

AMENDED IN SENATE AUGUST 24, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 993**

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**Introduced by Assembly Member Shelley**

February 25, 1999

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An act to add Chapter 10.5 (commencing with Section 2850) to Division 3 of the Fish and Game Code, relating to marine resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 993, as amended, Shelley. Marine resources: ~~Sea Marine Life Conservation~~ *Protection Act*.

(1) Existing law designates specified lands and ocean waters as marine life refuges and prohibits the taking of fish and other forms of aquatic life within those refuges, except as specified.

This bill would enact the ~~Sea Marine Life Conservation~~ *Protection Act*. The bill would require the Department of Fish and Game to prepare, or by contract cause to be prepared, a study report and other relevant analyses and recommendations to guide the siting process and the development of the ~~Sea Marine Life Conservation~~ *Protection Program* established by the bill. The bill would require the department to convene a ~~scientific study~~ *master plan* team to advise and assist in the preparation of ~~the study report~~ *a master plan*, as specified. The bill would require the department to submit a draft of the ~~study report~~ *master plan* to the commission on or before January 1, ~~2001~~ 2002, and the

final ~~study report~~ *master plan* on or before April 1, 2001 2002.  
The

~~The bill would require the department, on or before June July 1, 2001, to convene, in each biogeographical region, siting workshops, composed of —representatives of stakeholder groups with an interest in marine managed areas (MMAs) in that region, to develop options for siting sea life reserve networks. The bill would require the siting workshops to submit their options to the study team for evaluation on or before December 1, 2001, which would make an initial determination of adequacy on or before January 1, 2002, and complete its evaluations and submit them to the commission on or before March 1, 2002 interested parties, to review the alternatives for MPA networks and to provide advice on a preferred siting alternative.~~

~~The bill would require the commission, on or before May 1, 2002, after public hearings on a draft program plan, to adopt a Sea Life Conservation Program that would redesign and improve the management of California's MMA system. The goals of the plan would include, among other things, to ensure that California's MMAs have clearly defined objectives, effective management measures, and adequate enforcement. The bill would require the commission to submit the *master plan and program description* to the Joint Committee on Fisheries and Aquaculture for review and comment. The bill would require the commission to consider all recommendations submitted by the joint committee.~~

~~The bill would require the program to include an expanded sea marine life reserve component, as specified, and would define “sea “marine life reserve” as a marine managed protected area in which all extractive activities, including the taking of marine species, are prohibited.~~

~~The bill would authorize the department to enter into memoranda of understanding with appropriate public agencies to ensure implementation and enforcement of management measures to address threats to sea life and habitats in sea life reserves and other MMAs, including threats of water pollution.~~

~~The bill would prohibit the taking of a marine species in a sea marine life reserve for any purpose, except if taken under~~



a scientific collecting permit issued by the department, as specified. Because other existing law would make a violation of this provision a crime, the bill would impose a state-mandated local program.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department to pay all necessary expenses incurred in carrying out the Fish and Game Code and any other law for the protection and preservation of birds, mammals, reptiles, and fish, and to the commission to pay the compensation and expenses of the commissioners and employees of the commission.

This bill would make an appropriation by imposing new duties on the department and the commission payable from that fund.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 10.5 (commencing with  
2 Section 2850) is added to Division 3 of the Fish and Game  
3 Code, to read:

4  
5 CHAPTER 10.5. ~~SEA LIFE CONSERVATION~~ *MARINE LIFE*  
6 *PROTECTION ACT*  
7

8 2850. This chapter shall be known and may be cited  
9 as the ~~Sea Life Conservation~~ *Marine Life Protection Act*.

10 2851. The Legislature finds and declares all of the  
11 following:

12 (a) California’s marine ~~managed—areas—(MMAs)~~  
13 *protected areas (MPAs)* were established on a piecemeal  
14 basis rather than according to a coherent plan and sound  
15 scientific guidelines. Many of these ~~MMAs~~ *MPAs* lack



1 clearly defined purposes, effective management  
2 measures and enforcement. As a result, the ~~system array~~  
3 *of MPAs* creates the illusion of protection while falling far  
4 short of its potential to ~~conserve living marine resources~~  
5 *protect and conserve living marine life and habitat.*

6 (b) California's extraordinary marine biological  
7 diversity is a vital asset to the state and nation. The  
8 diversity of species and ecosystems found in the state's  
9 ocean waters is important to public health and  
10 well-being, ecological health, and ocean-dependent  
11 industry.

12 (c) Coastal development, water pollution, and other  
13 human activities threaten the health of marine habitat  
14 and the biological diversity found in California's ocean  
15 waters. New technologies and demands have encouraged  
16 the expansion of fishing and other activities to formerly  
17 inaccessible marine areas that once recharged nearby  
18 fisheries. As a result, ecosystems throughout the state's  
19 ocean waters are being altered, often at a rapid rate.

20 (d) Fish and other sea life are a sustainable resource,  
21 and fishing is an important community asset. ~~MMA~~  
22 *MPAs* and sound fishery management are  
23 complementary components of a comprehensive  
24 ~~approach effort~~ to sustain marine habitats and fisheries.

25 ~~(e) Because of the ad hoc and fragmented nature of~~  
26 ~~California's MMAs, and the growing pressure of human~~  
27 ~~activities on ocean resources, the current array of MMAs~~  
28 ~~must be reformed by improving its management,~~  
29 ~~revising MMAs, consolidating MMAs, and creating new~~  
30 ~~MMAs, including, but not limited to, creating new sea life~~  
31 ~~reserves.~~

32 ~~(f)~~

33 (e) Understanding of the impacts of human activities  
34 and the processes required to sustain the abundance and  
35 diversity of marine life is limited. The designation of  
36 certain areas as sea life reserves can help expand our  
37 knowledge by providing baseline information and  
38 improving our understanding of ecosystems where  
39 minimal disturbance occurs.

40 ~~(g) Sea~~



1 (f) *Marine* life reserves are an essential element of an  
 2 ~~MMA~~ *MPA* system because they protect habitat and  
 3 ecosystems, conserve biological diversity, provide a  
 4 sanctuary for fish and other sea life, enhance recreational  
 5 and educational opportunities, provide a reference point  
 6 against which scientists can measure changes elsewhere  
 7 in the marine environment, and may help rebuild  
 8 depleted fisheries.

9 ~~(h)~~

10 (g) For all of the above reasons, it is necessary to  
 11 modify the existing collection of ~~MMA~~ *MPAs* to ensure  
 12 that it is designed and managed according to clear,  
 13 conservation-based goals and guidelines and that it  
 14 includes more ~~sea~~ *marine* life reserves.

15 2852. The following definitions govern the  
 16 construction of this chapter:

17 (a) “Adaptive ~~management~~” *management*,” with  
 18 regard to marine protected areas, means a management  
 19 policy that seeks to improve management of biological  
 20 resources, particularly in areas of scientific uncertainty,  
 21 by ~~designing~~ *viewing* program actions as tools for  
 22 learning. Actions shall be designed and carried out as  
 23 experiments so that so that, even if they fail, they will  
 24 provide useful information for future actions, and  
 25 monitoring and evaluation shall be emphasized.

26 (b) “Area of Special Biological Significance” (ASBS) is  
 27 an ocean area into which the State Water Resources  
 28 Control Board, through its California Ocean Plan,  
 29 prohibits the discharge of waste.

30 (e) ~~emphasized~~ so that the interaction of different  
 31 elements within marine systems may be better  
 32 understood.

33 (b) “Biogeographical regions” refers to the following  
 34 oceanic or near shore areas, seaward of from the high tide  
 35 line or the mouth of coastal rivers, with distinctive  
 36 biological characteristics, unless the master plan team  
 37 establishes an alternative set of boundaries:

- 38 (1) The area extending south from Point Conception.
- 39 (2) The ~~central~~ *region* area between Point  
 40 Conception and ~~Cape Mendocino~~ *Point Arena*.



1 (3) The area extending north from ~~Cape Mendocino.~~

2 ~~(d) “MMA” means a marine managed area seaward of~~  
 3 ~~Point Arena.~~

4 (c) *“Marine protected area” (MPA) means a named,*  
 5 *discrete geographic marine or estuarine area seaward of*  
 6 *the high tide line or the mouth of a coastal river, including*  
 7 *any area of intertidal or subtidal terrain, together with its*  
 8 *overlying water and associated flora, fauna, and historical*  
 9 *and cultural features, that has been reserved by law or*  
 10 *other effective means to protect part or all of the enclosed*  
 11 *environment. MMAs include sea life reserves and areas*  
 12 *and fauna that has been designated by law, administrative*  
 13 *action, or voter initiative to protect or conserve marine*  
 14 *life and habitat. An MPA includes marine life reserves*  
 15 *and other areas that allow for specified commercial and*  
 16 *recreational activities, including fishing for certain*  
 17 *species but not others, fishing with certain practices but*  
 18 *not others, and kelp harvesting.*

19 ~~(e) “Sea life reserve” means a marine managed area~~  
 20 ~~kelp harvesting, provided that these activities are~~  
 21 ~~consistent with the objectives of the area and the goals~~  
 22 ~~and guidelines of this chapter. MPAs are primarily~~  
 23 ~~intended to protect or conserve marine life and habitat,~~  
 24 ~~and are therefore a subset of marine managed areas~~  
 25 ~~(MMAs), which are broader groups of named, discrete~~  
 26 ~~geographic areas along the coast that protect, conserve,~~  
 27 ~~or otherwise manage a variety of resources and uses,~~  
 28 ~~including living marine resources, cultural and historical~~  
 29 ~~resources, and recreational opportunities.~~

30 (d) *“Marine life reserve,” for the purposes of this*  
 31 *chapter, means a marine protected area in which all*  
 32 *extractive activities, including the taking of marine*  
 33 *species, are prohibited. ~~The area, while being~~ While, to*  
 34 *the extent feasible, the area shall be open to the public for*  
 35 *managed enjoyment and study, the area shall be*  
 36 *maintained to the extent practicable in an undisturbed*  
 37 *and unpolluted state.*

38 2853. (a) The Legislature finds and declares that  
 39 there is a need to reexamine and redesign California’s  
 40 ~~MMA system to increase its coherence and effectiveness.~~



1 *MPA system to increase its coherence and its*  
2 *effectiveness at protecting the state's marine life, habitat,*  
3 *and ecosystems.*

4 (b) To improve the design and management of that  
5 system, the commission, pursuant to Section 2859, shall  
6 adopt a ~~Sea-Life Conservation~~ *Marine Life Protection*  
7 Program, which shall have all of the following goals:

8 (1) To protect the natural diversity and abundance of  
9 *sea marine* life, and the structure, function, and integrity  
10 of marine ecosystems.

11 ~~(2) To ensure that California's MMAs have clearly~~  
12 ~~defined objectives, effective management measures, and~~  
13 ~~adequate enforcement.~~

14 ~~(3) To ensure that the state's MMAs are designed and~~  
15 ~~managed, to the extent possible, as a network.~~

16 ~~(4) To help rebuild depleted sea life populations and~~  
17 ~~sustain them.~~

18 ~~(5) To improve recreational, educational, and study~~  
19 ~~opportunities provided by marine ecosystems that are~~  
20 ~~subject to minimal human disturbance, and to manage~~  
21 ~~these uses in a manner consistent with protecting~~  
22 ~~biodiversity.~~

23 (2) *To help sustain, conserve, and protect marine life*  
24 *populations, including those of economic value, and*  
25 *rebuild those that are depleted.*

26 (3) *To improve recreational, educational, and study*  
27 *opportunities provided by marine ecosystems that are*  
28 *subject to minimal human disturbance, and to manage*  
29 *these uses in a manner consistent with protecting*  
30 *biodiversity.*

31 (4) *To protect marine natural heritage, including*  
32 *protection of representative and unique marine life*  
33 *habitats in California waters for their intrinsic value.*

34 (5) *To ensure that California's MPAs have clearly*  
35 *defined objectives, effective management measures, and*  
36 *adequate enforcement.*

37 (6) *To ensure that the state's MPAs are designed and*  
38 *managed, to the extent possible, as a network.*



1 (c) The program may include areas with various levels  
2 of protection, and shall include all of the following  
3 elements:

4 (1) An expanded *sea marine* life reserve component  
5 consistent with the guidelines in subdivision (c) of  
6 Section ~~2859~~ 2857.

7 (2) Specific identified objectives, and management  
8 and enforcement measures, for all ~~MMA~~ MPAs in the  
9 system.

10 (3) Provisions for monitoring, research, and  
11 evaluation at selected sites to facilitate adaptive  
12 management of ~~MMA~~ MPAs and ensure that the system  
13 meets the goals stated in the act.

14 (4) Provisions for educating the public about ~~MMA~~  
15 MPAs, and for administering and enforcing ~~MMA~~ MPAs  
16 in a manner that encourages public participation.

17 ~~(5) A petition process for the establishment of new~~

18 (5) *A process for the establishment, modification, or*  
19 *abolishment of new MPAs established pursuant to this*  
20 *program, that involves interested parties, consistent with*  
21 *paragraph (7) of subdivision (b) of Section 7050, and that*  
22 *facilitates the designation of MPAs consistent with the*  
23 *master plan adopted pursuant to Section 2855.*

24 *2854. Notwithstanding Section 7550.5 of the*  
25 *Government Code, the State Interagency Marine*  
26 *Managed Areas Workgroup established by the Resources*  
27 *Agency shall submit its final report to the Legislature and*  
28 *the commission by January 15, 2000. The workgroup shall,*  
29 *after appropriate consultation with members of the*  
30 *public, determine future actions for implementing the*  
31 *recommendations of its final report.*

32 *2855. (a) The commission shall adopt a master plan*  
33 *that guides the adoption and implementation of the*  
34 *program adopted pursuant to Section 2853 and decisions*  
35 *regarding the siting of new MPAs and major*  
36 *modifications of existing MPAs.*

37 *(b) (1) The department shall prepare, or by contract*  
38 *shall cause to be prepared, a master plan in accordance*  
39 *with this subdivision. In order to take full advantage of*  
40 *scientific expertise on MPAs, the department shall*



1 convene a master plan team to advise and assist in the  
2 preparation of the master plan, or hire a contractor with  
3 relevant expertise to assist in convening such a team.

4 (2) The team members convened pursuant to this  
5 subdivision shall have expertise in marine life protection  
6 and shall be knowledgeable about the use of protected  
7 areas as a management tool. The members shall also be  
8 familiar with underwater ecosystems found in California  
9 waters, with the biology and habitat requirements of  
10 major species groups in the state's marine waters, and  
11 with water quality and related issues.

12 (3) The team shall be composed of the following  
13 individuals:

14 (A) Staff from the department, the Department of  
15 Parks and Recreation, and the State Water Resources  
16 Control Board, to be designated by each of those  
17 departments.

18 (B) Five to seven members who shall be scientists, one  
19 of whom may have expertise in the economics and  
20 culture of California coastal communities.

21 (C) One member, appointed from a list prepared by  
22 Sea Grant marine advisers, who shall have direct  
23 expertise with ocean habitat and sea life in California  
24 marine waters.

25 (4) The department may engage other experts to  
26 contribute to the study, including scientists, geographic  
27 information system (GIS) experts, and commercial and  
28 recreational fishermen, divers, and other individuals  
29 knowledgeable about the state's underwater ecosystems,  
30 the history of fishing effort or MPA management, or other  
31 relevant subjects.

32 (c) The department and team, in carrying out this  
33 chapter, shall take into account relevant information  
34 from local communities, and shall solicit comments and  
35 advice for the master plan from interested parties on  
36 issues including, but not necessarily limited to, each of the  
37 following:

38 (1) Practical information on the marine environment  
39 and the relevant history of fishing and other resources



1 use, areas where fishing is currently prohibited, and  
2 water pollution in the state's coastal waters.

3 (2) Socioeconomic and environmental impacts of  
4 various alternatives.

5 (3) Design of monitoring and evaluation activities.

6 (4) Methods to encourage public participation in the  
7 stewardship of the state's MPAs.

8 2856. (a) (1) The department and team shall use the  
9 best readily available information in preparing the  
10 master plan adopted pursuant to Section 2855, and shall  
11 organize the location-specific contents, where feasible,  
12 by biogeographical region. In preparing the plan, the  
13 department and team shall use and build upon the  
14 findings of the Sea Grant survey of protected areas in  
15 California waters, which is entitled "California's Marine  
16 Protected Areas," the report of the State Interagency  
17 Marine Managed Areas Workgroup, the Department of  
18 Parks and Recreation's planning information and  
19 documents regarding existing and potential underwater  
20 parks and reserves, maps and other information from the  
21 department's marine nearshore ecosystem mapping  
22 project, and other relevant planning and scientific  
23 materials.

24 (2) The master plan shall include all of the following  
25 components:

26 (A) Recommendations for the types of habitat that  
27 should be represented in the MPA system and in marine  
28 life reserves. Habitat types described on maps shall  
29 include, to the extent possible using existing information,  
30 rocky reefs, intertidal zones, sandy or soft ocean bottoms,  
31 underwater pinnacles, sea mounts, kelp forests,  
32 submarine canyons, and seagrass beds.

33 (B) An identification of select species or groups of  
34 species likely to benefit from MPAs, and the extent of  
35 their marine habitat, with special attention to marine  
36 breeding and spawning grounds, and available  
37 information on oceanographic features, such as current  
38 patterns, upwelling zones, and other factors that  
39 significantly affect the distribution of those fish or  
40 shellfish and their larvae.



1 (C) Recommendations for changes in, or additions to,  
2 the guidelines in subdivision (c) of Section 2857, if  
3 necessary to ensure that the guidelines reflect the most  
4 up-to-date science, including, for example,  
5 recommendations regarding the minimum size of  
6 individual marine life reserves needed to accomplish the  
7 various goals set forth in Section 2853.

8 (D) Alternative networks of MPAs, including marine  
9 life reserves in each biogeographical region that are  
10 capable of achieving the goals in Section 2853 and  
11 designed according to the guidelines in subdivision (c) of  
12 Section 2857.

13 (E) A simplified classification system, which shall be  
14 consistent with the goals of Section 2853 and the  
15 guidelines in subdivision (c) of Section 2857, and which  
16 may include protections for specific habitats or species, if  
17 no system has already been developed.

18 (F) Recommendations for a preferred siting  
19 alternative for a network of MPAs that is consistent with  
20 the goals in Section 2853 and the guidelines in subdivision  
21 (c) of Section 2857.

22 (G) An analysis of the state's current MPAs, based on  
23 the preferred siting alternative, and recommendations as  
24 to whether any specific MPAs should be consolidated,  
25 expanded, abolished, reclassified, or managed differently  
26 so that, taken as a group, the MPAs best achieve the goals  
27 of Section 2853 and conform to the guidelines in  
28 subdivision (c) of Section 2857.

29 (H) Recommendations for monitoring, research, and  
30 evaluation in selected areas of the preferred alternative,  
31 including existing and long-established MPAs, to assist in  
32 adaptive management of the MPA network, taking into  
33 account existing and planned research and evaluation  
34 efforts.

35 (I) Recommendations for management and  
36 enforcement measures for the preferred alternative that  
37 apply systemwide or to specific types of sites and that  
38 would achieve the goals of this chapter.

39 (J) Recommendations for improving the effectiveness  
40 of enforcement practices, including, to the extent



1 practicable, the increased use of advanced technology  
2 surveillance systems.

3 (K) Recommendations for funding sources for MPA  
4 activities and the Marine Life Protection Program.

5 (b) The team shall, as necessary, further identify and  
6 define appropriate components of the master plan as soon  
7 as possible after enactment of this section.

8 2857. (a) On or before July 1, 2001, the department  
9 shall convene, in each biogeographical region and to the  
10 extent practicable near major working harbors, siting  
11 workshops, composed of interested parties, to review the  
12 alternatives for MPA networks and to provide advice on  
13 a preferred siting alternative. The department and team  
14 shall develop a preferred siting alternative that  
15 incorporates information and views provided by people  
16 who live in the area and other interested parties,  
17 including economic information, to the extent possible  
18 while maintaining consistency with the goals of Section  
19 2853 and guidelines in subdivision (c) of this section.

20 (b) The preferred alternative may include MPAs that  
21 will achieve either or both of the following objectives:

22 (1) Protection of habitat by prohibiting potentially  
23 damaging fishing practices.

24 (2) Enhancement of a particular species or group of  
25 species, by prohibiting or restricting fishing for that  
26 species or group within the MPA boundary.

27 (c) The preferred siting alternative shall include MPA  
28 networks with an expanded marine life reserve  
29 component, and shall be designed according to each of  
30 the following guidelines:

31 (1) Each MPA shall have identified goals and  
32 objectives. Individual MPAs may serve varied primary  
33 purposes while collectively achieving the overall goals  
34 and guidelines of this chapter.

35 (2) Marine life reserves in each bioregion shall  
36 encompass a representative variety of marine habitat  
37 types and communities, across a range of depths and  
38 environmental conditions.



1 (3) *Similar types of marine habitats and communities*  
2 *shall be replicated, to the extent possible, in more than*  
3 *one marine life reserve in each biogeographical region.*

4 (4) *The MPA network and individual MPAs shall be of*  
5 *adequate size, number, type of protection, and location*  
6 *to ensure that each MPA meets its objectives and that the*  
7 *network as a whole meets the goals and guidelines of this*  
8 *chapter.*

9 (d) *The department and team, in developing the*  
10 *preferred siting alternative, shall take into account the*  
11 *existence and location of commercial kelp beds.*

12 (e) *The department and team may provide*  
13 *recommendations for phasing in the new MPAs in the*  
14 *preferred siting alternative.*

15 2858. *In preparing the master plan, the department*  
16 *shall confer, to the extent feasible, with the commission,*  
17 *the Pacific Fishery Management Council, the National*  
18 *Marine Fisheries Service, the United States Navy, the*  
19 *United States Geological Survey's national biological*  
20 *survey, with staff from national marine sanctuaries off*  
21 *California, Sea Grant researchers, marine advisers, and*  
22 *state and national parks personnel.*

23 2859. (a) *On or before January 1, 2002, the*  
24 *department shall submit to the commission a draft of the*  
25 *master plan prepared pursuant to Sections 2854 to 2858,*  
26 *inclusive.*

27 (b) *On or before April 1, 2002, after public hearings*  
28 *and appropriate modifications of the draft plan, the*  
29 *department shall submit the final master plan to the*  
30 *commission. On or before July 1, 2002, the commission*  
31 *shall adopt a final plan and a program based on the plan*  
32 *adopted pursuant to Section 2853, and shall begin*  
33 *implementing the program, to the extent funds are*  
34 *available. The commission's adoption of the plan and a*  
35 *program based on the plan shall not trigger an additional*  
36 *review under the California Environmental Quality Act*  
37 *(Division 13 (commencing with Section 21000) of the*  
38 *Public Resources Code).*

39 (c) *Notwithstanding Section 7550.5 of the*  
40 *Government Code, upon the commission's adoption of*



1 *the program, the commission shall submit the master plan*  
2 *and program description, including marine life reserve*  
3 *and other MPA designations, to the Joint Committee on*  
4 *Fisheries and Aquaculture for review and comment.*  
5 *Upon receipt of the plan, the joint committee shall have*  
6 *60 days to review the plan and to submit written*  
7 *recommendations to the commission regarding the plan*  
8 *and program. The joint committee shall only submit a*  
9 *recommendation to the commission if a majority of the*  
10 *members agree to that recommendation. The*  
11 *commission shall consider all recommendations*  
12 *submitted by the joint committee, and may amend the*  
13 *program to incorporate the recommendations. If the*  
14 *commission does not incorporate any recommendations*  
15 *submitted by the joint committee, the commission shall*  
16 *set forth, in writing, its reasons for not incorporating that*  
17 *recommendation.*

18 2860. (a) *The commission may regulate commercial*  
19 *and recreational fishing and any other taking of marine*  
20 *species in MPAs.*

21 (b) *Notwithstanding any other provision of this code,*  
22 *the taking of a marine species in a marine life reserve is*  
23 *prohibited for any purpose, including recreational and*  
24 *commercial fishing, except that the commission may*  
25 *authorize the taking of a marine species for scientific*  
26 *purposes, consistent with the purposes of this chapter,*  
27 *under a scientific collecting permit issued by the*  
28 *department.*

29 2861. (a) *The commission shall, annually until the*  
30 *master plan is adopted and thereafter not more*  
31 *frequently than annually, receive, consider, and*  
32 *promptly act upon petitions from the department or any*  
33 *other interested party, favoring those petitions that are*  
34 *compatible with the goals and guidelines of this chapter.*

35 (b) *Nothing in this chapter shall restrict any existing*  
36 *authority of the department or the commission to make*  
37 *changes to improve the management or design of existing*  
38 *MPAs or designate new MPAs prior to the completion of*  
39 *the master plan. The commission may abbreviate the*  
40 *master plan process to account for equivalent activities*



1 *that have taken place before enactment of this chapter,*  
2 *providing that those activities are consistent with this*  
3 *chapter.*

4 2862. *The department, in evaluating proposed*  
5 *projects with potential adverse impacts on marine life*  
6 *and habitat in MPAs, shall take those impacts into account*  
7 *and avoid impacts that are inconsistent with the goals and*  
8 *guidelines of this chapter or the objectives of the MPA.*

9 2863. *The department shall confer as necessary with*  
10 *the United States Navy regarding issues related to its*  
11 *activities.*

12 *SEC. 2. No reimbursement is required by this act*  
13 *pursuant to Section 6 of Article XIII B of the California*  
14 *Constitution because the only costs that may be incurred*  
15 *by a local agency or school district will be incurred*  
16 *because this act creates a new crime or infraction,*  
17 *eliminates a crime or infraction, or changes the penalty*  
18 *for a crime or infraction, within the meaning of Section*  
19 *17556 of the Government Code, or changes the definition*  
20 *of a crime within the meaning of Section 6 of Article*  
21 *XIII B of the California Constitution.*

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**All matter omitted in this version of the  
bill appears in the bill as introduced in the  
Assembly February 25, 1999 (JR 11)**

