge Elimination System permit
CDPR	California Department of Parks and Recreation	RWQCB	Regional Water Quality Control Board
CWA	Clean Water Act	SWRCB	State Water Resources Control Board
EPA	Environmental Protection Agency	USACE	U.S. Army Corps of Engineers
NGO	Nongovernmental organization	USC	United States Code
NOAA	National Oceanic and Atmospheric Administration	USFWS	U.S. Fish and Wildlife Service
NMFS	NOAA National Marine Fisheries Service (also known as NMFS)		

Jurisdictions of Key Agencies. The Central Coast RWQCB, CDFG, and the California Coastal Commission are three state agencies referenced repeatedly in the matrix of entries. An understanding of the geographic scope of their activities is useful when reviewing the programs described below.

- The Central Coast RWQCB (Region 3) has jurisdiction over a 300-mile long by 40-mile wide section of the state's central coast encompassing 14 hydrologic units (large watersheds). Its jurisdiction extends along the coast from San Mateo County's Pescadero Point (4.4 miles north of Pigeon Point) in the north to Rincon Point (at the Santa Barbara/Ventura Counties line) in the south. The region includes all of Santa Cruz, San Benito, Monterey, San Luis Obispo, and Santa Barbara Counties as well as the southern one-third of Santa Clara County, and small portions of San Mateo, Kern, and Ventura Counties. The Central Coast RWQCB office is in San Luis Obispo.
- The CDFG Marine Region has jurisdiction in state marine waters (0 to 3 miles offshore). Its Central Coast activities are implemented through the region's headquarters in Monterey and a field office in Morro Bay. Unlike other CDFG units, it has dual responsibility for both policy and operational issues, incorporating fisheries and habitat programs, environmental review, and water quality monitoring.
- The California Coastal Commission's jurisdiction in the Central Coast includes state marine waters (0 to 3 miles offshore) and an upland coastal zone that varies from a few hundred feet in urbanized locations to up to five miles inland in more rural areas. In terms of the MLPA Initiative's Central Coast pilot region, the Commission's Central Coast District Office administers the coastal management program in Santa Cruz, Monterey, and San Luis Obispo Counties; the North Central Coast District Office's

jurisdiction includes the San Mateo County coast; and the South Central District Office's responsibilities include Santa Barbara County. The Commission's state wide Federal Consistency program operates from the agency's San Francisco headquarters.

Activity categories and subcategories.

A. Monitoring and research

1. Basic biology
2. Ecology
3. Fisheries
4. Physical oceanography
5. Pollution impacts
6. Water quality

B. Planning and management

1. Coastal development
2. Endangered and protected species
3. Habitat
4. Invasive species
5. Marine discharges
6. Marine fisheries
7. Marine protected areas (MPAs)
8. Marine research
9. Marine transportation
10. Submerged lands and other offshore uses
11. Terrestrial land use
12. Terrestrial impacts to marine waters
13. All

C. Regulation

1. Coastal development
2. Endangered and protected species
3. Enforcement
4. Habitat
5. Invasive species
6. Marine discharges
7. Marine fisheries
8. Marine protected areas (MPAs)
9. Marine research
10. Marine transportation
11. Submerged lands and other offshore uses
12. Terrestrial land use
13. Terrestrial impacts to marine waters

D. Education and outreach

1. Marine resources
2. Marine science
3. Water quality
4. Watershed management

E. Funding

1. Education/outreach
2. Resource protection
3. Water quality
4. Marine Science

F. Military (excluding USACE)

1. Military property
2. Military readiness activities
3. Ocean use restrictions
4. Water quality
5. Planning and management

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
1.	A. Monitoring and research	Basic biology Ecology Physical oceanography	<p>Monterey Bay Aquarium Research Institute (MBARI). MBARI is a private, non-profit research center funded by the Packard Foundation that focuses both on carrying out deep sea research and developing new technologies needed to advance that research. MBARI disseminates its research results to the marine science community, and to the general public through educational activities of its sister institution, the Monterey Bay Aquarium. Based in Moss Landing, California, MBARI concentrates its research in Monterey Bay and its submarine canyon, deploying 3 research ships, 2 remotely operated vehicles, several autonomous underwater vehicles, offshore moorings equipped with ocean-monitoring instruments, and two moorings in the equatorial Pacific that are part of the NOAA Tropical Atmosphere Ocean (TAO) array. MBARI's current research focuses include: benthic processes, midwater research, upper ocean biogeochemistry, MBARI Ocean Observing System (MOOS), remotely operated vehicle enhancements and upgrades, and new insitu instruments.</p> <p>Authority: N/A Website: www.mbari.org/about/</p>	Monterey Bay Aquarium Research Institute	N/A	Regional
2.	A. Monitoring and	BASIC BIOLOGY, Ecology,	California Ocean Science Trust. The Trust, a nonprofit organization established pursuant to a 2000 state law, exists to fund marine and coastal research in California and to encourage coordinated,	California Ocean Science	State	Coast-wide

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
	research	Fisheries, Physical oceanography, Pollution impacts, Water quality	multi-agency, multi-institution approaches to ocean resource science. Authority: California Ocean Resources Stewardship Act (Public Resources Code 36990). Website: www.calost.org/	Trust		
3.	A. Monitoring and research	BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts, Water quality	<u>California State University Center for Integrative Coastal Observation, Research and Education</u> . CSU CI-CORE is a consortium of five California State Universities (three in the Central Coast: San Jose State University/Moss Landing Marine Laboratories, CalPoly San Luis Obispo, and California State University Monterey Bay) engaged in monitoring related to watershed alteration, shoreline erosion, chemical contamination of food webs, depletion of fish stocks, toxic plankton blooms, marine-borne pathogens, and the rapid invasion of coastal and estuarine waters by non-indigenous species. Authority: N/A Website: cicore.mlml.calstate.edu/	California State University	Academic	Regional
4.	A. Monitoring and research	BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography,	<u>Central and Northern California Ocean Observing System</u> . CeNCOOS is a newly-formed (2003) collaboration of more than 50 public agencies, academic/research institutions, and private non-profit and for-profit corporations involved in ocean observation from Point Conception to the northern border of California, and from the coastline out to	Central California Ocean Observing System	Federal, State, Academic, NGO	Regional

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5.	A. Monitoring and research	Pollution impacts, Water quality BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts, Water quality	200 nautical miles (the seaward extent of the Exclusive Economic Zone). CeNCOOS is also a regional component of the national ocean observing system, the Integrated Ocean Observing System (IOOS) coordinated by Ocean.US/National Oceanographic Partnership Program. (See separate entry, this category, for the IOOS). <u>Authority:</u> N/A <u>Website:</u> www.cencoos.org/index.html	Minerals Management Service Pacific OCS Region	Federal	Regional
6.	A. Monitoring	BASIC	Environmental Studies. The Pacific OCS Region of the U.S. Interior Department's Minerals Management Service (MMS) implements a research program to develop information about the potential and actual impacts of oil and gas activities on California's marine and coastal environment. Research topics include physical oceanography, biology, ecology, and socioeconomics. Much of this research is conducted in partnership with U.C. Santa Barbara's Coastal Marine Institute. Two particular focal points of studies are investigations into the role of oil and gas platforms in the lives of Southern California rockfish, and studies of rocky intertidal communities. <u>Authority:</u> Outer Continental Shelf Lands Act (43 USC 1331). <u>Website:</u> www.mms.gov/omm/pacific/enviro/enviro.htm	Ocean.US/National	Federal	Nation-wide

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	and research	BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts, Water quality	Oceanographic Partnership Program, which created the organization Ocean.US to coordinate the development of an operational, integrated, and sustained ocean observing system. The IOOS system is expected to generate further understanding and actions to address climate variability, safe and efficient marine operations, national security, sustainable use of ocean resources, marine ecosystem protection and restoration, natural hazard mitigation, and public health. Ocean.US provides funding for the formation of Regional Associations as components of IOOS, including the Central California Ocean Observing System. (See separate program listing for CeNCOOS). Authority: National Oceanographic Partnership Act (10 USC 7901). Website: www.ocean.us/index.jsp and www.nopp.org/	Oceanographic Partnership Program		
7.	A. Monitoring and Research	BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution	Hopkins Marine Station. The marine biology supports academic and student research and education. A branch of Stanford University's Department of Biological Sciences, the Station is located in Pacific Grove, on the Monterey Peninsula. Authority: N/A Website: www-marine.stanford.edu/	STANFORD UNIVERSITY	Academic	Regional

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		impacts, Water quality				
8.	A. Monitoring and Research	BASIC BIOLOGY, Ecology, Pollution impacts, Water quality	<p><u>Long Marine Lab.</u> This research facility of the Institute of Marine Sciences at U.C. Santa Cruz specializes in marine biology and environmental toxicology. <u>Authority:</u> N/A <u>Website:</u> ims.ucsc.edu/rflm1.html</p>	University of California, Santa Cruz	Academic	Regional
9.	A. Monitoring and research	BASIC BIOLOGY, Ecology, Fisheries, Pollution impacts,	<p><u>Marine Invasive Species Monitoring Program.</u> In response to a state legislative mandate, CDFG's Office of Oil Spill Prevention and Response (OSPR) conducted a study of the extent of non-native species introductions into the coastal waters of the state. OSPR conducted several baseline field surveys of ports along the California coast, performed a literature survey of records of observations of non-native organisms, created the California Aquatic Non-native Organism Database, and summarized findings in a 2002 report to the state legislature. "A Survey of Non-Indigenous Aquatic Species in the Coastal and Estuarine Waters of California." (See also "C. Regulation, Invasive species, State Lands Commission, Marine Invasive Species Program.") <u>Authority:</u> California Marine Invasive Species Act, Ballast Water Management Act (Public Resources Code 71200).</p>	CDFG	State	Coast-wide

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			<p><u>Website:</u> www.dfg.ca.gov/ospr/organizational/scientific/exotic/MISMP.htm</p>			
10.	A. Monitoring and research	<p>BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography,</p>	<p><u>Marine Region GIS.</u> The CDFG Marine Region GIS Lab is a GIS and remote sensing facility specializing in coastal and marine applications including processing spatial data from a variety of remote sensing platforms, raster-based spatial analysis, data management, and map production. Project priorities focus on the California Marine Life Management Act and the California Marine Life Protection Act. The GIS Lab acquires and distributes spatial data related to: the state's coastline, bathymetry, fisheries, marine government regulatory units, natural resources, seafloor characteristics, and marine habitat models. <u>Authority:</u> N/A <u>Website:</u> www.dfg.ca.gov/itbweb/gis/mr.htm</p>	CDFG	State	Coast-wide
1.	A. Monitoring and Research	<p>BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts,</p>	<p><u>Moss Landing Marine Lab.</u> The laboratory is operated by a consortium of seven California State University campuses (Fresno, Hayward, Monterey Bay, Sacramento, San Francisco, San Jose, and Stanislaus), and has the primary focus of providing education and research opportunities for students seeking graduate degrees in a broad array of marine science disciplines. <u>Authority:</u> N/A <u>Website:</u> www.mlml.calstate.edu/</p>	<p>CALIFORNIA STATE UNIVERSITY SYSTEM</p>	Academic	Regional

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11.	A. Monitoring and research	Water quality BASIC BIOLOGY, Ecology	<u>Multi-Agency Rocky Intertidal Network (MARINE).</u> MARINE Scientists from 23 federal, state, and local government agencies, universities, and private and volunteer organizations formed MARINE to monitor important shoreline resources. MARINE is active from San Luis Obispo County to San Diego County on the mainland, and on the offshore Channel Islands. Monitoring activities include sampling rocky intertidal habitats and species every fall and spring. MARINE focuses on a variety of species, including mussels, seastars, abalone, surfgrass, acorn and goose barnacles, and several algal species, such as rockweed and turfweed. Authority: N/A Website: www.marine.gov/	Multi-Agency Rocky Intertidal Network	Federal, State, Local, Academic, NGO	Regional
12.	A. Monitoring and research	BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts, Water quality	<u>National Centers for Coastal Ocean Science.</u> NCCOS conducts and supports research, monitoring, assessment, and technical assistance to people managing coastal ecosystems and society's use of them. NCCOS is made up of individual programs, including the Center for Sponsored Coastal Ocean Research, Center for Coastal Monitoring and Assessment, Center for Coastal Fisheries and Habitat Research, and Center for Coastal Environmental Health and Biomolecular Research. Activities focus on five key areas of ecosystem stress: climate change, extreme natural	NOAA	Federal	Nation-wide

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13.	A. Monitoring and research	Basic biology, Ecology, Fisheries, Physical oceanography, Pollution impacts, Water quality	<p>events, pollution, invasive species, and land and resource use, and are geographically focused in estuaries, coral reefs, National Marine Sanctuaries, and National Estuarine Research Reserves, including those in California. Between 2002-2005 NCCOS funded 20 projects in California waters, many of them still ongoing.</p> <p><u>Authority:</u> 15 USC 1540, 16 USC 1456, 33 USC 1442, and 33 USC 2801 among others.</p> <p><u>Website:</u> www.nccos.noaa.gov/</p> <p><u>Pacific Coast Ocean Observing System (PaCOOS).</u> PaCOOS is NOAA's West Coast contribution to the national Integrated Ocean Observing System, focusing on the California Current System in the U.S. Exclusive Economic Zone (0-200 miles offshore), off the coasts of Washington, Oregon, and California. PaCOOS maintains links to Canadian and Mexican initiatives as well as regional ocean observing initiatives in Central California (CenCOOS), Southern California (SCCOOS), and other West Coast regions. The goal of PaCOOS is to provide the ocean information needed for the sustained use of fishery resources and protection of marine species and their ecosystem under a changing climate.</p> <p><u>Authority:</u> National Oceanographic Partnership Act (10 USC 7901).</p> <p><u>Website:</u> www.pacocos.org/default.htm</p>	NOAA	Federal	Coast-wide

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14.	A. Monitoring and research	BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts, Water quality	<u>Partnership for Interdisciplinary Studies of Coastal Oceans</u> . PISCO is a large-scale marine research program that focuses on understanding the nearshore ecosystems of the U.S. West Coast. An interdisciplinary collaboration of scientists from four universities, PISCO integrates long-term monitoring of ecological and oceanographic processes at dozens of coastal sites with experimental work in the lab and field. PISCO's scientists explore how individual organisms, populations, and ecological communities vary over space and time. PISCO's findings are applied to issues of ocean conservation and management, and are shared through public outreach and student training programs. Three of the four participating institutions are in California: Stanford University's Hopkins Marine Station, U.C. Santa Cruz, and U.C. Santa Barbara. <u>Authority: N/A</u> <u>Website: www.piscoweb.org/</u>	Partnership for Interdisciplinary Studies of Coastal Oceans	Academic	Coast-wide
15.	A. Monitoring and research	BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts,	<u>Sanctuary Integrated Monitoring Network, Monterey Bay National Marine Sanctuary</u> . The SIMoN network, a program administered by the Monterey Bay National Marine Sanctuary Program, is composed of more than 40 institutions and agencies that perform monitoring activities in the Monterey Bay National Marine Sanctuary and share their summary information with SIMoN. SIMoN seeks to integrate existing monitoring programs, identify information	NOAA	Federal	Regional

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		Water quality	<p>gaps, and avoid duplication in surveying and characterizing habitats, assessing the impact of natural processes or human activities on specific resources, and long-term monitoring. SIMoN also makes monitoring data available to managers, decision makers, the research community, and the general public. See Exhibit A, attached, for a list of participants.</p> <p><u>Authority:</u> National Marine Sanctuaries Act (16 USC 1440).</p> <p><u>Website:</u> www.mbnms-simon.org/</p>			
16.	A. Monitoring and Research	BASIC BIOLOGY, Ecology, Fisheries	<p><u>Southwest Fisheries Science Center.</u> The Center is the research arm of NMFS Southwest Region with three laboratories located in La Jolla, Pacific Grove, and Santa Cruz. The Center conducts marine biological, economic, and oceanographic research on living marine resources and their environment throughout the Pacific and in the Antarctic. The Center conducts this research to support the Pacific Fishery Management Council and NMFS mandates related to the protection and management of living marine resources, maintaining sustainable and healthy fish, marine mammal, and sea turtle populations, and ensuring effective fishing regulations and international fisheries treaties. See listings for NMFS Southwest Region and Pacific Fishery Management Council in "C. Regulation."</p> <p><u>Authority:</u> 16 USC 1881.</p>	NMFS	Federal	Coast-wide

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17.	A. Monitoring and research	BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts, Water quality	<p>Website: swfsc.nmfs.noaa.gov/</p> <p>Tagging of Pacific Pelagic. The TOPP research project gathers data about 21 species of marine predators in the Eastern Pacific to obtain an “organism’s eye” view of their world. TOPP is a pilot program of the Census of Marine Life (COML), an international endeavor to determine what lives, has lived, and will live in the world’s ocean. Jointly run by Stanford’s Hopkins Marine Lab, the University of California, Santa Cruz’s Long Marine Laboratory, NOAA’s Pacific Fisheries Ecosystems Lab, and the Monterey Bay Aquarium, TOPP also includes team members from several countries.</p> <p>Authority: N/A</p> <p>Website: www.toppccensus.org/Default.aspx</p>	Census of Marine Life	Academic, NGO, Federal	Coast-wide
18.	A. Monitoring and research	BASIC BIOLOGY, Ecology, Fisheries, Physical oceanography, Pollution impacts, Water quality	<p>University of California Marine Council. UCMC was established to coordinate the university system’s contributions to marine policy, research, and education in order to foster responsible stewardship of the state’s marine resources. UCMC fosters interaction and communication among university programs and facilitates intercampus marine research and education programs. UCMC provides advice to local, regional and state governments pertaining to California’s ocean-related concerns.</p> <p>Authority: N/A</p> <p>Website: www.ucop.edu/research/ucmarine/</p>	University of California	Academic	Coast-wide

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19.	A. Monitoring and research	BASIC BIOLOGY , Ecology, Physical oceanography, Pollution impacts, WATER QUALITY	<u>USGS Monterey Bay Science</u> . This is a pilot project for the U.S. Geological Survey (USGS) Coastal and Marine Knowledge Bank, a USGS initiative to organize and present interdisciplinary scientific information on a national scale. The project synthesizes research by the USGS in the Monterey Bay National Marine Sanctuary and coastal watersheds of central California for research, decision-making, and education. <u>Authority</u> : Various. See www.usgs.gov/laws/ <u>Website</u> : montereybay.usgs.gov/index.html	U.S. Geological Survey	Federal	Regional
20.	A. Monitoring and research	BASIC BIOLOGY , Ecology, Physical oceanography, Pollution impacts, Water quality	<u>Western Coastal and Marine Geology Team</u> . The Western Coastal and Marine Geology Team studies the Pacific Coast of the Western United States, adjoining ocean waters, and other waterways. Team scientists conduct marine research, monitor ocean processes, and provide information about geologic hazards, environmental conditions, habitats, and energy and mineral resources. <u>Authority</u> : Various. See www.usgs.gov/laws/ . <u>Website</u> : walrus.wr.usgs.gov/	U.S. GEOLOGICAL SURVEY	Federal	Coast-wide
21.	A. Monitoring and research	BASIC BIOLOGY , Ecology, Physical oceanography, Pollution	<u>Western Ecological Research Center (WERC)</u> . WERC is one of 18 Centers of the Biological Resources Division of the U.S. Geological Survey. WERC's scientists and staff are based in offices throughout the Pacific Southwest, with field stations located in California and Nevada. There is one field station in Santa Cruz; other coastal field stations are	U.S. Geological Survey	Federal	Coast-wide

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22.	A. Monitoring and research	impacts, Water quality	<p>in Arcata, Pt. Reyes, Santa Barbara, and San Diego. WERC research is focused in nine categories:</p> <ol style="list-style-type: none"> 1. application of science information to management; 2. biological information management and delivery; 3. contaminants; 4. ecosystems; 5. endangered and at-risk species; 6. exotic species; 7. fisheries and aquatic resources; 8. status and trends; 9. wildlife. <p>WERC also has a Coastal Ecosystems program. Authority: Various. See www.usgs.gov/laws/. Website: http://www.werc.usgs.gov/coastal/</p>	CalFish	State, Federal	Coast-wide
22.	A. Monitoring and research	Ecology Fisheries	<p><u>CalFish</u>. CalFish is an internet-based clearinghouse for fisheries data and information that has operated since 2000, hosted by the Pacific States Marine Fisheries Commission and CDFG, with support from the State Coastal Conservancy, NMFS, the California Department of Water Resources, and the California Department of Transportation. CalFish functions as a multi-agency cooperative program designed to gather, maintain, and disseminate fish and aquatic habitat data and data standards with a particular focus on anadromous fish species and their associated habitats. Information includes life history and species accounts, population trends, habitat data, barrier data, distribution information, and hydrography data. Authority: N/A Website: http://www.calfish.org/DesktopDefault.aspx</p>	CalFish	State, Federal	Coast-wide

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23.	A. Monitoring and research	Ecology, Pollution impacts, Water quality	<p><u>Elkhorn Slough National Estuarine Research Reserve, Monitoring and Research Programs.</u> Elkhorn Slough NERR is one in a network of 26 state-federal protected areas representing diverse estuarine and Great Lakes ecosystems in the United States and Puerto Rico. The 26 NERRs carry out consistent system-wide water quality and weather monitoring to allow statistical comparisons between estuaries over time by measuring nutrients, water temperature, salinity, dissolved oxygen, depth, pH, and turbidity at four water monitoring stations every 30 minutes. Elkhorn Slough NERR, which is managed by CDFG, also conducts site-specific estuarine conservation research and long-term monitoring. (See also listing, this category, regarding volunteer monitoring programs at the reserve and also "D. Education and Outreach.")</p> <p><u>Authority:</u> Coastal Zone Management Act (16 USC 1451).</p> <p><u>Website:</u> www.elkhornslough.org/research/waterquality_nerrs.htm</p>	NOAA and CDFG	Federal, State	Local
24.	A. Monitoring and research	Ecology, Pollution impacts, Water quality	<p><u>Environmental Monitoring And Assessment Program (EMAP), National Coastal Assessment.</u> Since 1990 the National Coastal Assessment has implemented a program to answer broad-scale questions on environmental conditions by collecting estuarine and coastal data from thousands of stations along the coasts of the continental United States. Between</p>	EPA	Federal	Nation-wide

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25.	A. Monitoring and research	Ecology, Pollution impacts, Water quality	<p>1999 and 2000 a special EMAP project, known as the EMAP Western Pilot Coastal Component, contributed data for the assessment. In California, EPA coordinated with the SWRCB, the coastal RWQCBs, CDFG, the Moss Landing Marine Laboratory Marine Pollution Studies Laboratory, the San Francisco Estuary Institute, and the Southern California Coastal Water Research Project. EPA expects to repeat the National Coastal Assessment every five years.</p> <p><u>Authority:</u> Clean Water Act (33 USC 1254). <u>Website:</u> www.epa.gov/emap/hca/index.html and www.epa.gov/region09/water/wemap/coastal.html</p> <p><u>Monterey Bay Sanctuary Citizen Watershed Monitoring Network.</u> The Network is a consortium of approximately twenty citizen monitoring groups that monitor the health of the watersheds flowing into the Monterey Bay National Marine Sanctuary. Established in 1997, the network provides support, training, and a central forum and database for citizen monitoring programs. The Network also receives support from the Central Coast RWQCB and the California Coastal Commission. (See also separate listing, this category, for the "Coastal Watershed Council," one of the principal partnering groups in the network). <u>Authority:</u> N/A <u>Website:</u></p>	Monterey Bay National Marine Sanctuary	Federal	Local

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26.	A. Monitoring and research	Ecology, Pollution impacts, Water quality	<p>www.montereybay.noaa.gov/monitoringnetwork/welc ome.html</p> <p><u>National Status and Trends Program</u>. The NS&T Program, housed within NOAA's National Centers for Coastal Ocean Science, monitors, on a national scale, spatial and temporal trends of chemical contamination and biological responses to that contamination in marine waters through its Mussel Watch (MW), operating in California since 1986), Benthic Surveillance (BS, since 1984), and Bioeffects Assessment (BA) Projects. There are 12 MW sampling stations located in the MLPA Initiative's Central Coast Region, with a total of 36 in California. There are 11 BS sites in the Central Coast, and 42 statewide. There are no BA projects in the Central Coast region, but several have been conducted in San Francisco Bay and Southern California coastal waters, each with as many as several dozen monitoring sites. (See also separate listing in this category for the National Centers for Coastal Ocean Science)</p> <p><u>Authority</u>: 15 USC 1540, 16 USC 1456, 33 USC 1442, and 33 USC 2801 among others.</p> <p><u>Website</u>: ccma.nos.noaa.gov/cit/data/</p>	NOAA	Federal	Nation-wide
27.	A. Monitoring and research	Ecology, Fisheries	<p><u>Pacific States Marine Fisheries Commission</u>. Authorized by Congress in 1947, PSMFC is an interstate compact agency that includes five western states (AK, CA, ID, OR, and WA). PSMFC programs</p>	Pacific States Marine Fisheries	State	Coast-wide

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28.	A. Monitoring and research	Ecology, Pollution impacts, Water quality	<p>include fisheries data collection, research, and monitoring, information dissemination, and facilitation of interstate agreements on fishery management and issues. (See also listing under "B. Planning and management.") Authority: N/A Website: www.psmfc.org</p> <p>Permit-related effluent and discharge monitoring. The RWQCB issues National Pollutant Discharge Elimination System permits based in federal law (for point source discharges to surface waters) and Waste Discharge Requirements based in state law (all other discharges) that may include requirements for the monitoring of permitted discharges to marine waters. Two statewide marine water quality protection plans – the California Ocean Plan and the Thermal Plan – and basin-specific water quality control plans (known as Basin Plans) establish narrative and numeric water quality objectives for protection of beneficial uses of coastal waters. Basin Plans form the basis for site-specific permits that may include requirements to monitor individual pollutants, the volume of effluent, and particular requirements based on the constituents in the discharge and the specific beneficial uses to be protected in nearby waters. Monitoring requirements differ among discharges and facilities, depending, for example, on whether there is a nearshore area of heavy recreational use, or need for special</p>	Commission	State	Regional

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29.	A. Monitoring and research	Ecology, Fisheries, Pollution impacts, Water quality	<p>bacteriological monitoring, or an Area of Special Biological Significance (a subset of State Water Quality Protection Areas) where unique ecosystems require specialized monitoring to assess the health of marine communities. Additionally, municipalities that obtain CWA 301(h) waivers from secondary treatment at wastewater plants (such as the Morro Bay/Cayucos Wastewater Treatment Plant) may be required to conduct significantly more monitoring of the marine waters receiving their discharges. At present there is no centralized database containing permit-related monitoring data. (See also "C. Regulation, Terrestrial Impacts to Marine Waters.")</p> <p><u>Authority:</u> (State) California Porter-Cologne Water Quality Control Act (Water Resources Code Sec. 13000). (Federal) Clean Water Act (33 USC 1342). <u>Website:</u> www.waterboards.ca.gov and www.waterboards.ca.gov/centralcoast/</p> <p>Sponsored by the Association of Monterey Bay Area Government (AMBAG) and a Partner of the Federal Geographic Data Committee, the CCJDC is a partnership of public and private agencies sharing spatial data on the region including San Mateo Santa Cruz, San Benito, Monterey, and San Luis Obispo Counties. Data is used in Geographic Information Systems (GIS) and automated mapping for the purposes of research, analysis, public review and action.</p>	Central Coast Joint Data Committee		Regional

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			<p><u>Authority:</u> N/A <u>Website:</u></p>			
30.	A. Monitoring and research	Ecology, Pollution impacts, Water quality	<p><u>Volunteer Monitoring Program.</u> MBNEP volunteers participate in creek sampling, bacteria monitoring in the bay and creeks, dissolved oxygen levels and temperature monitoring in the bay, algae surveys, phytoplankton monitoring, nutrients monitoring, beach debris monitoring, stream profiling, macroinvertebrate surveys, and shorebird surveys. <u>Authority:</u> N/A. <u>Website:</u> www.mbnep.org/volunteer/</p>	Morro Bay National Estuary Program	NGO	Local
31.	A. Monitoring and research	Ecology, Fisheries, Pollution impacts, Water quality	<p><u>Volunteer Monitoring Programs.</u> CWC manages eight volunteer watershed monitoring programs focused on salmonid streams and non point source pollution issues. More than 250 volunteers a year annually monitor over 70 miles of streams in Santa Cruz , San Mateo, and Monterey Counties. Local resource agencies use the data to identify limiting factors with regards to salmonid habitat and recovery and riparian conservation priorities <u>Authority:</u> N/A <u>Website:</u> www.coastal-watershed.org/</p>	Coastal Watershed Council	NGO	Regional
32.	A. Monitoring and research	Ecology, Pollution impacts, Water quality	<p><u>Volunteer Water Monitoring Program, Elkhorn Slough National Estuarine Research Reserve.</u> Since 1988 Elkhorn Slough NERR, the Elkhorn Slough Foundation, and the Monterey County Water Resources Agency have sponsored a volunteer</p>	NOAA, CDFG, Elkhorn Slough Foundation,	Federal, State, Local, NGO	Local

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			<p>water monitoring program. Volunteers sample 24 stations monthly for temperature, salinity, dissolved oxygen, pH, turbidity, nitrate, ammonium, and dissolved inorganic phosphate.</p> <p><u>Authority:</u> N/A <u>Website:</u> www.elkhornslough.org/research/waterquality_volunteer.htm</p>	Monterey County		
33.	A. Monitoring and research	Ecology, Pollution impacts, Water quality	<p><u>Watershed Groups.</u> An array of local, voluntary, citizen based organizations are active in the watersheds of the MLPA Central Coast region. They engage in resource assessment, planning, restoration, monitoring and evaluation, and education and outreach. See Exhibit B for a list of watershed groups in San Mateo, Santa Cruz, Monterey, San Luis Obispo, and Santa Barbara counties compiled by U.C. Davis' Information Center for the Environment. See also listings under "B. Planning and management," and "D. Education and outreach," as well as individual listings for groups that operate regionally.</p> <p><u>Authority:</u> N/A <u>Website:</u> N/A</p>	Watershed groups	NGO	Regional and Local
34.	A. Monitoring and research	Government: state	<p><u>State Mussel Watch Program.</u> The SMWP operated from 1977-2003, sampling mussels and clams from the waters of California's bays, harbors and estuaries as part of a uniform statewide effort to detect and evaluate toxic substances in marine</p>	SWRCB	State	Coast-wide

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			<p>waters. Authority: California Water Code Sec. 13177 Website: www.swrcb.ca.gov/swamp/programs.html</p>			
35.	A. Monitoring and research	Pollution impacts, Water quality	<p><u>Beach and Ocean Water Quality Monitoring Programs.</u> State law requires counties to monitor ocean water at public beaches and water contact sports areas. These samples are analyzed for bacteriological "indicator" organisms. When organisms exceed state guidelines, the county health departments investigate the cause of contamination and take steps to ensure public safety, including beach closures. Authority: Health and Safety Code Sec. 115880. Website: (State) www.dhs.ca.gov/ps/ddwem/beaches/ab411_regulations.htm (San Mateo Co). www.smhealth.org/smc/department/home/0,,1954_191102_194438,00.html (Santa Cruz Co). sccounty01.co.santa-cruz.ca.us/eh/ehhome.htm (Monterey Co). www.co.monterey.ca.us/health/beaches/ (San Luis Obispo Co). www.slopublichealth.org/environmentalhealth/rec_water.htm</p>	Counties of San Mateo, Santa Cruz, Monterey, and San Luis Obispo	Local	Local

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36.	A. Monitoring and research	Pollution impacts, Water quality	<p><u>California Ocean Plan</u>. The Ocean Plan, required both by federal and state law, establishes procedures for bacterial, chemical, and toxicity monitoring associated with point and nonpoint source discharges to ocean waters (marine waters outside of enclosed bays, estuaries, and coastal lagoons). These procedures guide the RWQCBs in developing monitoring requirements for NPDES and waste discharge permits. At present there are no provisions in the Ocean Plan for monitoring collective pollution inputs to a marine region. As part of its 2005-2008 Ocean Plan Triennial Review and Workplan the SWRCB has begun a series of public workshops to consider incorporating in the Ocean Plan consistent monitoring elements for ocean discharge monitoring programs.</p> <p><u>Authority</u>: California Water Code Sec. 13170.2. Clean Water Act (33 USC 1313).</p> <p><u>Website</u>: www.waterboards.ca.gov/plnspols/oplans/</p>	SWRCB	State	Coast-wide
37.	A. Monitoring and research	Pollution impacts, Water quality	<p><u>Central Coast Ambient Monitoring Program</u>. CCAMP's goal is to collect, assess, and disseminate scientifically based water quality information focusing on watersheds, coastal confluences, groundwater, and, in the future, nearshore waters. CCAMP is the regional implementation of the statewide Surface Water Ambient Monitoring Program (SWAMP; see separate listing).</p> <p><u>Authority</u>: Water Code Sec. 13160.</p>	RWQCB	State	Regional

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38.	A. Monitoring and research	Pollution impacts, Water quality	<p><u>Website:</u> www.ccamp.org/ccamp/ccampa.htm</p> <p><u>Clean Water Team Citizen Monitoring Program, Nonpoint Source Pollution Program. The Clean Water Team (CWT) is the citizen monitoring program of the SWRCB. CWT staff provide technical assistance, training, data management consultation, outreach, and education to citizen monitoring organizations. The CWT developed citizen monitoring protocols, including photo documentation procedures and the model Quality Assurance Project Plan (QAPP), as guidance for citizen monitoring projects.</u></p> <p><u>Authority:</u> [need to identify]</p> <p><u>Website:</u> www.waterboards.ca.gov/hps/volunteer.html</p>	SWRCB	State	Coast-wide
39.	A. Monitoring and research	Pollution impacts, Water quality	<p><u>Cooperative Monitoring Program.</u> The nonprofit Central Coast Water Quality Preservation, Inc (CCWQP) is implementing a monitoring program to satisfy the requirements of the Central Coast RWQCBs July 2004 order known as the "Conditional Waiver of Waste Discharge requirements for Discharges from Irrigated Lands." The order requires irrigators in the RWQCB Central Coast region to conduct water quality monitoring several times a year either individually or through participation in a cooperative monitoring program with other growers. CCWQP operates the cooperative program, which is being implemented in two phases. Phase 1 began on</p>	Central Coast Water Quality Preservation, Inc	NGO	Regional

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40.	A. Monitoring and research	Pollution impacts, Water quality	<p>January 1, 2005 for the Salinas and Santa Maria watersheds. Phase 2 monitoring in all other areas is scheduled to begin January 1, 2006.</p> <p>Authority: Porter-Cologne Water Quality Control Act (California Water Code Sec. 13260). Website: www.ccwqcp.org/index.html</p> <p>CWA Sec. 319 National Monitoring Program Morro Bay Project. This ten year (1992-2002) study funded by EPA and implemented by the Central Coast RWQCB monitored the impacts of selected best management practices for reduction of nonpoint source pollution on water and habitat quality in the Morro Bay watershed. Morro Bay was one of 23 such projects around the country.</p> <p>Authority: Clean Water Act Sec. 319 (33 USC 1329). Website: www.bae.ncsu.edu/programs/extension/wgg/319index.htm and www.swrcb.ca.gov/rwqcb3/WMI/MorroBay/index.htm</p>	EPA and RWQCB	Federal, State	Local
41.	A. Monitoring and research	Pollution impacts, Water quality	<p>Marine Pollution Studies Laboratory. The MLML-MPSL is a cooperative research effort among research scientists of Moss Landing Marine Laboratories, CDFG, and the University of California, Davis focused on all aspects of water pollution investigation and research. MLML-MPSL currently manages the database for the state-wide Surface Waters Ambient Monitoring Program (SWAMP; see</p>	Moss Landing Marine Lab	State, Academic	Coast-wide

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			<p>separate listing). <u>Authority:</u> N/A <u>Website:</u> mpsi.mlml.calstate.edu/</p>			
42.	A. Monitoring and research	Pollution impacts, Water quality	<p><u>Surface Water Ambient Monitoring Program.</u> SWAMP is a statewide monitoring effort designed to assess the conditions of surface waters throughout the state of California. It integrates existing water quality monitoring activities of the SWRCB and the RWQCBs and coordinates with other monitoring programs. The program is administered by SWRCB. Responsibility for implementation of monitoring activities resides with the nine RWQCBs that have jurisdiction over their specific geographical areas of the state. (The MLPA Initiative Central Coast region is contained within RWQCB Region 3.) Monitoring is conducted in SWAMP through CDFG and US Geological Survey master contracts and local RWQCB monitoring contracts. SWAMP also hopes to capture monitoring information collected under other State and Regional Board Programs such as the State's TMDL (Total Maximum Daily Load), Nonpoint Source, and Watershed Project Support programs. SWAMP does not conduct effluent or discharge monitoring which is covered under National Pollutant Discharge Elimination System permits and Waste Discharge Requirements, nor does it incorporate permit-required monitoring data. <u>Authority:</u> Water Code Sec. 13160.</p>	SWRCB and RWQCB	State	Coast-wide

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43.	A. Monitoring and research	Water quality	<p><u>Website: www.swrcb.ca.gov/swamp/</u></p> <p><u>California Coastal Water Quality Monitoring Inventory.</u> The inventory was developed in the late 1990s to catalog all existing water quality monitoring activities within state coastal watersheds, bays, estuaries, and coastal waters by the San Francisco Estuary Institute under contract to SWRCB pursuant to state legislation. The database was designed to allow monitoring project sponsors to update and add new listings. The data has not been updated since the inventory's creation, but it still provides useful information about past monitoring activities in coastal waters. SWRCB's Surface Water Ambient Monitoring Program (SWAMP; see separate listing, this category) is currently the focal point for the state's efforts to track water quality monitoring activities. <u>Authority:</u> Executive Order W-162-7. Water Code Sec. 13181. <u>Website: www.sfei.org/camp/</u></p>	San Francisco Estuary Institute, Moss Landing Marine Lab, Marine Pollution Studies Laboratory, So. Cal. Coastal Water Research Project Authority, CDFG, SWRCB	NGO, Academic, State	Coast-wide
44.	B. Planning and management	Submerged lands and other offshore uses	<p><u>California Coastal National Monument.</u> Established in 2000 by presidential executive order, the Monument is intended to protect the biological and geological values of California's more than 20,000 offshore small islands, rocks, reefs, and pinnacles and provide forage and breeding grounds for</p>	Bureau of Land Management	Federal	Coast-wide

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			<p>significant populations of birds and sea mammals. BLM cooperatively manages the monument with the CDFG and CDPR. The CCNM is "all unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California." The Monument does not include large islands (e.g., Channel Islands). The CCNM Final Resource Management Plan applies for planning purposes not only to the CCNM itself, but also to a region extending from 12 nautical miles offshore to the California Coastal Commission's inland Coastal Zone boundary. Management priorities are resource protection, development of partnerships, site characterization, establishment of CCNM "Gateways," seabird conservation, and tidepool protection. The CCNM subunits in the MLPA Initiative Central Coast region are: 17. San Mateo/Santa Cruz (San Mateo county line to Soquel Creek), 18. Monterey Bay East (Soquel Creek to El Estero east of Fisherman's Wharf), 19. Monterey Peninsula (El Estero to Carmel River), 20. Big Sur (Carmel River to San Carpoforo Creek), 21. San Luis Obispo North (San Carpoforo Creek to Morro Rock), 22. San Luis Obispo South (Morro Rock to Pismo Creek), 23. Pismo/Guadalupe Dunes (Pismo Creek to Mussel Point), 24. Vandenberg/Point Conception (Mussel Point to Cañada del Cojo). Two of these – numbers 18 and 23 – are designated for planning</p>			

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45.	B. Planning and management	Coastal development, Terrestrial land use	<p>purposes, but do not contain any CCNM elements. Priority implementation efforts in 2006 will focus on establishment of CCNM Gateways to host interpretive efforts and foster management partnerships with public and private entities. Central Coast locations targeted in the near term are Pigeon Point and Piedras Blancas/San Simeon. Anticipated future Gateway locations are the Monterey Peninsula and Big Sur.</p> <p><u>Authority:</u> Presidential Proclamation January 11, 2000. <u>Website:</u> www.ca.blm.gov/pa/coastal_monument/</p> <p><u>Local Coastal Program.</u> State law requires local governments wishing to issue Coastal Development Permits in lieu of the California Coastal Commission (CCC) to adopt and submit for CCC approval Local Coastal Programs (LCPs) to guide development in the coastal zone. LCPs specify appropriate location, type, and scale of new or changed uses of land and water in the coastal zone and include a land use plan and measures to implement the plan (such as zoning ordinances). LCPs must address regional and statewide interests and conform Coastal Act goals and policies. California has 74 coastal counties and cities. A number have divided their coastal zone jurisdictions into separate geographic segments, resulting in some 126 separate LCPs. Local governments have assumed coastal permitting authority in approximately 90% of the geographic</p>	California Coastal Commission and Local Governments	State and Local	Coast-wide

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46.	B. Planning and management	All	<p>area of the coastal zone. The CCC retains permanent coastal permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands, and acts on appeals from certain local government coastal permit decisions. The CCC must approve any amendments to previously certified LCPs.</p> <p><u>Authority:</u> Coastal Act (Public Resources Code 30000)</p> <p><u>Website:</u> www.coastal.ca.gov/lcps.html</p> <p>California Ocean Protection Council. The COPC has responsibility to: 1) coordinate activities of ocean-related state agencies to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, 2) establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies, 3) identify and recommend to the Legislature changes in state law, and 4) identify and recommend changes in federal law and policy to the Governor and Legislature. (See also the COPC entry under "E. Funding."</p> <p><u>Authority:</u> California Ocean Protection Act (Public Resources Code 35500).</p> <p><u>Website:</u> resources.ca.gov/copc/</p>	California Ocean Protection Council	State	Coast-wide
47.	B. Planning and management	All	<p><u>California Ocean Resources Management Program.</u> This program implemented by the state's umbrella agency for natural resources management seeks to:</p>	California Resources Agency	State	State

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	ment		<p>promote coordination on ocean issues between the state and the federal government, and with adjacent states; ensure that the state participates effectively in federal planning and management of ocean resources that may affect California; and coordinate state agency management of ocean resources with local government management of coastal zone uses and resources above the mean high tide line. Other ocean management-related programs associated with the Resources Agency include the California Ocean Protection Council, Marine Life Protection Act Initiative, Coastal Sediment Management Workgroup, and the California Ocean Science Trust. Authority: California Ocean Resources Management Act (Public Resources Code 36000). Website: resources.ca.gov/ocean/</p>			
48.	B. Planning and management	Coastal development	<p><u>Coastal Zone Management Program</u>. The Coastal Zone Management Program encourages coastal and Great Lakes states to develop and implement programs to manage the use and protection of their coastal zones. NOAA is the federal agency with oversight. States with approved programs become eligible for matching grants and also gain "federal consistency" review authority. (See also California Coastal Commission entries this category and "C. Regulation"). Authority: <u>Coastal Zone Management Act (16 USC 1451)</u>.</p>	NOAA	Federal	Nation-wide

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49.	B. Planning and management	Habitat Submerged lands and other offshore uses Terrestrial impacts to marine waters	<p><u>Website: coastalmanagement.noaa.gov/czm/</u></p> <p><u>Coastal Sediment Management Working Group.</u> The California Coastal Sediment Management Workgroup (CSMW) was established by USACE and the California Resources Agency in 1999 to develop regional approaches to protecting, enhancing and restoring California's coastal beaches and watersheds through federal, state and local cooperative efforts. Other participating state entities (all constituents of the Resources Agency) include the Ocean Resources Management Program, Dpt. Of Boating and Waterways, CDPR, California Coastal Commission, State Lands Commission, State Coastal Conservancy, California Geologic Survey and CDFG. The California Coastal Coalition (CalCoast), a non-profit organization comprised of cities, counties and regional government agencies along the coast, has an advisory role (see separate listing for the California Coastal Coalition). The CSMW is developing a California Coastal Sediment Management Plan (SMP) to identify and prioritize regional sediment management activities related to coastal erosion, recreational opportunities, dredging, and sediment flow through coastal watersheds.</p> <p>Authority: N/A</p> <p><u>Website: www.dbw.ca.gov/CSMW/csmwhome.htm</u></p>	California Resources Agency, USACE	State	Coast-wide
50.	B. Planning and	Habitat, Marine fisheries	<p><u>Central Coast Salmon Enhancement.</u> The organization promotes restoration of the Central</p>	Central Coast	NGO	Local

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	management		Coast salmon fishery and local creeks through pen rearing and release of salmon, watershed restoration projects, and education and K-12 outreach activities. <u>Authority: N/A</u> <u>Website: www.centralcoastsalmon.com/</u>	Salmon Enhancement		
51.	B. Planning and management	Habitat, Marine fisheries, Marine research, Terrestrial impacts to marine waters	<u>Marine Interests Group of San Luis Obispo County.</u> A locally-driven multi-stakeholder group of elected officials, business people, conservationists, fishermen, scientists, and citizens working to improve understanding of marine resources off the San Luis Obispo County coast and the interests of stakeholders involved in their use and enjoyment, and to evaluate and recommend strategies for the support and sustainable use of the resources. <u>Authority: N/A</u> <u>Website: www.mbnep.org/mig/index.htm</u>	Marine Interests Group of San Luis Obispo County	NGO	Local
52.	B. Planning and management	Habitat, MPAs, Marine research, Terrestrial impacts to marine waters	<u>National Estuarine Research Reserve System.</u> The NERRS program encourages coastal states and territories to set aside representative estuaries for long term research, education, and stewardship purposes. Once an area is designated as a reserve, federal financial assistance is available for acquisition of property, and management, research, and education activities. NOAA is responsible for overseeing state management of the twenty-six reserves. There are three NERRs in California, one in the MLPA Initiative Central Coast Region: Elkhorn Slough (managed by CDFG). (See other Elkhorn	NOAA	Federal	Nation-wide

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53.	B. Planning and management	Habitat, MPAs, Marine research, Terrestrial impacts to marine waters	Slough NERR listings under "A. Monitoring and Research" and "D. Education and outreach." <u>Authority:</u> Coastal Zone Management Act (16 USC 1451). <u>Website:</u> nerrs.noaa.gov <u>National Marine Sanctuary Program.</u> National Marine Sanctuaries are discrete areas of the marine environment set aside as national marine sanctuaries to protect distinctive natural and cultural resources. There are currently thirteen national marine sanctuaries in the program. Four are in California, with one, the Monterey Bay National Marine Sanctuary, in the MLPA Initiative Central Coast region. (See various Monterey Bay National Marine Sanctuary listings under "A. Monitoring and Research," "B. Planning and management" and "C. Regulation.") <u>Authority:</u> National Marine Sanctuaries Act (16 USC 1431). <u>Website:</u> www.sanctuaries.nos.noaa.gov	NOAA	Federal	Nation-wide
54.	B. Planning and management	Habitat, terrestrial land use	<u>Coastal San Luis Resource Conservation District.</u> The organization provides coordination and fiscal agent sponsorship for natural resource management projects that prevent soil erosion, improve agricultural water supply utilization, protect prime farmlands, and promote the conservation and protection of natural habitats and ecosystems.	Coastal San Luis Resource Conservation District	Local	Local

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55.	B. Planning and management	Invasive species	<p><u>Authority:</u> Public Resources Code 9100. <u>Website:</u> www.coastalrcd.org/home.htm</p> <p><u>Aquatic Nuisance Species Task Force:</u> Established in 1990 and expanded in 1996, the Task Force convenes regional panels and issue-specific committees to coordinate governmental efforts dealing with aquatic nuisance species in the United States. Its activities include research, formulation of strategies to prevent species introductions and dispersal, species control and monitoring, dissemination of information, and the development of state management plans. NOAA and USFWS co-chair the task force, which includes seven federal agency representatives, an observer from Canada, and twelve nonfederal stakeholders.</p> <p><u>Authority:</u> Nonindigenous Aquatic Nuisance Prevention and Control Act, National Invasive Species Act (16 USC 4701). <u>Website:</u> www.anstaskforce.gov</p>	Aquatic Nuisance Species Task Force	Federal	Nation-wide
56.	B. Planning and management	Marine discharges	<p><u>Office of Oil Spill Prevention and Response.</u> CDFG, through its Office of Oil Spill Prevention and Response (OSPR) is the lead state agency for marine oil spill prevention and response. OSPR identified over 400 ecologically sensitive coastal sites statewide that would be especially sensitive to oil spills and developed corresponding specialized response strategies for those sites. OSPR develops California's Oil Spill Contingency Plan and enforces</p>	CDFG	State	Coast-wide

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57.	B. Planning and management	Marine discharges	<p>contingency planning and financial responsibility requirements for marine facilities and vessels, works with the U.S. Coast Guard on routing and other measures to reduce vessel spills, sponsors harbor safety committees, conducts response drills, and develops regulations for spill prevention and response. OSPR responds to spills and operates or funds wildlife rescue centers designed to protect California's endangered sea otter population and marine birds and mammals injured in oil spills. OSPR also conducts scientific studies on natural resource impacts from spills and response techniques and cleanup methods and technologies, and maintains a Geographic Information System with marine resource data. Responsibility for prevention is shared with 22 agencies represented on a State Interagency Oil Spill Committee, chaired by OSPR.</p> <p><u>Authority:</u> Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. Amends numerous sections of the Government Code and Fish and Game Code.</p> <p><u>Website:</u> www.dfg.ca.gov/ospr/</p>	U.S. Coast Guard	Federal	Coast-wide

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58.	B. Planning and management	Marine fisheries	<p>so include the National Contingency Plan, regional and area contingency plans, the National Response Team and regional response teams.</p> <p><u>Authority:</u> Clean Water Act Sec. 311 (33 USC 1321). Ports and Waterways Safety Act (33 USC 1221). Oil Pollution Act (33 USC 2701). Comprehensive Environmental Response, Compensation and Liability Act (33 USC 2701).</p> <p><u>Website:</u> www.uscg.mil/vrp/</p> <p><u>Pacific States Marine Fisheries Commission.</u> Authorized by Congress in 1947, PSMFC is an interstate compact agency that includes five western states (AK, CA, ID, OR, and WA). PSMFC programs include fisheries data collection, research, and monitoring, information dissemination, and facilitation of interstate agreements on fishery management issues. (See also listing under "A. Monitoring and research.")</p> <p><u>Authority:</u> N/A</p> <p><u>Website:</u> www.psmfc.org</p>	Pacific States Marine Fisheries Commission	State (Interstate Compact)	Coastwide
59.	B. Planning and management	MPAs	<p><u>Marine Protected Areas, Monterey Bay National Marine Sanctuary.</u> As part of the Joint Management Plan Review process for the three National Marine Sanctuaries adjacent to the California Coast (Monterey Bay, Gulf of the Farallones, and Cordell Bank), a Marine Protected Areas Working Group meeting since January 2000 developed and has begun implementing elements of a Draft Special</p>	NOAA	Federal	Regional

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60.	B. Planning and management	MPAs	<p>Marine Protected Areas Action Plan for the Monterey Bay National Marine Sanctuary. The action plan, though not yet formally adopted, is guiding the working group's efforts coordinating with and providing input to appropriate state and federal agencies on the need for, purpose, design and implementation of MPAs within the MBNMS region, whether initiated or coordinated by the Sanctuary or other agencies.</p> <p><u>Authority:</u> National Marine Sanctuaries Act (16 USC 1431).</p> <p><u>Website:</u> www.sanctuaries.nos.noaa.gov/jointplan/mb_mpa.html</p>	NOAA	Federal	NATION-WIDE

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61.	B. Planning and management	Submerged lands and other offshore uses	<p>agencies, tribal agencies, Fishery Management Councils, and others, maintains the U.S. MPA website, and oversees the collection of data for the marine managed areas inventory. Based at NOAA headquarters in Silver Spring, Maryland, the MPA Center also has a Science Institute located in the NMFS Southwest Fisheries Science Center laboratory NMFS in Santa Cruz, California, with an annex office in Monterey. The Institute develops targeted research strategies, supports extramural research on key MPA issues, and conducts policy analysis in collaboration with governmental and non-governmental entities regarding the effective use of MPAs as a conservation and management tool.</p> <p><u>Authority:</u> Presidential Executive Order 13158. <u>Website:</u> mpa.gov/mpa_center/science_institute.html</p> <p>Joint Subcommittee on Aquaculture. The JSA operates under the aegis of the National Science and Technology Council of the Office of Science and Technology Policy in the Executive Office of the President. The Subcommittee reviews national needs related to aquaculture, assesses the effectiveness of federal efforts, and recommends actions on aquaculture issues. The Secretary of Agriculture is the permanent chair of the JSA, with NOAA and the USFWS serving with the U.S. Department of Agriculture on an executive committee. Members include approximately a dozen federal agencies.</p>	U.S. Department of Agriculture, NOAA, USFWS	Federal	Nation-wide

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			<p><u>Authority:</u> National Aquaculture Act of 1980 (16 USC 2801).</p> <p><u>Website:</u> aquanic.org/jsa/</p>			
62.	B. Planning and management	Terrestrial impacts to marine waters	<p><u>Watershed Groups.</u> An array of local, voluntary, citizen based organizations are active in the watersheds of the MLPA Central Coast region. They engage in resource assessment, planning, restoration, monitoring and evaluation, and education and outreach. See Exhibit B for a list of watershed groups in San Mateo, Santa Cruz, Monterey, San Luis Obispo, and Santa Barbara counties compiled by U.C. Davis' Information Center for the Environment. See also listings under "A. Monitoring and research," and "D. Education and outreach," as well as individual listings for groups that operate regionally.</p> <p><u>Authority:</u> N/A</p> <p><u>Website:</u> N/A</p>	Watershed Groups	NGOs	Regional and Local
63.	B. Planning and management	Terrestrial impacts to marine waters	<p><u>Bay Protection and Toxic Cleanup Program.</u> The BPTC program focuses on bays and estuarine waters of California to identify, characterize, and plan clean up and control of toxic hot spots. Sites within the MLPA Central Coast Region are in the Monterey Bay area.</p> <p><u>Authority:</u> Water Code Sec. 13390.</p> <p><u>Website:</u> www.waterboards.ca.gov/bptcp/index.html</p>	SWRCB	State	Coast-wide
64.	B. Planning	Terrestrial	<p><u>California Nonpoint Source Plan.</u> In 1990 Congress</p>	California	State	Coast-

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	and management	impacts to marine waters	<p>passed legislation requiring states with federally-approved coastal zone management programs to develop programs to reduce nonpoint source pollution (NPS) to coastal waters. The legislation required states to include enforceable measures for the control of NPS and effectively required state coastal management programs and state water quality programs to work together to develop and implement these programs. Rather than develop a separate coastal nonpoint program, the State of California chose to address the requirements through a revision and expansion of the statewide nonpoint source plan required under CWA section 319, which relied exclusively on voluntary measures. The California Coastal Commission, SWRCB, and RWQCBs implement the California Nonpoint Source Plan by incorporating NPS control measures in their own planning and regulatory activities (e.g., in Coastal Development Permits and Local Coastal Program approvals conferred by the Coastal Commission and Waste Discharge Requirements and NPDES permits issued by the RWQCBs) and public education activities, and working with other state agencies to take similar action. The lead agencies have identified NPS control measures, known as “best management practices,” to address polluted runoff related to urban areas, forestry, agriculture, marinas, hydromodification, and wetlands.</p>	Coastal Commission, SWRCB, RWQCB		wide

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65.	B. Planning and management	Terrestrial impacts to marine waters	<p><u>Authority:</u> Coastal Zone Act Reauthorization Amendments (16 USC section 1455b). Clean Water Act (33 USC 1329). Coastal Act (Public Resources Code 30000). Porter-Cologne Water Quality Control Act (Water Resources Code Sec. 13000). <u>Website:</u> www.coastal.ca.gov/nps/npsndx.html - NPS and www.swrcb.ca.gov/nps/index.html</p> <p><u>Critical Coastal Areas Program, Central Coast Region.</u> The Critical Coastal Areas Program seeks to foster collaboration among local stakeholders and government agencies in order to better coordinate resources and focus efforts on coastal-zone watershed areas in critical need of protection from polluted runoff. Priority areas in the MLPA Central Coast region are the San Lorenzo River, Soquel Lagoon, Watsonville Slough, Elkhorn Slough, Old Salinas River, Salinas River, Pacific Grove Marine Gardens, and San Luis Obispo Creek. The program was developed in response to a federal requirement that states with federally-approved coastal management programs develop coastal nonpoint pollution control programs. (See "B. Planning and management, California Coastal Commission, SWRCB, RWQCB, California Nonpoint Source Plan.")</p> <p><u>Authority:</u> Coastal Act (Public Resources Code 30000). Coastal Zone Act Reauthorization Amendments (16 USC section 1455b).</p>	California Coastal Commission	State	Coast-wide

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66.	B. Planning and management	Terrestrial impacts to marine waters	<p><u>Website: www.coastal.ca.gov/nps/cca-nps.html</u></p> <p><u>Monterey Bay National Marine Sanctuary, Water Quality Protection Program.</u> The WQPP is a partnership of 25 federal, state and local agencies and private groups that have developed and are implementing plans to monitor and address polluted runoff to the Monterey Bay National Marine Sanctuary from urban, agricultural, rural, and marina/boating sources. The WQPP is dedicated to protecting and enhancing water quality in the Sanctuary and its watersheds.</p> <p><u>Authority: National Marine Sanctuaries Act (16 USC 1431).</u></p> <p><u>Website: www.mbnms.nos.noaa.gov/resourcepro/water-pro.html</u></p>	NOAA	Federal	Regional
67.	B. Planning and management	Terrestrial impacts to marine waters	<p><u>Nonpoint Source Pollution Interagency Coordinating Committee.</u> The IACC is a cooperative working group of 28 state agencies involved in implementing California's Coastal Nonpoint Source Pollution Control Program. The IACC's goals are to improve interagency coordination, promote statewide consistency in implementing the NPS Program Plan, promote the watershed approach in addressing nonpoint source pollution, and provide a forum for resolving policy and programmatic conflicts among State agencies. (See entry for the Coastal Nonpoint Source Pollution Control Program.)</p>	SWRCB	State	Coast-wide

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			<p>Authority: N/A Website: www.waterboards.ca.gov/nps/iacc.html</p>			
68.	B. Planning and management	Terrestrial impacts to marine waters	<p><u>Ocean Water Quality Planning: Ocean Plan, Thermal Plan, ASBSs</u>. The 2001 California Ocean Plan and the 1998 Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (California Thermal Plan), adopted and updated by SWRCB, are the basis for regulating discharges to ocean waters to protect a range of human uses and living marine resources. (These plans also are necessary for state compliance with federal Clean Water Act requirements). The Ocean Plan provides for the designation of Areas of Special Biological Significance (ASBS). ASBSs are a subset of State Water Quality Protection Areas (SWQPA), defined as nonterrestrial marine or estuarine areas designated to protect marine species or biological communities from an undesirable alteration in natural water quality. State law requires that point and nonpoint source pollution and thermal waste discharges in a SWQPA be prohibited or limited by the imposition of special conditions (SB 512, 2004). (The Ocean Plan does not apply to discharges of vessel wastes, or wastes associated with dredging). There are 34 ASBSs along the California coast. The 6 located in the MLPA Central Coast region are: Año Nuevo Point and Island, Point Lobos Ecological Reserve, San Miguel, Santa Rosa, and Santa Cruz</p>	SWRCB	State	Coast-wide

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69.	B. Planning and management	Terrestrial impacts to marine waters	<p>Islands, Julia Pfeiffer Burns Underwater Park, Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Life Refuge, Ocean Area Surrounding the Mouth of Salmon Creek, and Carmel Bay. Discharges to ASBSs persist despite the prohibition, so legislation in recent years has prioritized the use of state pollution clean up funds for sources of discharges to these areas.</p> <p><u>Authority:</u> State ocean – California Water Code 13170.2. SWQPA/ASBS – Public Resources Code 36700. Funding priority – California Water Code 79500. Federal ocean – 33 USC 1343. Federal thermal – 33 USC 1326.</p> <p><u>Website:</u> www.waterboards.ca.gov/plnspols/</p>	RWQCB	State	Regional

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70.	B. Planning and management	Terrestrial land use, terrestrial impacts to marine waters, marine fisheries	<p>ex.htm</p> <p><u>Morro Bay National Estuary Program</u>. Operating within the framework of EPA's National Estuary Program, the MBNEP is a multi-stakeholder group working to implement a Comprehensive Conservation and Management Plan to protect and restore the Morro Bay estuary and watershed. The plan includes strategies to address accelerated sedimentation, nutrient overloading, bacterial pollution, habitat loss, reduced freshwater flow, loss of steelhead, and toxic and heavy metal pollution. MBNEP includes outreach and education and volunteer components.</p> <p><u>Authority</u>: Clean Water Act (33 USC 1330). <u>Website</u>: www.mbnep.org/index.php</p>	EPA	Federal	Local
71.	C. Regulation	Endangered and protected species, Habitat, Invasive species, Marine discharges, Marine transportation, Marine	<p><u>National Marine Sanctuary Program</u>. National Marine Sanctuaries are discrete areas of the marine environment set aside as national marine sanctuaries to protect distinctive natural and cultural resources. There are currently thirteen national marine sanctuaries in the program. Four are in California, with one, the Monterey Bay National Marine Sanctuary, in the MLPA Initiative Central Coast region. Sanctuaries may issue permits under special circumstances for activities otherwise prohibited by Sanctuary regulations when related to: research to enhance scientific understanding of the Sanctuary environment or to improve management</p>	NOAA	Federal	Nation-wide

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72.	C. Regulation	research Submerged lands and other offshore uses,	<p>decision-making; or education to further public awareness, understanding, and to establish access, use, and/or understanding of Sanctuary resources and wise use of the Sanctuary environment. (See also a Monterey Bay National Marine Sanctuary-specific entry, this category).</p> <p><u>Authority:</u> National Marine Sanctuaries Act (16 USC 1431).</p> <p><u>Website:</u> www.sanctuaries.nos.noaa.gov/</p> <p><u>Environmental Review Under CEQA.</u> The California Environmental Quality Act (CEQA) mandates a process in which the environmental impact of any project permitted or undertaken by a state agency must be evaluated. A “project” is any activity (including actions like zoning changes) that may potentially have a physical impact on the environment. Projects must avoid, if feasible, or mitigate, if feasible, any adverse impacts. Central to the CEQA process is the preparation by the lead agency of an Environmental Impact Report (EIR) that analyzes the significant environmental effects of a project and identifies ways to mitigate or avoid the effects. (The corresponding document prepared under CEQA’s federal equivalent, the National Environmental Policy Act, is called an “Environmental Impact Statement,” or EIS).</p> <p><u>Authority:</u> California Public Resources Code Sec. 21000.</p>	Lead Regulatory State Agency	State	Statewide

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			<p>Website: www.ceres.ca.gov/cega/index.html and (CDFG-specific) www.dfg.ca.gov/hcpb/cegacesa/cega/cega.shtml</p>			
73.	C. Regulation	All	<p><u>Environmental Review Under NEPA</u>. The National Environmental Policy Act (NEPA) requires all federal agencies to prepare a detailed statement of the environmental impact of an action permitted or undertaken by a federal agency that may significantly affect the human environment. These statements, called Environmental Assessments and Environmental Impact Statements, must identify ways to avoid or mitigate those impacts. <u>Authority</u>: National Environmental Policy Act (USC 4321). Website: ceq.eh.doe.gov/nepa/agencies.cfm</p>	Lead Regulatory Federal Agency	Federal	Nation-wide
74.	C. Regulation	Coastal development	<p><u>Coastal Development Permit Program</u>. The CCC, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Coastal permits (issued either by the CCC or, on land only, by local governments with a CCC-approved Local Coastal Program) are required for all development activities that change the intensity of use of land or public access to coastal waters. Permits must be consistent with policies that address issues such as shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality,</p>	California Coastal Commission and Local Governments	State, Local	Coast-wide

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			<p>offshore oil and gas development, transportation, development design, power plants, ports, and public works. These policies apply in a legislatively-designated coastal zone. On land the coastal zone varies in width from several hundred feet in highly urbanized areas up to five miles inland in certain rural areas. Offshore, the coastal zone extends three miles seaward of the shoreline (excluding San Francisco Bay, where development is regulated by the Bay Conservation and Development Commission). (See also this category, "California Coastal Commission, Federal Consistency Program" and "B. Planning and management, California Coastal Commission and Local Governments, Local Coastal Program."</p> <p>Authority: Coastal Act (Public Resources Code Sec. 30000). Website: www.coastal.ca.gov/programs.html</p>			
75.	C. Regulation	Coastal development, Marine discharges	<p>Seawater Desalination. There are 10 existing seawater desalination plants along the California coast, with another 21 proposed plants in various stages of planning, design, and permitting; 6 existing and 10 proposed are in the MLPA Initiative Central Coast region. Existing plants have the capacity to process 3 million gallons of water a day; the proposed plants' total projected capacity is 240 million gallons/day, an 80-fold increase. The California Coastal Commission has the lead role in permitting the siting and construction of these</p>	California Coastal Commission, RWQCB, California	State	Coast-wide

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			<p>facilities along the state's ocean coast. RWQCBs regulate the discharge of liquid brine waste from plant operations through state Waste Discharge Requirements and NPDES point source pollution permits. Other agencies that may play a role in the planning, environmental review, or operation of desalination plants include CDFG, air quality management districts, the California Energy Commission; and the California Department of Health Services. See also listing under "E. Funding" for the California Department of Water Resources' Water Recycling and Desalination Program.</p> <p>Authority: California Coastal Act (Public Resources Code 30000). Cobey-Porter Saline Water Conversion Law (Water Code 12945). Water quality permitting –Water Code 13000 and Clean Water Act (33 USC 1341).</p> <p>Website: CCC – www.coastal.ca.gov/pubs.html</p>			
76.	C. Regulation	Coastal management	<p>RWQCB – www.waterboards.ca.gov/centralcoast/index.htm</p> <p><u>Federal Consistency Program</u>. Once the federal government approves a state's coastal zone management program, the federal Coastal Zone Management Act's "federal consistency" provision applies. That provision requires that any action proposed by a federal agency that will have a reasonably foreseeable effect on any land or water</p>	NOAA	Federal	Nation-wide

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77.	C. Regulation	Coastal management	<p>use or natural resource of a state's coastal zone must be consistent to the maximum extent practicable with the enforceable policies of the state's federally approved CZMA programs. Activities proposed by non-federal applicants for federal licenses or permits, and state agencies or local governments applying for federal funds are also subject to the federal consistency requirement. NOAA's National Ocean Service houses the Office of Ocean and Coastal Resource Management (OCRM) that administers the program.</p> <p><u>Authority:</u> 16 USC 1456.</p> <p><u>Website:</u> coastalmanagement.noaa.gov/czm/federal_consistency.html</p>	California Coastal Commission	State	Coast-wide

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			<p>other provisions, requirements for the protection and enhancement of marine resources, with special protection for areas and species of special biological or economic significance. Examples of federal activities subject to the state's review include: outer continental shelf oil and gas leasing, exploration, and development; designation of dredge material disposal sites in the ocean; military projects at coastal locations; USACE fill permits; certain USFWS permits; national park projects; highway improvement projects assisted with federal funds; and commercial space launch projects on federal lands. The San Francisco Bay Conservation and Development Commission exercises the same authority over federal activities affecting San Francisco Bay. See separate "Federal Consistency Program" listing for NOAA.</p> <p><u>Authority:</u> State – Public Resources Code Sec. 30000. Federal – Coastal Zone Management Act (16 USC 1456).</p> <p><u>Website:</u> www.coastal.ca.gov/fedcd/fedcndx.html and coastalmanagement.noaa.gov/czm/federal_consistency.html</p>			
78.	C. Regulation	Endangered and protected species	<p><u>Endangered Species Program and Marine Mammal Program.</u> Under the Endangered Species Act, USFWS has the responsibility to identify, designate critical habitat, and develop and implement recovery plans for threatened and endangered species. While</p>	USFWS	Federal	Nation-wide

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			<p>the NMFS is responsible for most marine species, California marine species under USFWS responsibility include the Southern Sea Otter and sea birds. Once a species is listed, USFWS reviews the activities of other federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species or destroy or adversely affect the species' critical habitat. Under the Marine Mammal Protection Act, the Southern sea otter is the only California marine species for which USFWS has conservation and management responsibility. Federal law pre-empt state authority in the conservation of marine mammals and endangered and threatened species</p> <p><u>Authority:</u> Endangered Species Act (16 USC 1531). Marine Mammal Protection Act (16 USC 1361). <u>Website:</u> www.fws.gov/endangered/ and www.fws.gov/habitatconservation/marine_mammals.htm</p>			
79.	C. Regulation	Endangered and protected species	<p><u>Environmental Review and Species Take Permits.</u> CDFG's Habitat Conservation Planning Branch reviews environmental documents under the California Environmental Quality Act, coordinates the process and permitting by which state-listed threatened and endangered species may be taken incidental to performing otherwise legal and approved activities, and approves and permits the take of birds, mammals, reptiles, amphibians,</p>	CDFG	State	Coast-wide

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80.	C. Regulation	Endangered and protected species	<p>nongame fish, and plants for scientific or educational purposes, and the take of threatened, endangered, or candidate species for management purposes. (Federal law pre-empts state authority in the conservation of federally protected marine mammals and endangered and threatened species; see listings for corresponding federal programs under "C. Regulation, Endangered and protected species.") <u>Authority:</u> Fish and Game Code Sec. 2050. <u>Website:</u> www.dfg.ca.gov/hcpb/cegacesa/cegacesa.shtml and www.dfg.ca.gov/hcpb/cegacesa/cesa/incidental/incid_perm_proced.shtml</p> <p><u>Marine Mammal Commission.</u> The Marine Mammal Commission (MMC) was created to provide independent oversight of the marine mammal conservation policies and programs carried out by NMFS and USFWS. The MMC reviews and makes recommendations on domestic and international actions and policies of all federal agencies with respect to marine mammal protection and conservation, and also carries out a research program. The President appoints the MMC's three members. <u>Authority:</u> Marine Mammal Protection Act (16 USC 1401). <u>Website:</u> www.mmc.gov/</p>	Marine Mammal Commission	Federal	Nation-wide
81.	C.	Endangered	<p><u>Office of Protected Resources.</u> NMFS' NMFS</p>	NMFS	Federal	Nation-

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	Regulation	and protected species	<p>Protected Resources office has responsibilities under both the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Under the ESA, NMFS has the responsibility to identify threatened and endangered marine species, designate their critical habitat, and develop and implement recovery plans for those species (marine and anadromous fish, marine mammals, sea turtles, and marine invertebrates and plants). Once a species is listed, NMFS reviews the activities of other federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species or destroy or adversely affect the species' critical habitat. Under the MMPA, NMFS has responsibility to conserve and manage pinnipeds (i.e., seals and sea lions) other than walruses and cetaceans (whales and dolphins). Federal law preempts state authority in the conservation of marine mammals and endangered and threatened species. (See separate entry for USFWS; see also listing under "C. Regulation" for NMFS Southwest Region.) <u>Authority:</u> Endangered Species Act (16 USC 1531). Marine Mammal Protection Act (16 USC 1361). <u>Website:</u> www.nmfs.noaa.gov/pr</p>			wide
82.	C. Regulation	Enforcement	<p><u>Enforcement program.</u> CDFG's wardens are charged with enforcing marine resource management laws and regulations over an area encompassing approximately 1,100 miles of coastline and out to</p>	CDFG	State	Statewide

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83.	C. Regulation	Enforcement	<p>sea. Of the 30 to 40 CDFG wardens in the Central California coast region, about 15 have a marine emphasis. These staff also enforce federal laws and regulations within state waters (0-3 miles offshore) and in federal waters (3-200 miles offshore). Wardens enforce all commercial and sport fishing statutes and regulations, all Fish and Game Code and Title 14, California Code of Regulations restrictions, marine water pollution incidents, homeland security, and general public safety. CDFG has entered into cooperative agreements through which it provides enforcement support to a number of other agencies including CDPR, NMFS, National Marine Sanctuary Program, National Park Service, and U.S. Coast Guard. CDFG has three patrol boats in the MLPA Initiative's Central Coast region. (With the creation of the Channel Islands marine protected areas in 2003, CDFG has one boat and enforcement personnel to perform MPA patrols in the Channel Islands region.)</p> <p>Authority: Fish and Game Code, various sections. Penal Code 830.2.</p> <p>Website: www.dfg.ca.gov/enforcement/index.html</p> <p><u>Living Marine Resources Program, Office of Law Enforcement.</u> The Coast Guard enforces fisheries laws at sea. Its first priority is preventing illegal operation of foreign fishers in the U.S. Exclusive Economic Zone (3 to 200 miles offshore). Second is on-water enforcement of domestic fisheries law The</p>	U.S. Coast Guard	Federal	Coast-wide

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84.	C. Regulation	Enforcement	<p>Coast Guard enforces fishery management plans (offshore California, plans developed by the Pacific Fishery Management Council) and laws to protect marine mammals and endangered species. The third priority is enforcement of international fisheries agreements, in particular the United Nations High Seas Driftnet Moratorium in the North Pacific. See separate entry for NMFS Office of Enforcement Southwest Division, which handles enforcement duties ashore.</p> <p><u>Authority:</u> Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801).</p> <p><u>Website:</u> www.uscg.mil/hq/g-o/g-op/LMR/LMR.htm</p> <p><u>Office of Law Enforcement, Southwest Division.</u> The NMFS Office of Law Enforcement (OLE) is responsible for shore-based enforcement of federal laws relating to fisheries management, endangered species, marine mammals, and trafficking in prohibited fish and wildlife within the 200 mile U.S. Exclusive Economic Zone. The Southwest Division OLE, which focuses exclusively on California, also has primary enforcement responsibilities for California's four National Marine Sanctuaries, including Monterey Bay NMS. See the separate entry for the U.S. Coast Guard, which enforces fisheries laws at sea.</p> <p><u>Authority:</u> Lacey Act (18 USC 42 and 16 USC 3372). Marine Mammal Protection Act (16 USC 1361). National Marine Sanctuaries Act (16 USC 1431).</p>	NMFS	Federal	Coast-wide

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85.	C. Regulation	Enforcement	<p>Endangered Species Act (16 USC 1531). Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801). Website: swr.nmfs.noaa.gov/enf/lwe.htm and www.montereybay.noaa.gov/resourcepro/enforce.html</p> <p>Public Safety Division. The California Department of Parks and Recreation's (CDPR) Public Safety Division deploys approximately 100 State Park Peace Officers (rangers and permanent lifeguards) who patrol 34 state park units within the MLPA Initiative's Central Coast region. These officers have law enforcement authority on land and in state waters (0-3 miles), including the authority to enforce Fish and Game Code; however, their primary focus is public safety and protecting upland natural resources within state parks. CPDR's on-water patrol capabilities in the MLPA Initiative Central Coast region include one 30-foot rescue boat in the Pajaro Coast region and a number of small watercraft for nearshore rescue operations at other locations. Authority: Public Resources Code 5008, Penal Code Sec. 830.2. Website: N/A</p>	CDPR	State	Statewide
86.	C. Regulation	Habitat	<p><u>Office of Habitat Conservation</u>. NMFS' Office of Habitat Conservation includes the Habitat Protection Division, Ecosystem Assessment Division, and Habitat Restoration Center. The Habitat Protection</p>	NMFS	Federal	Nation-wide

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			<p>Division carries out national-level responsibilities related to NMFS review of federally-permitted activities that may adversely affect marine, estuarine and anadromous fishery resources, and recommendations on ways to mitigate those impacts; designation of Essential Fish Habitat; and NMFS participation in marine protected area issues. The Ecosystem Assessment Division manages NMFS' coral reef-related research, mapping, monitoring, and protection activities; identifies and develops conservation measures to protect cold-water coral resources from bottom fishing impacts; characterizes fish habitats within watershed and coastal systems; and develops initiatives to address the impacts of marine debris and invasive species in marine habitats. The Habitat Restoration Center administers programs to assess and prescribe restoration measures for marine resources injured by oil spills, toxic releases, or ship groundings; fund community-based restoration projects; conduct restoration research; and support Congressionally-designated regional restoration efforts through local partnerships. (Also see separate entry under "C. Regulation" for NMFS Southwest Region.)</p> <p><u>Authority:</u> Fish and Wildlife Coordination Act (16 USC 661). Endangered Species Act (16 USC 1531) Marine Mammal Protection Act (16 USC 1361) Anadromous Fish Conservation Act (16 USC 757). Magnuson Fishery Conservation and Management</p>			

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87.	C. Regulation	Habitat, Endangered and protected species, Marine fisheries, Marine research	<p>Act (16 USC 1882). Marine Protection, Research, and Sanctuaries Act (33 USC 1445). Website: www.nmfs.noaa.gov/habitat/</p> <p><u>NMFS Southwest Region</u>. The Southwest Region's three divisions develop regulations and exercise review authority with respect to fisheries management (in cooperation with the Pacific Fishery Management Council); take action to protect, conserve, and recover marine mammals and endangered species, and evaluate and recommend mitigation for the impacts to marine life from both onshore and offshore development activities. <u>Authority</u>: Endangered Species Act (16 USC 1531). <u>Marine Mammal Protection Act</u> (16 USC 1361). <u>Magnuson-Stevens Fishery Conservation and Management Act</u> (16 USC 1801). <u>High Seas Fishing Compliance Act</u> (16 USC 5501). <u>Interjurisdictional Fisheries Act</u> (16 USC 4101). <u>Saltonstall-Kennedy Act</u> (15 USC 713). Website: swr.nmfs.noaa.gov/Default.htm</p>	NMFS	Federal	Coast-wide
88.	C. Regulation	Invasive species	<p><u>Aquatic Nuisance Species/Ballast Water Management Program</u>. The Coast Guard has established both regulations and guidelines to control the introduction of aquatic nuisance species from discharges of ships' ballast water. <u>Authority</u>: National Invasive Species Act (16 USC 4701)</p>	U.S. Coast Guard	Federal	Nation-wide

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89.	C. Regulation	Invasive species	<p>Website: www.uscg.mil/hq/g-m/mso/ans.htm</p> <p>Marine Invasive Species Program. Under the state's Marine Invasive Species Program, established and expanded through 1999 and 2003 legislation, the State Lands Commission sets reporting and ballast water management requirements for all voyages in the Pacific Coast Region, sponsors the development of ballast treatment and management technologies, develops policy recommendations for ballast treatment system performance standards, seeks to reduce the risk of commercial vessel fouling as a means of nuisance and invasive species introduction, and coordinates and consults with CDFG and other agencies that administer related activities. (See also "A. Monitoring and research" for CDFG's Marine Invasive Species Monitoring Program.)</p> <p>Authority: California Marine Invasive Species Act, Ballast Water Management Act (Public Resources Code 71200).</p> <p>Website: www.slc.ca.gov/Division_Pages/MFD/MFD_Programs/Ballast_Water/Ballast_Water_Default.htm</p>	State Lands Commission	State	Coast-wide
90.	C. Regulation	Marine discharges	<p>Cruise Ship Onboard Incineration. Recent (2004) state law prohibits cruise ships from conducting onboard incineration while operating within 3 miles of shore.</p> <p>Authority: Health and Safety Code Sec. 39630.</p>	California Air Resources Board	State	Coast-wide

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
91.	C. Regulation	Marine discharges	<p>Website: www.arb.ca.gov/newsrel/hr11705.htm</p> <p>CWA Section 401 Water Quality Certification. Under CWA section 401, every applicant for a federal permit or license for any activity which may result in a discharge to state waters must obtain State Water Quality Certification that the proposed activity will comply with state water quality standards. Most certifications are issued by RWQCBs in connection with USACE CWA section 404 permits for dredge and fill discharges to waters of the United States, including wetlands and other water bodies. Section 404 permits are required for navigational dredging, flood control channelization, levee construction, channel clearing, filling of wetlands for development, and other activities that involve the removal or placement of soil, sediment, and other materials in or near water bodies.</p> <p>Authority: Porter-Cologne Act (Water Code Section 13160); Clean Water Act (33 USC 1341).</p> <p>Website: www.waterboards.ca.gov/cwa401/index.html</p>	RWQCB and SWRCB	State	Coast-wide
92.	C. Regulation	Marine discharges	<p><u>Marine Sanitation Devices</u>. The Regional Board may issue orders requiring vessel terminals to install facilities for the transfer and disposal of sewage from marine sanitation devices. Facilities must meet State Board standards governing the design, construction, operation and maintenance of vessel pumpout facilities.</p>	RWQCB	Regional	Coast-wide

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			<p><u>Authority:</u> Harbors and Navigation and Code Sec. 775. <u>Website:</u> N/A</p>			
93.	C. Regulation	Marine discharges	<p><u>Ocean Discharge Criteria.</u> To obtain an NPDES permit, point source discharges to U.S. marine waters must meet criteria designed to prevent the unreasonable degradation of the marine environment and to protect sensitive ecological communities. These criteria are in addition to the technology- or water quality-based requirements applicable to discharges to inland waters.</p> <p>The permitting authority – in California, the RWQCBs – evaluates the impact of discharges on the marine biological community based on ecological, social, and economic factors. State authority to implement the Clean Water Act's marine water quality-related provisions derives from EPA's approval of the California Ocean Plan as consistent with the Ocean Discharge Criteria. (See also "C. Regulation, Terrestrial impacts to Marine Waters, SWRCB, Ocean Water Quality.")</p> <p><u>Authority:</u> Clean Water Act (33 USC 1343). <u>Website:</u> www.epa.gov/owow/oceans/regulatory/oceandischcriteria.html</p>	EPA, RWQCB	Federal, State	Nation-wide
94.	C. Regulation	Marine discharges	<p><u>Ocean Dumping.</u> USACE and EPA jointly administer the program to prevent or strictly limit the dumping into ocean waters of any material that would</p>	USACE and	Federal	Nation-wide

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95.	C. Regulation	Marine discharges	<p>adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potential. USACE is authorized to issue permits for dredged material disposal at sites designed by EPA; EPA designates sites and issues permits for dumping anything other than dredged material.</p> <p><u>Authority:</u> Ocean Dumping Act (Title I of the Marine Protection, Research, and Sanctuaries Act; 33 USC 1401).</p> <p><u>Website:</u> EPA - www.epa.gov/owow/oceans/regulatory/dumpdredged/oceandumping.html</p> <p>USACE - www.usace.army.mil/inet/functions/cw/cecwo/reg/occover.htm</p>	EPA		
			<p><u>Vessel Discharges.</u> The Coast Guard has primary responsibility for enforcing federal laws (some incorporating provisions of binding international maritime treaties) that: 1) require vessels to install Marine Sanitation Devices (MSDs) to process sewage discharges, 2) prohibit the discharge of untreated sewage within 3 miles of shore, 3) prohibit the dumping of all plastic at sea, 4) impose varying restrictions on the dumping of other types of garbage at sea, 5) require certain vessels to prepare waste management plans and ports to have waste handling facilities, and 6) restrict where and what type of oily wastes may be discharged, with discharges</p>	U.S. Coast Guard and EPA	Federal	Nation-wide

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			<p>generally prohibited within 12 miles of shore. EPA has responsibility to: 1) regulate MSDs, 2) approve or deny state requests to establish No Discharge Zones for sewage, and 3) enforce air quality regulations for emissions from certain large vessels. There are no restrictions on the discharge of gray water (e.g., wash water). See also other "Marine Discharge" entries in "C. Regulation" and in "B. Planning and management."</p> <p><u>Authority:</u> Clean Water Act (33 USC 1321, 33 USC 1322), Act to Prevent Pollution from Ships (33 USC 1901), Marine Plastic Pollution Research and Control Act (33 USC 1901), Clean Air Act (42 USC 7401), Oil Pollution Act (33 USC 2701), Resource Conservation and Recovery Act (42 USC 6901).</p> <p><u>Website:</u> www.epa.gov/owow/oceans/regulatory/vesseldisch.html</p>			
96.	C. Regulation	Marine discharges	<p><u>Vessel Sewage No Discharge Zones:</u> Federal law gives EPA and states the authority to designate No Discharge Zones (NDZs). An NDZ is an area of a waterbody or an entire waterbody into which the discharge of sewage (whether treated or untreated) from all vessels is completely prohibited. Vessel sewage can release pathogens and nutrients that may adversely affect living marine resources, in addition to posing a human health hazard. The SWRCB is the state agency designated to petition EPA for NDZ designations. To date California has</p>	SWRCB and EPA	State, Federal	Coast-wide

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97.	C. Regulation	Marine discharges	<p>requested and received approval for the following NDZs: Mission Bay, Oceanside Harbor, Dana Point Harbor, San Diego Bay, Channel Islands Harbor, Avalon Bay Harbor, Upper and Lower Newport Bays, Sunset Bay, Richardson Bay, Huntington Harbor. In 2002 Florida received approval for an NDZ in all state waters within the Florida Keys National Marine Sanctuary.</p> <p><u>Authority:</u> Clean Water Act (33 USC Sec. 1322). <u>Website:</u> www.epa.gov/owow/oceans/regulatory/vessel_sewa/ge/vsdarticle.html</p> <p><u>Vessel Waste Discharges to State Waters:</u> Recent (2005) state law prohibits cruise ships and oceangoing vessels of 300 gross registered tons from discharging the following to state waters (i.e., within three miles of the shoreline): hazardous waste, oily bilge water, other waste (dry-cleaning, photographic film-developing and medical), and gray water (e.g., from washing activities). Consistent with the state law, California will be applying to EPA for approval to prohibit these vessels from discharge of all forms of sewage and sewage sludge from these vessels. Currently, treated sewage waste may be discharged in state waters. (Treated and untreated wastes may be discharged outside state waters). <u>Authority:</u> California Clean Coast Act (Public Resources Code 72400).</p>	SWRCB	State	Coast-wide

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98.	C. Regulation	Marine discharges, Terrestrial discharges to marine waters	<p><u>Website: www.waterboards.ca.gov/sb771/index.html</u></p> <p><u>Clean Water Act Section 404 Discharge of Dredged and Fill Material Permit Program.</u> USACE administers the program created by Section 404 of the Clean Water Act which prohibits the discharge of dredged or fill material into waters of the United States, including wetlands, without a permit. Such discharges may occur only when there is no alternative that is less damaging to the aquatic environment. Section 404 permits are required for navigational dredging, flood control channelization, levee construction, channel clearing, filling of wetlands for development, and other activities that involve the removal or placement of soil, sediment, and other materials in or near water bodies. The applicant must demonstrate efforts to avoid and minimize potential adverse impacts of these activities, and, where relevant, must provide compensation for any remaining, unavoidable impacts (for example, through actions to restore or create wetlands). EPA can veto a USACE permit decision if EPA's environmental guidelines for discharges are not met. A separate permitting program governs dumping in ocean waters (see "Ocean Dumping" entry within this category and subcategory).</p> <p><u>Authority: Clean Water Act (33 USC 1344).</u></p> <p><u>Website: USACE - www.usace.army.mil/inet/functions/cw/cecwo/reg/loc</u></p>	USACE and EPA	Federal	Nation-wide

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99.	C. Regulation	Marine discharges, Terrestrial impacts to marine waters	<p>eover.htm EPA - www.epa.gov/owow/oceans/regulatory/dumpedredged/dredgemgmt.html</p> <p>Water quality permitting. RWQCB permit programs include state Waste Discharge Requirements and waivers covering a wide range of activities: CWA NPDES permits (for point source discharges to surface waters), CWA 401 Water Quality Certifications (required for every federal permit or license for any activity which may result in a discharge into any waters in the United States), and storm water discharge permits from construction activities, industrial activities, and municipalities. (See also entry this category for SWRCB regulation of Ocean Water Quality.) Authority: California Water Resources Code Sec. 13000. Clean Water Act (33 USC 1341). Website: www.waterboards.ca.gov/centralcoast/index.htm</p>	RWQCB	State	Coast-wide
100.	C. Regulation	Marine fisheries	<p>Fishery regulation. The State of California regulates marine fisheries as part of its general authority over marine resources in state waters within three miles of the shoreline. The state regulates holders of California fishing licenses wherever they fish, and also regulates those who fish or land their catch in California. Until the late 1990s the California Legislature directly managed most of the state's</p>	Fish and Game Commission, CDFG	State	Coast-wide

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101.	C. Regulation	Marine fisheries	<p>commercial fisheries, while the gubernatorially-appointed Fish and Game Commission (FGC) set requirements for sport fisheries, help harvesting, and certain commercial fisheries; designated ecological reserves; and responded to emergencies. Since 1998, the legislature has shifted greater responsibility for commercial fisheries regulation to the FGC. The California Department of Fish and Game (CDFG) is the state agency that implements FGC-adopted regulations regarding required fishing licenses, permissible gear and fishing areas, bag limits, fishing prohibitions, and more. These include regulations that are consistent with, or more stringent than, requirements set by the Pacific Fishery Management Council. CDFG's Marine Region has the lead for living marine resources.</p> <p><u>Authority:</u> Fish and Game Code (various). Public Resources Code (various). Submerged Lands Act (43 USC 1301).</p> <p><u>Website:</u> www.fgc.ca.gov/ and www.dfg.ca.gov/mrd/index.html and www.dfg.ca.gov/licensing/index.html</p> <p><u>Pacific Fishery Management Council.</u> PFMC is one of eight regional fishery management councils established in federal law to manage fisheries 3-200 miles off the U.S. coast. PFMC manages fisheries off WA, OR, and CA. While individual states are responsible for managing fisheries in state waters (i.e., 3 miles seaward of the coast), states must</p>	Pacific Fishery Management Council	Federal	Coast-wide

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			<p>adopt regulations that are at least as stringent as federal laws and regulations.</p> <p>PFMC's 14 voting Council members include the directors of state fish and wildlife departments from CA, OR, WA, and ID, the NMFS Regional Director, a West Coast Tribal representative, and eight private citizens appointed by the Secretary of Commerce from lists submitted by member state governors.</p> <p>PFMC is advised by a Scientific and Statistical Committee and other advisory panels. While authorized by Congress and funded by the federal government, PFMC is a nonprofit organization, not a federal agency. PFMC recommends regulations to NMFS; those recommendations take effect only after promulgation by NMFS.</p> <p>PFMC's approved recommendations are implemented primarily through fishery management plans (FMPs) that identify objectives and strategies to achieve them, including quotas. FMPs must be based on the best scientific information available and meet other standards set in federal law. PFMC currently has FMPs for salmon (principally chinook and coho), groundfish (82 species including rockfish, flatfish, whiting, sablefish, and other species that live near the ocean floor), coastal pelagic species (sardine, anchovies, mackerel, and squid), and highly migratory species (tunas, sharks, and swordfish). PFMC does not regulate all fisheries; FMPs generally target major fisheries requiring</p>			

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102.	C. Regulation	Marine research	<p>regional management.</p> <p>PFMC is currently considering the use of marine reserves to protect fish and habitat resources, especially for groundfish. In 2000 it established two "de facto" marine reserves totaling 4,700 square miles off southern California, known as Cowcod Conservation Areas, where PMFC prohibited fishing for all groundfish species and the state issued complementary prohibitions on recreational and commercial fishing except in shallow waters.</p> <p><u>Authority:</u> Magnuson Fishery Conservation and Management Act (16 USC 1801). National Marine Sanctuaries Act (16 USC 1431).</p> <p><u>Website:</u> www.pcouncil.org/</p>	CDFG	State	Coast-wide

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103.	C. Regulation	Marine research	<p>classified as a fully protected species, candidate, threatened, or endangered species, species of special concern, a standard exception species, an endangered or rare plant species, or other native species.</p> <p><u>Authority:</u> Fish and Game Code Sec. 1002.</p> <p><u>Website:</u> www.dfg.ca.gov/hcpb/ceqacesa/rsrchpermit/rsrchpermit.shtml</p>	NOAA	Federal	Local
104.	C. Regulation	Marine transportation	<p>Monterey Bay National Marine Sanctuary Permit Program. The MBNMS may issue a permit under special circumstances for activities otherwise prohibited by Sanctuary regulations when related to: research to enhance scientific understanding of the Sanctuary environment or to improve management decision-making; or education to further public awareness, understanding, and to establish access, use, and/or understanding of Sanctuary resources and wise use of the Sanctuary environment. (See also listing, this category, under "Submerged lands and other offshore uses.")</p> <p><u>Authority:</u> National Marine Sanctuaries Act (16 USC 1431).</p> <p><u>Website:</u> www.mbnms.nos.noaa.gov/resourcepro/permits.html</p>	U.S. Coast Guard	Federal	Coast-wide

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			<p>seaward of port areas. The U.S. Coast Guard develops recommendations for these routing systems and, consistent with U.S. obligations under international treaties, and submits them to the International Maritime Organization (IMO, a United Nations agency) for adoption. Once adopted, the schemes are reflected on official navigation charts. Measures include those that separate ships going in opposite directions (e.g., Traffic Separation Schemes, Recommended Routes), and those which discourage or prevent navigation by vessels of a certain size or carrying certain cargo near environmentally sensitive or particularly hazardous areas (e.g. Area to Be Avoided, Precautionary Area). In 2000 the IMO adopted a number of recommendations developed by the Coast Guard, NOAA, and numerous Central Coast stakeholders to reduce potential vessel collisions and groundings in the vicinity of the Monterey Bay National Marine Sanctuary. Adopted recommendations included alteration of the Traffic Separation Scheme off San Francisco to move vessels away from the sensitive San Mateo County shoreline. Container ships, bulk freighters, and vessels carrying hazardous materials were moved approximately 10 miles farther offshore to reduce the risk of groundings, and organized into north-south lanes to reduce the risk of collision. There are currently two IMO-adopted Areas to be Avoided (ATBAs) off the Pacific coast which restrict</p>			

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105.	C. Regulation	Marine transportation	<p>the movement of tankers and barges carrying oil as cargo. The only one off the California coast recommends that all cargo carrying ships avoid the Channel Islands National Marine Sanctuary (except those bound to and from ports at one of the islands). <u>Authority:</u> Ports And Waterways Safety Act (33 USC 1221). <u>Website:</u> montereybay.noaa.gov/resourcepro/resmanissues/vesseles.html and www.imo.org/Safety/mainframe.asp?topic_id=770</p> <p><u>Navigation dredging:</u> Owners and tenants of ports, berths, and marinas are required to obtain USACE permits, commonly known as Section 10 permits, to dredge sediment in waterways. <u>Authority:</u> Rivers and Harbors Acts of 1899 (33 USC 401,). <u>Website:</u> www.usace.army.mil/inet/functions/cw/cecwo/reg/oc_eover.htm</p>	USACE	Federal	Nation-wide
106.	C. Regulation	Submerged lands and other offshore uses	<p><u>Aquaculture.</u> In the absence of an overall governance structure to comprehensively manage aquaculture in federal waters, multiple federal agencies apply their respective requirements relating to water quality, placement of structures, navigation safety, food safety, and harvest. Only a handful of open ocean aquaculture facilities have established in</p>	U.S. Department of Agriculture, NOAA, USACE,	Federal	Nation-wide

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107.	C. Regulation	Submerged lands and other offshore uses	<p>U.S. waters; none are in California. Authority: Various. Website: USDA - www.ers.usda.gov/Briefing/Aquaculture/Links.htm NOAA – www.nmfs.noaa.gov/mediacenter/aquaculture/ USACE - www.usace.army.mil/inet/functions/cw/cecwo/reg/oc/eover.htm EPA - www.epa.gov/agriculture/anaguidx.html USFWS - www.fws.gov/fisheries/aadap/ FDA - www.fda.gov/cvm/aqualibtoc.htm <u>Aquaculture.</u> State law designates CDFG as the lead agency for managing aquaculture in state waters. CDFG is responsible for leasing state land and reviewing projects for their impacts to native wildlife and habitats. The State Lands Commission, which is responsible for leasing state lands for all non-aquaculture purposes, is involved in the review of aquaculture license applications. Management roles played by other state agencies include protection of water quality (SWRCB), ensuring that aquaculture development projects are consistent with Coastal Act policies (CA Coastal Commission), and protection of public health related to human consumption of aquaculture products (Dept. of Health Services). <u>Authority:</u> Fish and Game Code 15100. Coastal Act</p>	EPA, USFWS, U.S. Food and Drug Administration (FDA)	State	Coast-wide

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108.	C. Regulation	Submerged lands and other offshore uses	<p>(Public Resources Code Sec. 30000). Website: aqua.ucdavis.edu/government/cdfqnf.html</p> <p>California State Parks. CDPR has 38 ocean-fronting units in the MLPA Central Coast region. Two of these, Point Lobos State Reserve and Julia Pfeiffer Burns State Park, include underwater portions owned (Point Lobos) or leased from the State Lands Commission (Burns) by CDPR. Owning or leasing these areas gives CDPR some additional capability in the protection and management of the natural, cultural and recreational resources found in these underwater areas, though CDFG retains jurisdiction over their living marine resources. Both sites are contiguous with the CDFG-managed Pt. Lobos Marine Reserve and Julia Pfeiffer Burns Marine Conservation Area, as well as SWRCB-regulated Areas of Special Biological Significance. The Parks and Recreation Commission has authority to establish, modify or delete state marine reserves, state marine parks, and state marine conservation areas, but must have the concurrence of the Fish and Game Commission on any proposed restrictions to the extraction of living marine resources. A list of these units appears in Exhibit C.</p> <p>Authority: Public Resources Code 500. Public Resources Code 5001. Website: www.parks.ca.gov/ and, for underwater parks, www.parks.ca.gov/?page_id=22655</p>	CDPR and Parks and Recreation Commission	State	Coast-wide

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109.	C. Regulation	Submerged lands and other offshore uses	<p><u>Monterey Bay National Marine Sanctuary Permit Program.</u> The MBNMS may issue a permit under special circumstances for activities otherwise prohibited by Sanctuary regulations when related to: research to enhance scientific understanding of the Sanctuary environment or to improve management decision-making; or education to further public awareness, understanding, and to establish access, use, and/or understanding of Sanctuary resources and wise use of the Sanctuary environment. (See also listing, this category, under "Marine research")</p> <p><u>Authority:</u> National Marine Sanctuaries Act (16 USC 1431).</p> <p><u>Website:</u> www.mbnms.nos.noaa.gov/resourcepro/permits.html</p>	NOAA	Federal	Local
110.	C. Regulation	Submerged lands and other offshore uses	<p><u>Offshore Mineral Development.</u> The Pacific Outer Continental Shelf (OCS) Region of the U.S. Interior Department's Mineral Management Service (MMS) issues leases for and regulates the operation of mineral (essentially oil and gas) development in federal waters along the Pacific Coast from the Canadian to the Mexican borders. While MMS once issued leases off Washington, Oregon, and much of California, the only remaining leases are in Southern California waters: 75 leases offshore San Luis Obispo, Santa Barbara, and Ventura Counties and 4 leases off Los Angeles and Orange Counties. Forty-three of these leases are in active production from</p>	Minerals Management Service Pacific OCS Region	Federal	Coast-wide

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111.	C. Regulation	Submerged lands and other uses	<p>23 platforms. MMS also has a large research component related to evaluating the environmental impact of offshore oil and gas development. (See MMS entry under "A. Monitoring and research.")</p> <p>Authority: Outer Continental Shelf Lands Act (43 USC 1331).</p> <p>Website: www.mms.gov/omm/pacific/index.htm</p> <p>State Lands Commission. The SLC's three members are the Lieutenant Governor, the State Controller and the State Director of Finance. The SLC has responsibility for leasing state lands, including submerged lands in state waters (0-3 miles offshore (except that CDFG has the lead for aquaculture leases). The SLC is also the lead in regulating oil, gas, and mineral leasing on state lands; regulating marine oil transfer facilities both on and offshore; and implementing a ballast water program to control marine invasive species. See the separate entry this category for "Marine Invasive Species Program."</p> <p>Authority: Public Resources Code Sec. 6001</p> <p>Website: www.slc.ca.gov/</p>	State Lands Commission	State	Coast-wide
112.	C. Regulation	Terrestrial impacts to marine waters	<p>Cooling Water Intake Structures. Federal law requires that the location, design, construction and capacity of cooling water intake structures reflect the "best technology available at an economically practicable cost" for minimizing adverse environmental impact. Facilities with such structures include coastal power plants like the Duke Energy</p>	EPA	Federal	Coast-wide

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113.	C. Regulation	Terrestrial impacts to marine waters	<p>Morro Bay and Moss Landing power plants, as well as pulp and paper mills, chemical plants, and petroleum refiners. Fish, shellfish, eggs, and other organisms drawn into a cooling system may be killed or injured by heat, physical stress, or by chemicals used to clean the system. Larger organisms may be killed or injured when they are trapped against screens at the front of an intake structure. EPA issued or is issuing rules addressing cooling water intakes in three phases: rules for new facilities promulgated in 2001, rules for large existing electric generating plants promulgated in 2004, and forthcoming rules for other existing facilities and new offshore and coastal oil and gas extraction facilities. Facilities must start meeting the new rules when the RWQCB (which has been delegated Clean Water Act permitting authority in California) reissues or modifies an existing NPDES permit, or permits a new facility.</p> <p>Authority: Clean Water Act (33 USC 1326). Website: www.epa.gov/waterscience/316b/basic.htm</p>	EPA	Federal	Nation-wide

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114.	C. Regulation	Terrestrial impacts to marine waters	<p>waters argued that lesser treatment was justified where deep water and vigorous tides and currents would disperse pollutants. Congress amended the law in 1977 to allow EPA to grant waivers (known as the Clean Water Act Sec. 301(h) waivers) from the secondary treatment requirement, renewable every five years, provided the POTW could meet certain criteria intended to show that its discharge would not adversely affect the marine environment. The Morro Bay/Cayucos Wastewater Treatment Plant is one of a handful of remaining POTWs in California with a waiver that allows less than full secondary treatment of municipal wastewater, and the only one in the MLPA Initiative Central Coast Region (others are in Goleta, Orange County, and San Diego).</p> <p><u>Authority:</u> Clean Water Act (33 USC 1311)</p> <p><u>Website:</u> www.epa.gov/owow/oceans/regulatory/sect301hwaivers.html and www.morro-bay.ca.us/public.html</p>	RWQCB	State	Regional

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115.	C. Regulation	Terrestrial impacts to marine waters, marine discharges	<p>Ocean Water Quality: <u>Ocean Plan, Thermal Plan, ASBSs</u>. The 2001 California Ocean Plan and the 1998 Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (California Thermal Plan), adopted and updated by SWRCB, are the basis for regulating point and nonpoint source discharges to ocean waters to protect a range of human uses and living marine resources. These plans also are required for state compliance with federal Clean Water Act requirements. The Ocean Plan provides for the designation of Areas of Special Biological Significance (ASBS) as a subset of State Water Quality Protection Areas. There are 34 ASBSs along the California coast. The 6 located in the MLPA Central Coast region are: Año Nuevo Point and Island, Point Lobos Ecological Reserve, San Miguel, Santa Rosa, and Santa Cruz Islands, Julia Pfeiffer Burns Underwater Park, Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Life Refuge, Ocean Area Surrounding the Mouth of Salmon Creek, and Carmel Bay. The Ocean Plan does not apply to discharges of vessel wastes, or wastes associated with dredging (see other marine discharge entries in "C. Regulation"). RWQCBs issue Waste Discharge Requirements</p> <p><u>Authority</u>: State ocean – California Water Code 13170.2. SWQPA/ASBS – Public Resources Code</p>	SWRCB	State	Coast-wide

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116.	C. Regulation	Terrestrial land use	<p>36700. Funding priority – California Water Code 79500. Federal – Clean Water Act (33 USC 1343 and 33 USC 1326). Website: www.waterboards.ca.gov/plnspols/oplans/index.html</p> <p>CDFG Streambed Alteration Permits. CDFG requires a permit for any activity that will substantially modify a river, stream, or lake and will substantially and adversely affect an existing fish and wildlife resource. Authority: Fish and Game Code Sec. 1600. Website: www.dfg.ca.gov/1600/index.html</p>	CDFG	State	Coast-wide
117.	C. Regulation	Terrestrial land use	<p>Coastal Development Permit Program. See entry under “C. Regulation, Coastal Development, California Coastal Commission, Coastal Development Permit Program.”</p>	California Coastal Commission	State	Coast-wide
118.	D. Education & Outreach	Marine resources	<p>California Coastal Coalition. The California Coastal Coalition, also known as “CalCoast,” is a nonprofit advocacy group focused primarily on beach nourishment and comprised of 35 coastal cities; five coastal counties; the Association of Monterey Bay Area Governments (AMBAG), Beach Erosion Authority for Control Operations and Nourishment (BEACON) of Santa Barbara and Ventura Counties, the San Diego Association of Governments (SANDAG) and the Southern California Association of Governments (SCAG); and business associations</p>	California Coastal Coalition	NGO	Coast-wide

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			<p>and other allied groups. <u>Authority:</u> N/A <u>Website:</u> www.calcoast.org/</p>			
119.	D. Education & outreach	Marine resources, Marine science, Water quality, Watershed management	<p><u>Morro Bay National Estuary Program, Education Program.</u> MBNEP performs outreach and education through events, publications, an electronic newsletter, and website. <u>Authority:</u> Clean Water Act (33 USC 1330). <u>Website:</u> www.mbnep.org/index.php</p>	EPA	Federal	Local
120.	D. Education & outreach	Marine science	<p><u>California Center for Ocean Sciences Education Excellence (CA-COSEE).</u> CA-COSEE is the regional node of a national program funded by the National Science Foundation. CA-COSEE is a collaboration between Scripps Institution of Oceanography, University of California, San Diego; Marine Advanced Technology Education (MATE) Center, Monterey Peninsula College; Marine Activities Resources and Education (MARE) Program, Lawrence Hall of Science, University of California, Berkeley; and California Sea Grant, La Jolla, California. The program facilitates relationships that connect scientists with education outreach organizations, disseminates the model course “Communicating Ocean Science” for undergraduate and graduate students, maintains an Ocean Science and Technical Careers web site, and develops model K-12 Ocean Education sites for infusing ocean</p>	California Center for Ocean Sciences Education Excellence	Academic, NGO	Coast-wide

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			<p>science into pre-college classrooms. <u>Authority:</u> N/A <u>Website:</u> cacosee.net/index.html</p>			
121.	D. Education & outreach	Water quality	<p><u>Boating Clean & Green Program.</u> This education and outreach program promotes environmentally sound boating practices to marine business and boaters in California; includes “Dockwalker” outreach volunteer training. <u>Authority:</u> Coastal Act (Public Resources Code Sec. 30000) <u>Website:</u> www.coastal.ca.gov/ccbn/ccbndx.html</p>	California Coastal Commission	State	Coast-wide
122.	D. Education & Outreach	Water quality, Watershed management	<p><u>California NEMO Partnership.</u> The California Nonpoint Education For Municipal Officials (NEMO) Partnership is a member of the National NEMO Network, which educates local land use decision makers about the relationship of land use to natural resource protection, with a focus on water resources. The California NEMO partnership was formed by local, state, and national agencies to develop an educational program linking land use to water quality. <u>Authority:</u> N/A <u>Website:</u> www.usc.edu/org/seagrant/calnemo/fs1.html</p>	California NEMO	NGO	Coast-wide
123.	D. Education and	Marine resources,	<p><u>Algalita Marine Research Foundation.</u> AMRF is a non-profit organization that seeks to preserve the marine environment through research, education,</p>	Algalita Marine Research	NGO	Coast-wide

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	outreach	Marine science, Water quality, Watershed management	and restoration programs. Issues include plastic marine debris, help bed reforestation, and watershed management. <u>Authority:</u> N/A <u>Website:</u> algalita.org/index.html	Foundation		
2.	D. Education and outreach	Marine resources, Marine science, Water quality	<u>California Sea Grant College Program.</u> The largest of 30 Sea Grant programs around the country, the California Sea Grant College Program sponsors coastal and marine resource research and technology development carried out by academics and students at public and private universities throughout the state. Its Marine Extension and Communications components transfer research results and technology to industry, government and the public. The program is administered by the University of California and is based at Scripps Institution of Oceanography in San Diego. The California program is funded jointly by the State of California and the National Sea Grant College Program administered by NOAA, and from private sources. (Note: a separate Sea Grant program focused on Southern California research operates from the University of Southern California). <u>Authority:</u> Public Resources Code 6230, 33 USC 1121. <u>Website:</u> www-csgc.ucsd.edu/	University of California	State	Coast-wide
124.	D. Education	Marine	<u>Central Coast Salmon Enhancement.</u> The organization promotes restoration of the Central	Central Coast	NGO	Local

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
	and outreach	resources, Watershed management	Coast salmon fishery and local creeks through pen rearing and release of salmon, watershed restoration projects, and K-12 education and outreach activities. <u>Authority: N/A</u> <u>Website: www.centralcoastsalmon.com/</u>	Salmon Enhancement		
125.	D. Education and outreach	Marine resources, Water quality, Watershed management	<u>Elkhorn Slough National Estuarine Research Reserve.</u> NOAA administers and CDFG manages the Elkhorn Slough NERR (ESNERR), one of 26 NERRs established nationwide through federal-state partnerships as field laboratories for scientific research and estuarine education. ESNERR has programs in K-12 environmental education, coastal resource training for planners, managers and regulators, ecosystem monitoring and research, and watershed restoration. (See also listings for ESNERR under " A. Monitoring and research.") <u>Authority: Coastal Zone Management Act (16 USC 1451).</u> <u>Website: nerrs.noaa.gov/ElkhornSlough/welcome.html and www.elkhornslough.org/esnerr.htm</u>	CDFG and NOAA	State and Federal	Local
126.	D. Education and outreach	Marine resources, Marine science	<u>Monterey Bay Aquarium.</u> The Monterey Bay Aquarium exhibits marine life found off California's central coast and offers visitors an array of ocean-related educational programs. The aquarium also sponsors conservation research programs, and supports advocacy of ocean conservation at the state and federal level.	Monterey Bay Aquarium	NGO	Regional

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
			<p><u>Authority:</u> N/A <u>Website:</u> www.mbayaq.org/</p>			
127.	D. Education and outreach	Marine resources, Water quality, Watershed management	<p><u>Salmonid Restoration Federation.</u> The organization engages in political advocacy in support of salmon restoration efforts, sponsors conferences and technical training workshops, and disseminates information about salmonid protection and restoration. <u>Authority:</u> N/A <u>Website:</u> www.calsalmon.org/</p>	Salmonid Restoration Federation	NGO	Coast-wide
128.	D. Education and outreach	Water quality, Watershed management	<p>Central Coast Vineyard Team. The organization promotes the adoption of sustainable agricultural practices by vineyard owners through a variety of education, outreach, and demonstration programs. <u>Authority:</u> N/A <u>Website:</u> www.vineyardteam.org/index.php</p>	Central Coast Vineyard Team	NGO	Regional
129.	D. Education and outreach	Water quality, Watershed management	<p><u>Watershed Groups.</u> An array of local, voluntary, citizen based organizations are active in the watersheds of the MLPA Central Coast region. They engage in resource assessment, planning, restoration, monitoring and evaluation, and education and outreach. See Exhibit B for a list of watershed groups in San Mateo, Santa Cruz, Monterey, San Luis Obispo, and Santa Barbara counties compiled by U.C. Davis' Information Center for the Environment. See also listings under "A. Monitoring and research," and "B. Planning and</p>	Watershed Groups	NGO	Regional and Local

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			management," as well as individual listings for groups that operate regionally. <u>Authority:</u> N/A <u>Website:</u> N/A			
130.	D. Education and outreach	Watershed management, Water quality	<u>Land Conservancy of San Luis Obispo County.</u> The organization's natural resource protection activities encompass land acquisition, watershed restoration, and education and outreach activities. <u>Authority:</u> N/A <u>Website:</u> www.special-places.org/projects.htm	Land Conservancy of San Luis Obispo County	NGO	Local
131.	E. Funding	Education/outreach, Resource protection, Water quality	<u>California Ocean Protection Council.</u> In addition to its role in fostering ocean-related intra- and intergovernmental cooperation and developing ocean policy for the state, awards grants to: <ul style="list-style-type: none"> • Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species. • Foster sustainable fisheries. • Improve coastal water quality. • Increase public access to ocean and coastal resources. • Improve management, conservation, and protection of coastal waters and ocean ecosystems. • Provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources. • Acquire, install or initiate monitoring and 	California Ocean Protection Council	State	State-wide

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
132.	E. Funding	Resource protection	<p>enforcement systems.</p> <ul style="list-style-type: none"> • Purchase vessels, equipment, licenses, harvest rights, permits, and other rights and property to reduce threats to ocean ecosystems and resources. • Address coastal water contamination from biological pathogens. <p>The COPC does this using funds appropriated to it by the California legislature, and funds earmarked by other state agencies, such as the SWRCB and State Coastal Conservancy for COPC priorities. (See also the COPC entry under “B. Planning and management.”)</p> <p>Authority: California Ocean Protection Act (Public Resources Code 35500). Website: resources.ca.gov/copc/</p> <p><u>Estuary Habitat Restoration Program</u>. Federal legislation created the Estuary Habitat Restoration Council (EHRC) whose members include USACE, NOAA, EPA, USFWS, and the U.S. Department of Agriculture. The EHRC developed a strategy for restoring one million acres of estuary habitat by 2010 and administers a cost-share program for projects that help implement the strategy. Authority: Estuary Restoration Act (33 USC 2901). Website: www.usace.army.mil/estuary.html and era.noaa.gov/htmlis/era/era_projfund.html</p>	USACE, NOAA	Federal	Nation-wide

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
133.	E. Funding	Resource protection	<p><u>State Coastal Conservancy</u>. The Conservancy sponsors, generally with bond funding, projects to preserve, protect and restore the resources of the California coast, including restoration and enhancement of wetlands and other wildlife habitat, construction of trails and other public access facilities, restoration of public piers and urban waterfronts, preservation of farmland, and other projects in line with the goals of California's Coastal Act, the San Francisco Bay Plan, and the San Francisco Bay Area Conservancy.</p> <p><u>Authority</u>: Public Resources Code Sec. 31000 <u>Website</u>: www.coastalconservancy.ca.gov/</p>	State Coastal Conservancy	State	Coast-wide
134.	E. Funding	Education/outreach MARINE SCIENCE	<p><u>California Seagrant College Program</u>. The largest of 30 Sea Grant programs around the country, the California Sea Grant College Program sponsors coastal and marine resource research and technology development carried out by academics and students at public and private universities throughout the state. Its Marine Extension and Communications components transfer research results and technology to industry, government and the public. The program is administered by the University of California and is based at Scripps Institution of Oceanography in San Diego. The California program is funded jointly by the State of California and the National Sea Grant College Program administered by NOAA, and from private</p>	University of California	State	Coast-wide

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
135.	E. Funding	Resource protection, Water quality, Education/outreach	<p>sources. (Note: a separate Sea Grant program focused on Southern California research operates from the University of Southern California). Authority: Public Resources Code 6230, 33 USC 1121. Website: www-csgc.ucsd.edu/</p> <p><u>California Watershed Funding Database</u>. The CWFD is a clearinghouse for all environmental funding in the state of California. The site is a web-based, public domain database of state, federal, and private foundation funding information. It allows for queries and contains a variety of linkages to technical and other assistance sites. It was developed with public domain software to provide free, open use in compliance with state law. Authority: Government Code Sec. 8333. Website: www.calwatershedfunds.org</p>	CALIFORNIA STATE UNIVERSITY CHICO	ACADEMIC	Statewide
136.	E. Funding	Water quality	<p><u>Environmental Mitigation Project Funding</u>. Funds environmental mitigation project proposals where no specific criteria have been developed for a particular mitigation at the site of a water quality problem or violation. Funding criteria give weight to proposals with a water quality focus, geographic nexus to the site, nexus with spill type or violation, protection or improvement of beneficial uses, regionwide use/benefit, leveraged funding, and institutional capacity/stability.</p>	RWQCB	State	Regional

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#	Activity Category	Subcategory	Program Description	Agency/ Org.	Jurisdiction	Level of Implementation
			<p>Authority: Water Code Sec. 13260 Website: www.waterboards.ca.gov/centralcoast/sep/index.htm</p>			
137.	E. Funding	Water quality	<p>EPA Wastewater and Water Quality Grants. EPA offers a variety of grants and loans for activities that could reduce pollution impacts to MPAs. Depending on the program, states or local governments or nonprofit entities, or all three may be eligible to apply. Some grants are administered through the EPA Region 9 office, while in other cases EPA allocates funds to the state for administration by the SWRCB. Examples of grants include the Clean Water State Revolving Fund, Beach Act Grants, Wetlands Program Development Grants, Sec. 319 Nonpoint Source Implementation Grants, Sec. 106 Water Pollution Control Program Grants, and Sec. 104(b)(3) Water Quality Cooperative Agreements. Authority: Clean Water Act, various sections Website: www.epa.gov/owm/cwfinance/index.htm</p>	EPA	Federal	Nation-wide
138.	E. Funding	Water quality	<p>Proposition 40 and 50 Grant and Loan Programs. SWRCB administers a number of grant programs that can be used to address water quality impacts to coastal waters. Grant programs include the Clean Beaches Initiative Grant Program (Proposition 40), Clean Water Act Sec. 319 Nonpoint Source Pollution Implementation Grants, Clean Water Act Wetlands Program Development Grants, State Revolving Fund wastewater management loans, citizen monitoring</p>	SWRCB	State	Coast-wide

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			<p>and watershed projects funding, Agricultural Drainage Loan Program, Agricultural Drainage Management Loan Program, Water Recycling Funding Program (Proposition 50), and Integrated Regional Water Management Program (Proposition 50). Legislation in 2003 (AB 1747) directed SWRCB to give preference in Proposition 50 funding decisions to projects that eliminate or significantly reduce pollution into impaired waters and sensitive habitat areas, including Areas Of Special Biological Significance. In 2005 SWRCB earmarked \$10 million of Proposition 50 funds for 2006 projects identified as a high priority by the California Ocean Protection Council.</p> <p><u>Authority:</u> Proposition 40 - California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Public Resources Code Sec. 5096). Proposition 50 - Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Water Code Sec. 79572).</p> <p><u>Website:</u> www.swrcb.ca.gov/funding/index.html and www.swrcb.ca.gov/nps/ofundsrc.html and www.swrcb.ca.gov/nps/funding.html</p>			
139.	E. Funding	Water quality	<p><u>Pumpout Grant Program.</u> CDBW administers the Pumpout Grant Program with federal funds appropriated under the federal Clean Vessel Act of 1992. The program provides funds to construct, renovate, operate, and maintain pumpout and dump stations to service pleasure craft. Funds are</p>	California Department of Boating and Waterways	State	Coast-wide

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140.	E. Funding	Water quality	<p>available to both public and private sector entities, which can be reimbursed for up to 75% of the installed cost of pumpout and dump stations. (Grants may not be used for onshore restroom facilities, or sewage treatment plants, including septic tanks, leach fields, private and municipal treatment plants and other special treatment devices). <u>Authority:</u> N/A <u>Website:</u> dbw.ca.gov/pumpout.asp</p> <p><u>Water Recycling and Desalination Program.</u> The California Department of Water Resources administers a matching grant program for public, nonprofit, and academic projects that will increase knowledge about desalination. The agency also maintains a clearinghouse for technical assistance, research, and policy development related to desalination. <u>Authority:</u> Water Code 12947 and 79547.2. <u>Website:</u> www.owue.water.ca.gov/recycle/index.cfm</p>	California Department of Water Resources	State	Statewide
141.	F. Defense Department	Military readiness activities	<p><u>Military Readiness Activities.</u> The military may conduct training and testing activities throughout California coastal waters and airspace. Ocean areas may be designated restricted zones in which no vessels may transit without permission, or danger zones which experience temporary closures, as well as restricted airspace where over flights are prohibited. The U.S. Coast Guard publicizes ocean area prohibitions in its "Notice to Mariners," and</p>	Defense Department (Navy, Air Force), USACE, U.S. Coast Guard, NOAA,	Federal	Coastwide

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142.	F. Defense Department	Water Quality	<p>NOAA includes them in its navigation charts. USACE administers the regulatory process for the establishment of these ocean zones. The Federal Aviation Administration establishes restricted areas in air space. In the MLPA Initiative Central Coast region, the Navy conducts naval and submarine exercises in ocean waters and the Air Force conducts air operations in airspace off the Counties of San Mateo, Santa Cruz, and Monterey. However, the military's most intensive activities in the MLPA Initiative Central Coast region occur as a result of operations based out of Vandenberg Air Force Base (southern San Luis Obispo County and Santa Barbara County); and Naval Base Ventura County (consisting of Point Mugu Sea Range and Construction Battalion Center Port Hueneme, both in Ventura County).</p> <p><u>Authority:</u> USACE: 33 USC. 1 and 3. FAA: 49 USC 106(g), 40103, 40113, and 40120. Coast Guard: 14 USC 81. NOAA: 33 USC 883.</p> <p><u>Website:</u> www.vandenberg.af.mil/, http://www.nbvc.navy.mil/, www.navcen.uscg.gov/lhm/d11/default.htm, and chartmaker.nco.noaa.gov/staff/charts.htm</p> <p><u>Uniform National Discharge Standards For Armed Forces Vessels.</u> Requirements are being phased in over time for the use of marine pollution control devices (MPCDs) for operational, non-sewage, discharges from vessels of the Armed Forces. Phase</p>	Federal Aviation Administration	Federal	Nation-wide

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			<p>I of the rulemaking process, completed in 1999, identified all discharges incidental to the normal operation of Armed Forces vessels and characterized each discharge as requiring or not requiring control, based on the potential to have an adverse environmental impact. Phase II, currently underway, will result in MPCD performance standards for each discharge determined to require control in Phase I. In Phase III the Defense Department will promulgate regulations governing the design, construction, installation, and use of MPCDs on board vessels of the Armed Forces to meet the performance standards promulgated in Phase II.</p> <p><u>Authority:</u> Clean Water Act Sec. 312 (33 USC 1322) <u>Website:</u> unds.bah.com/ and www.epa.gov/waterscience/Rules/UNDS/factfn1.html</p>	EPA, U.S. Coast Guard		
143.	F. Defense Department	Water quality (operations-related)	<p><u>Defense and State Memorandum of Agreement.</u> The State Water Resources Control Board and nine RWQCBs partner with the U.S. Department of Defense through the DSMOA to oversee the investigation and remediation of water quality issues at military facilities.</p> <p><u>Authority:</u> Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9620). California Water Code Sections 1300, 13304, and</p>	SWRCB, U.S. Department of Defense	State and Federal	Coast-wide

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			13172. California Health and Safety Code 25280. Website: www.waterboards.ca.gov/cwphome/dod/			

EXHIBIT A: Monterey Bay National Marine Sanctuary Integrated Monitoring (SIMoN) Partners

Source: www.mbnms-simon.org/other/moreLinks/network_partners.php (Accessed 1 June 2005)

Applied Marine Sciences	Cascadia Research Collective	Structure of Populations, Levels of Abundance and Status of Humpbacks (SPLASH)
California Department of Fish and Game	Central Coast Regional Water Quality Control Board	
Office of Spill Prevention and Response (OSPR)	Regional Monitoring and Basin Planning Unit	Humboldt State University Department of Oceanography
California Institute of Technology Jet Propulsion Labs	City & County of San Francisco	Marine Biological Laboratory
NASA Jet Propulsion Laboratory (JPL)	San Francisco Public Utilities Commission - Water Quality Bureau	Marine Resources Center
California Polytechnic State University, San Luis Obispo	Cordell Bank National Marine Sanctuary	Massachusetts Institute of Technology Civil and Environmental Engineering & Division of Biological Engineering
College of Science and Mathematics	Cornell University	Monterey Bay Aquarium
California Sea Grant	Bioacoustics Research Program	
California Sea Grant Extension Program, Monterey and Santa Cruz Counties	Elkhorn Slough National Estuarine Research Reserve	Monterey Bay Aquarium Research Institute Research and Development Division
California State Parks	Florida Environmental Research Institute	
Point Lobos State Reserve	Gulf of the Farallones National Marine Sanctuary	Monterey Bay National Marine Sanctuary
California State University, Hayward	Research Team	Research Team
Department of Geological Sciences	Hawaiian Islands Humpback Whale National Marine Sanctuary	Water Quality Protection Program Sanctuary Integrated Monitoring Network (SIMoN)
California State University, Monterey Bay		Education and Outreach Team
Earth Systems Science and Policy		Monterey Bay Sanctuary Foundation

Monterey Bay Sanctuary Foundation	National Oceanic and Atmospheric Administration (NOAA) Coastal Services Center	San Francisco State University Romberg Tiburon Center for Environmental Studies Department of Physics
Monterey Peninsula Water Management District (MPWMD)	National Oceanographic Data Center (NODC)	Santa Cruz County Environmental Health Services Santa Cruz County Environmental Health Services
Moss Landing Marine Laboratories, California State University Biological Oceanography Lab Benthic Ecology Lab Phycology Lab Ornithology and Mammalogy Lab Ichthyology Lab Invertebrate Zoology Lab	National Park Service Point Reyes National Seashore	Scripps Institution of Oceanography Geosciences Research Division
Multi-Agency Rocky Intertidal Network (MARINE)	Navy Postgraduate School Department of Oceanography	Smithsonian National Zoological Park
National Aeronautics and Space Administration (NASA) Wallops Island Flight Facility	Old Dominion University Department of Ocean, Earth, and Atmospheric Sciences	Smithsonian Tropical Research Institute (STRI) Smithsonian Tropical Research Institute (STRI)
National Environmental Satellite, Data, and Information Service (NESDIS)	Pacific Fisheries Environmental Laboratory Ocean Processes and Marine Fisheries/Physical Oceanography	Southwest Fisheries Science Center, Santa Cruz Laboratory Groundfish Analysis Team Salmon Ecology Team Habitat Ecology Team
National Geographic Society Committee for Research and Exploration	PRBO Conservation Science Marine Ecology Division Wetlands Ecology Division	
National Marine Sanctuaries Program (NMSP)	Reef Environmental Education Foundation Reef Environmental Education Foundation Hopkins Marine Station	The Bay Foundation of Morro Bay
Stanford University Department of Geological and Environmental Sciences Department of Civil and Environmental Engineering	Tenera Environmental	The University of Adelaide, Australia Environmental Biology

United States Geological Survey
(USGS)
Western Ecological Research
Center
Coastal and Marine Geology
Program

University of California, Santa Cruz
Partnership for Interdisciplinary
Studies of Coastal Oceans
(PISCO)

Center for Integrated Marine
Technology (CIMT)
Institute of Marine Sciences
Department of Ecology and
Evolutionary Biology
Earth Sciences Department
Department of Electrical
Engineering
Department of Computer
Engineering
Seymour Marine Discovery Center

Center for Agroecology &
Sustainable Food Systems

University of Maryland
Alliance for Coastal Technologies

University of Washington
Applied Physics Laboratory

Woods Hole Oceanographic Institution
Applied Ocean Physics and
Engineering Department

EXHIBIT B: California Central Coast Watershed Groups

From: U.C. Davis, Information Center for the Environment. Watershed Groups in California, A Database of Groups Active in the Golden State. endeavor.des.ucdavis.edu/groups/

San Mateo County

Committee for Green Foothills
 Federation of Flyfishers
 San Francisco Creek CRMP
 Friends of Redwood City
 Friends of San Francisco Creek
 Resource Conservation District - San Mateo County
 Golden Gate Audubon Society
 Friends of Lake Merced
 California Native Plant Society - Santa Clara Valley Chapter
 Coyote Creek Riparian Station
 Ventana Wildlands Project
 Citizens Committee to Complete the Refuge
 Audubon Society - Sequoia Chapter
 California Native Plant Society - Yerba Buena Chapter
 Pacifica Open Space Committee
 Pescadero Watershed Institute
 Bay Area Action
 Baylands Conservation Committee
 Sequoia Alliance
 Sierra Club - Loma Prieta Chapter
 The Creeks Coalition
 The Environmental Volunteers

Santa Cruz County

Resource Conservation District - Santa Cruz County
 Watsonville Wetlands Watch
 Ramona Woods Water Association
 Coyote Creek Riparian Station
 Friends of the Sea Otter
 Save the San Lorenzo
 Sustainable Conservation
 Ventana Wildlands Project
 Arana Gulch Watershed Alliance
 California Native Plant Society - Santa Cruz County Chapter
 San Lorenzo River Restoration Institute
 Santa Cruz Action Network
 Santa Cruz Mountains Biodiversity Task Force
 Save Our Shores
 Coastal Watershed Council
 Land Trust of Santa Cruz County
 Santa Cruz Mountains Bioregional Task Force
 Scott Creek Watershed Council
 Surfrider Foundation - Santa Cruz Chapter

Monterey County

Resource Conservation District - Monterey County
 Watsonville Wetlands Watch

Surfrider Foundation - Monterey Chapter
 California Native Plant Society - Monterey Bay Chapter
 California Native Plant Society - San Luis Obispo Chapter
 Friends of the Sea Otter
 Elkhorn Slough Foundation
 Sustainable Conservation
 Ventana Wildlands Project
 Big Sur Land Trust
 Carneros Creek Association
 Audubon Society - Monterey Peninsula Chapter
 Monterey Bay Dune Coalition
 Monterey Bay Salmon and Trout Project
 Northern Santa Lucia Watersheds Council
 Resource Conservation District - Gabilan-Santa Lucia
 Beach Watch
 Carmel River Steelhead Association
 Monterey Bay Stormwater Task Force
 Sea Keeper Program
 Sierra Club - Ventana Chapter

San Luis Obispo County

Friends of Black Lake Canyon
 Friends of the Estuary at Morro Bay
 Resource Conservation District - Coastal San Luis

Land Conservancy of SLO County
Surfrider Foundation - San Luis Bay
CA Native Plant Society - SLO Chapter
Resource Conservation District -
Cachuma
Sustainable Conservation
Ventana Wildlands Project
Central Coast Salmon Enhancement,
Inc.
Audubon Society - Morro Coast
Chapter
Audubon Society - North Cuesta
Morro Bay Project Conservancy
Resource Conservation District - Upper
San Luis Rey
San Luis Rey River Cooperative Plan
Advisory Committee
Central Coast Biosphere Reserve
Central Coast Resource Conservation
and Development
Greenspace: The Cambria Land Trust
Sierra Club - Santa Lucia Chapter
SLO Creek Monitors
Stream Consciousness - SLO Creek
Sustainable Landscapes Group

Santa Barbara County

Community Environmental Council
Environmental Defense Center
Friends of the Sea Otter
Resource Conservation District -
Cachuma
Land Trust for Santa Barbara County
Santa Barbara Sea
Friends of the Santa Ynez River
Sustainable Conservation

Central Coast Salmon Enhancement,
Inc.
Audubon Society - La Purisima
Chapter
Audubon Society - Santa Barbara
Chapter
California Native Plant Society -
Channel Islands Chapter
Carpinteria Creek Committee
Citizens for Goleta Valley
Mission Creek Task Force
Sierra Club - Los Padres Chapter
Sierra Club - Santa Barbara Group
Surfrider Foundation - Santa Barbara
Chapter
Urban Creeks Council - Santa Barbara
Chapter
Santa Cruz Island Foundation

EXHIBIT C: California Department of Parks and Recreation Units in the MLPA Central Coast Region

The California Department of Parks and Recreation (CDPR) has 38 ocean-fronting units within the MLPA Central Coast Region. They include parks on the southern coast of CDPR's San Francisco Bay Region and most units in CDPR's Central Coast Region.

	COUNTY	UNIT	CDPR REGION
1.	San Mateo	Año Nuevo (State Park)	San Francisco Bay Region – south of Pigeon Point
2.	San Mateo	Pigeon Point Light Station (State Historic Park)	San Francisco Bay Region – south of Pigeon Point
3.	San Mateo	Año Nuevo (State Reserve)	San Francisco Bay Region – south of Pigeon Point
4.	Santa Cruz	Lighthouse Field (State Beach)	San Francisco Bay Region – south of Pigeon Point
5.	Santa Cruz	Natural Bridges (State Beach)	San Francisco Bay Region – south of Pigeon Point
6.	Santa Cruz	Twin Lakes (State Beach)	San Francisco Bay Region – south of Pigeon Point
7.	Santa Cruz	New Brighton (State Beach)	San Francisco Bay Region – south of Pigeon Point
8.	Santa Cruz	Seacliff (State Beach)	San Francisco Bay Region – south of Pigeon Point
9.	Santa Cruz	Sunset (State Beach)	San Francisco Bay Region – south of Pigeon Point
10.	Santa Cruz	Manresa (State Beach)	San Francisco Bay Region – south of Pigeon Point
11.	Monterey	Limekiln (State Park)	Central Coast Region – north of Point Conception
12.	Monterey	Julia Pfeiffer Burns (State Park)	Central Coast Region – north of Point Conception
13.	Monterey	Garrapata (State Park)	Central Coast Region – north of Point Conception
14.	Monterey	John Little (State Reserve)	Central Coast Region – north of Point Conception
15.	Monterey	Pfeiffer Big Sur (State Park)	Central Coast Region – north of Point Conception
16.	Monterey	Point Sur (State Historic Park)	Central Coast Region – north of Point Conception
17.	Monterey	Asilomar (State Beach)	Central Coast Region – north of Point Conception

	COUNTY	UNIT	CDPR REGION
18.	Monterey	Carmel River (State Beach)	Central Coast Region – north of Point Conception
19.	Monterey	Point Lobos Ranch (Park Property)	Central Coast Region – north of Point Conception
20.	Monterey	Point Lobos (State Reserve)	Central Coast Region – north of Point Conception
21.	Monterey	Zmudowski (State Beach)	Central Coast Region – north of Point Conception
22.	Monterey	Salinas River (State Beach)	Central Coast Region – north of Point Conception
23.	Monterey	Moss Landing (State Beach)	Central Coast Region – north of Point Conception
24.	Monterey	Monterey (State Historic Park)	Central Coast Region – north of Point Conception
25.	Monterey	Monterey (State Beach)	Central Coast Region – north of Point Conception
26.	Monterey	Fort Ord Dunes (State Park)	Central Coast Region – north of Point Conception
27.	Monterey	Marina (State Beach)	Central Coast Region – north of Point Conception
28.	Monterey	Andrew Molera (State Park)	Central Coast Region – north of Point Conception
29.	San Luis Obispo	Oceano Dunes (State Vehicular Rec. Area)	Central Coast Region – north of Point Conception
30.	San Luis Obispo	Morro Strand (State Beach)	Central Coast Region – north of Point Conception
31.	San Luis Obispo	Pismo (State Beach)	Central Coast Region – north of Point Conception
32.	San Luis Obispo	Wm. Randolph Hearst Memorial (State Beach)	Central Coast Region – north of Point Conception
33.	San Luis Obispo	San Simeon (State Park)	Central Coast Region – north of Point Conception
34.	San Luis Obispo	Montaña de Oro (State Park)	Central Coast Region – north of Point Conception
35.	San Luis Obispo	Cayucos (State Beach)	Central Coast Region – north of Point Conception
36.	San Luis Obispo	Morro Bay (State Park)	Central Coast Region – north of Point Conception
37.	San Luis Obispo	Estero Bay (Park Property)	Central Coast Region – north of Point Conception
38.	Santa Barbara	Point Sal (State Beach)	Central Coast Region – north of Point Conception