



October 25, 2023

Jenn Eckerle, Deputy Secretary of Ocean and Coastal Policy

Abby Mohan and Anh Diep, 30 x 30 Program Managers

30x30 Scientific Advisory Expert Panelists

- Dr. Arielle Levine, San Diego State University
- Dr. Peter Nelson, UC Berkeley
- Dr. Katherine Seto, UC Santa Cruz
- Dr. Kirsten Grorud-Colvert, Oregon State University
- Dr. Chris Free, UC Santa Barbara
- Dr. Tessa Hill, UC Davis
- Dr. Jenn Caselle, UC Santa Barbara

California Natural Resources Agency

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RE: Comments on Spatial Management Measures (SMMs) Beyond MPAs and Sanctuaries Strategy

Dear Deputy Secretary Eckerle, 30 x 30 Program Managers and Expert Panelists:

Thank you for the opportunity to provide input on your Spatial Management Measures (SMMs) Beyond MPAs and Sanctuaries Strategy. On behalf of the undersigned organizations, we express our support for a transparent analysis of SMMs with inclusive public involvement as part of this process. We also offer suggestions to deliver a science-driven process that leverages previous investments inside and outside government, as well as identify additional SMMs worthy of consideration.

California's stated 30x30 goal, detailed in Executive Order N-82-20 and now codified through the enactment of SB 337, requires 30% of "land and coastal water areas that are durably protected and managed to sustain functional ecosystems, both intact and restored, and the diversity of life that they support" by 2030. California is a global leader on forward-thinking environmental governance and through this process will set a precedent for other states and the world to follow. To ensure California remains at the leading edge of effective conservation governance, the SMMs analysis must be linked to the best science available, including existing long-term monitoring projects, and build upon similar evaluation processes in other places.

Recommendation 1: Ensure transparency on the SMMs analysis process. A publicly posted, detailed timeline will help ensure access to the process for Tribes, local communities, nongovernmental organizations, and the broader public. Given the recent enactment of SB 337, we recommend a potential pathway for achieving transparency could be to follow California's Administrative Procedure Act processes. The timeline should clearly identify engagement opportunities where there will be sovereign government-to-government consultation and stakeholder involvement. For the Expert Panel facilitated by the Ocean Protection Council (OPC) and the Ocean Science Trust, please publish details on the selection process and the evaluation criteria this group will develop and use.

Recommendation 2: Ensure Tribes, scientists, citizen scientists and local stakeholder experts have formal and informal opportunities during the process to bring the required on-the-ground knowledge of areas with SMMs. Many Californians have been involved in long-term ecological monitoring directly across the state through the MPA Monitoring Program. They have gained important knowledge of coastal ecosystems both inside and outside of the MPA Network that should help inform the evaluation of whether areas are reaching the 30x30 threshold.

Recommendation 3: Partner actively with California Native American Tribes (Tribes) to understand their vision for Indigenous Marine Stewardship Areas (IMSAs) as demonstrated with the recently designated [Yurok-Tolowa-Dee-ni' Indigenous Marine Stewardship Area](#)¹. Identify tangible actions state regulatory agencies can take to bolster tribally led designations and work cooperatively with Tribes in co-managing these areas. IMSAs should be included in the SMMs analysis and Tribes should be informed through Tribal consultation.

Recommendation 4: Apply tools, including recent advances, from the International Union for Conservation of Nature (IUCN) related to evaluating Other Effective Conservation Measures (OECMs) to California's SMMs Analysis. While the State is not using the OECM concept explicitly in implementing its statutory 30x30 goal, years of analytical and scientific work by the IUCN and others underpinning the concept and its international significance make it an important objective measure of whether a given area is being provided adequate functional and biodiversity protection. We encourage the Expert Panel to use the multi-sectoral IUCN Criteria and Screening Tool, applying Tests 2 and 3, as outlined in "[Recognizing and reporting other effective area-based conservation measures](#)"² as the basis for their analysis. The IUCN's "[Site-](#)

¹ <https://www.capradio.org/articles/2023/09/25/tribes-designate-a-marine-stewardship-area-in-northern-california/>

² <https://portals.iucn.org/library/sites/library/files/documents/PATRS-003-En.pdf>

[level tool for identifying other effective area-based conservation measures \(OECMs\)](#)³ is similarly highly relevant and should be integrated into the SMMs analysis.

Recommendation 5: Apply approaches in the MPA Guide to the SMM analysis. Because the 30x30 definition of conserved shares similar goals to marine protected areas (MPAs), we recommend applying the valuable tools outlined in the [MPA Guide](#)⁴ for examining the efficacy of different SMMs in achieving sought-after ecosystem function and biodiversity outcomes.

Recommendation 6: Ensure the public facing SMMs inventory includes a clear description of its intended use. We are concerned the simple publication of a SMM inventory may result in confusion about whether listed areas will or will not likely meet the 30x30 definition. Such confusion could sow future discord as we believe it is unlikely that the significant majority of SMMs are able to meet the definition when applied on their own. Ensure clarity about the use of the inventory and the process for determining if an area will be considered conserved.

Recommendation 7: Account for land-sea connections by considering threats and opportunities at the coastal watershed scale to increase terrestrial and aquatic connectivity, water quality protection and other watershed restoration actions to coastal SMMs. We encourage consideration of the land-sea connection and the associated watershed and river protection designations (e.g. Outstanding National Resource Waters, CA Wild and Scenic Rivers Statute, Federal Wild and Scenic). We believe these can be powerful tools to address threats to ecosystem function and biodiversity in California's nearshore coastal waters.

Recommendation 8: Conduct a robust spatially explicit threats/stressors and outcomes analysis, including site by site or even finer scale as necessary. California's coastal ecosystems and the nature and magnitude of the threats and stressors they face are highly diverse and spatially specific. Accordingly, how well an area managed with a SMM achieves functional and biodiversity outcomes is not generally uniform across SMM type or even within a specific SMM. For conservation benefits to accrue, management actions must address current and future threats and stressors to ecosystem function and biodiversity. The SMMs analysis should be rooted in a site-by-site analysis linked to the [best science, Indigenous and local knowledge](#)⁵ available. The analysis should identify threats to the preservation and recovery of existing areas meeting the 30x30 definition currently as well identifying gaps in habitat representation.

Recommendation 9: Explore needed changes to existing policy and highlight new policy and program opportunities the state should explore to meet its 30x30 goal. We encourage the state to empower the Expert Panel to assess the efficacy of existing policies in achieving their full effect and to surface needed changes or new initiatives which can help California achieve the 30x30 goal and thus enabling people and nature to thrive. Gaps in implementing existing policies to achieve their full effect and the shortfall of existing regulations to durably protect or restore ecosystem function and biodiversity should be included in the SMM analysis. Examples of tools worth exploring include:

³ <https://portals.iucn.org/library/sites/library/files/documents/PATRS-006-En.pdf>

⁴ <https://www.science.org/doi/10.1126/science.abf0861>

⁵ <https://www.sciencedirect.com/science/article/pii/S0006320720307679>

- The [California Eelgrass Mitigation Policy \(CEMP\)](#)⁶ is a federal policy of the National Oceanic and Atmospheric Administration (NOAA) implemented by California agencies, the CEMP has no-net-loss of ecological function as the goal but current implementation barriers are not being fully addressed.
- [Areas of Special Biological Significance](#)⁷ (ASBS) and other water quality tools:
 - Several goals within the Ocean Protection Council's Strategic Plan relate to assessing and strengthening water quality management tools including ASBSs and other State Water Quality Protection Areas. For this we encourage the state to closely examine the California Estuarine Marine Protected Area (EMPA) Monitoring Program hosted by the Southern California Coastal Water Research Project which has data and perspectives on the efficacy of the existing EMPA network in addressing primary threats to estuarine health.
 - Additionally, please consider the analysis "[Improving Water Quality and Ecosystem Health in California's Marine Managed Areas](#)"⁸. This report articulates several challenges with, and proposes solutions for, California's current science and regulatory system regarding water quality in marine and estuarine environments.
 - California Coast Keeper Alliance has been exploring how to enhance protections to ASBS to protect water quality, habitat and biodiversity, through a general order by the State Water Resources Control Board. California Coast Keeper Alliance has also submitted an [ASBS nomination](#)⁹ to the Central Coast Water Board nominating an ASBS to be co-located with the Pt. Sur MPAs to demonstrate a site by site approach is supported by existing policy. Both approaches should be considered moving forward.
 - Coastal Quest is working with the State Water Resources Control Board and Central Coast Regional Water Boards to develop and test tools to assist with reviewing the recent Central Coast nomination. Actively supporting developing tools, including with funding, is critical to support Water Board review of ASBS nominations.
 - Address exemptions to primary polluters within existing ASBS. To date, ASBS' have received limited oversight, monitoring and enforcement rendering the existing designations unable to achieve their water quality protection mandate. The State Water Resources Control Board needs funding to investigate and address key enforcement violations.
- **Geographic Location Descriptions (GLDs)** via the CA Coastal Zone Management Program: The federal Coastal Zone Management Act (CZMA) authorizes state Coastal Management Programs to review federal activities that take place outside their coastal zone boundaries, where such activities would have reasonably foreseeable effects to state coastal uses or resources. Federal regulations, via NOAA's Office of Coastal Management, provide Coastal Programs with a tool called a Geographic Location Description to use when certain, specified activities taking place somewhere outside of a state's coastal zone boundary would have reasonably foreseeable effects on state resources/uses of the coastal zone. To our knowledge, California's Coastal Management Program has not made use of the GLD tool, but an analysis of its efficacy

⁶ https://media.fisheries.noaa.gov/dam-migration/cemp_oct_2014_final.pdf

⁷ https://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.html

⁸ <https://www.law.uci.edu/centers/cleanr/news-pdfs/mpa-elr.pdf>

⁹ https://cacoastkeeper.org/wp-content/uploads/2023/06/CCKA-MWK_Point-Sur-ASBS-Nomination_Final_6.28.23.pdf

as a "spatial management measure" per the state's current 30x30 initiative warrants consideration.

- **Focus attention on SMMs that address threats in estuaries.** Estuarine habitats in California are an ideal habitat to pilot the approach, criteria and develop a rubric for identifying and evaluating SMMs. Estuary MPAs are not representative of the population of California estuaries, and were not established in any systematic, ecosystem-based manner. By applying the EMPA to all coastal estuaries (n=534) in California, we can identify priority sites, management actions and the policy framework needed to conserve these crucial ecosystems. The Central Coast Wetlands Group is collaborating with several NGO partners on a relevant proposal that will be submitted as part of the petition process with the Fish and Game Commission by November 30, 2023.
- **California Seabed Mining Prevention Act (AB 1832, 2022).** The State Lands Commission or a local trustee of granted public trust lands is now prohibited from issuing a lease or permit to extract or remove hard minerals from state waters subject to tidal influence, with certain exceptions, covering more than 2,500 square miles of seafloor. Please consider incorporating this into your SMMs inventory as part of a layered approach to meeting the 30x30 threshold.
- **Fisheries Management Areas (FMAs):**
 - **Evaluation of existing FMAs in California waters.** Conduct an in-depth and fine scale analysis of the stressors, regulations, conditions, and context of existing FMAs in California. This would allow identification of opportunities for modification (e.g., proffering durable protections, adding regulations to address location-specific or unmanaged stressors) of existing FMAs to contribute significantly to holistic biodiversity protection. However, we also recommend caution in this arena, as a concerning trend has started wherein governments and fishery management organizations are considering proposals to declare large areas of the ocean "conserved" even as they allow large-scale extractive activities such as fishing to continue.
 - **Evaluate layering of FMA protections which would meet SMMs definitions.** By working in collaboration with California Department of Fish and Wildlife (CDFW) and Pacific Fisheries Management Council (PFMC), a FMA working group could be created to identify layering of FMAs, together with any other necessary protections, that would meet the California 30x30 definition.
- **Restoration Areas** that help recovery of habitats and ecosystems, particularly from threats of coastal development and climate change, may be candidates for SMMs. To accomplish these, we propose a pilot study that examines the major types of coastal restoration areas within California including wetland, kelp forest, and other emerging studies to determine the feasibility of an area contributing to biodiversity conservation and meeting the criteria for SMMs designation.
- **Blue Carbon Ecosystems** such as tidal wetlands and seagrass meadows, when healthy and intact, sequester and store significant amounts of carbon relative to their spatial footprint. In addition to acting as a natural solution to climate change, blue carbon ecosystems provide myriad ecosystem services such as flood mitigation, shoreline protection, improved water quality, habitat for fish and wildlife, and localized amelioration of ocean acidification. Coastal wetlands also help to sustain local businesses, including commercial and recreational fisheries and tourism, and are vital for community well-being and culture. SMMs that effectively protect, manage, and/or restore blue carbon ecosystems should be given special consideration to help the State reach our climate goals.

California's coastal ecosystems are a critical ally in responding to climate change, reducing greenhouse gasses, and supporting biodiversity. These ecosystems, when healthy, provide these and a diverse set of additional ecosystem services that are essential for humans and marine wildlife.

We applaud OPC for leading this critical work and appreciate its recognition of the role that coastal habitats can and should play in California's efforts to fight climate change. Please ensure the SMMs Strategy, which is a critical part of the pathways to 30x30, actively engages with partners and stakeholders to leverage existing knowledge and learning from previous coastal ecosystems evaluation processes.

Thank you for your time and consideration of this important issue.

Sincerely,

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