

## Outlook

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### Item 6. Informational and Action Items: Advancing 30×30 in Coastal Waters

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From Rebecca Schwartz Lesberg <rebecca@coastalpolycysolutions.com>

Date Tue 12/3/2024 12:15 PM

To CNRA COPC Public

📎 3 attachments (1 MB)

30x30 Policy Letter - Pew, CMSF, CPS.pdf; NGO Letter to OPC re Estuaries and Coastal 30x30.pdf; BEST 30x30 comments 10-2-24.pdf;

Good afternoon,

The three attached letters were submitted to OPC staff during the public comment period for the draft 30x30 Decision Making Framework in Coastal Waters, and we request that they be included in the board packet for the December 9 OPC meeting.

The three letters are generally focused on three themes:

1. Policy (from Pew Charitable Trusts, Coastal Policy Solutions, and the California Marine Sanctuary Foundation)
2. Science (from the workgroup Bay and Estuary Science Towards 30x30, aka BEST 30x30)
3. Community support (from a coalition of NGOs)

If you have any questions, please don't hesitate to reach out.

Sincerely,

Rebecca

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September 27, 2024

Jenn Eckerle, Deputy Secretary of Ocean and Coastal Policy  
Michael Esgro, Senior Biodiversity Program Manager & Tribal Liaison  
Abby Mohan and Anh Diep, 30 x 30 Program Managers  
30x30 Technical Advisory Panel  
California Ocean Protection Council (OPC)  
715 P Street, 20th Floor, Sacramento, CA 95814

## Re: Comments on OPC's 30x30 Draft Decision-Making Framework for Coastal Waters

Dear Deputy Secretary Eckerle, Council Members, 30x30 Program Managers, and Expert Panelists,

On behalf of the undersigned organizations, we thank you for the opportunity to comment on the Ocean Protection Council's (OPC) *30x30 Draft Decision-Making Framework for Coastal Waters* (Draft Framework). The process for durably conserving 30 percent of the state's lands and waters by 2030 is inherently complex, involving multiple disciplines and many voices. We commend OPC, under exacting budget constraints, for the public comment opportunity including engaging communities and sovereign governments whose economic vitality, recreation, residence, subsistence, and cultural well-being are linked to California's coastal waters.

We acknowledge and appreciate that OPC's Draft Framework aligns with several recommendations made in an October 23, 2023, letter submitted by the undersigned and additional organizations ("Comments on Spatial Management Measures (SMMs) Beyond MPAs and Sanctuaries Strategy").<sup>1</sup> We also acknowledge the many contexts within which OPC is doing this work: as a state conservation leader with global influence, against a backdrop of national 30x30 targets, and in concert with multiple connected California policy, management, and funding initiatives. California has an opportunity to set a precedent that other states and nations can follow as they seek to conserve our planet's threatened biodiversity. And within the state, OPC's Draft Framework overlaps with, and will likely influence the implementation of, multiple state agency strategic plans and goals.<sup>2,3,4,5,6,7</sup>

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<sup>1</sup> Public comment to OPC from Audubon California, Azul, California Marine Sanctuary Foundation, Wildcoast, Coastal Quest, Environmental Action Committee of West Marin, Heal the Bay, Natural Resource Defense Council, and The Pew Charitable Trusts, October 25, 2023: [https://www.pewtrusts.org/-/media/assets/2023/11/30x30\\_spatialmanagementmeasurestrategycommentletterfinal.pdf](https://www.pewtrusts.org/-/media/assets/2023/11/30x30_spatialmanagementmeasurestrategycommentletterfinal.pdf)

<sup>2</sup> California Natural Resources Agency, *Draft 2024 California Climate Adaptation Strategy*, May 2024, [https://climateresilience.ca.gov/overview/docs/20240514-Draft\\_CA\\_Climate\\_Adaptation\\_Strategy\\_2024.pdf](https://climateresilience.ca.gov/overview/docs/20240514-Draft_CA_Climate_Adaptation_Strategy_2024.pdf)

<sup>3</sup> California Natural Resources Agency, *California's Nature-Based Solutions Climate Targets*, April 2024, <https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Expanding-Nature-Based-Solutions/Californias-NBS-Climate-Targets-2024.pdf>

<sup>4</sup> California Air Resources Board, *Final 2022 Scoping Plan Update – Achieving Carbon Neutrality by 2045*, December 2022, <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>

<sup>5</sup> California Sea Level Rise Science Task Force, California Ocean Protection Council, California Ocean Science Trust, *The State of California Sea Level Rise Guidance: 2024 Science and Policy Update*, December 2022, <https://opc.ca.gov/wp-content/uploads/2024/05/California-Sea-Level-Rise-Guidance-2024-508.pdf>

<sup>6</sup> CA Ocean Protection Council, *Strategic Plan to Protect California's Coast and Ocean 2020-2025*, February 2020, [https://opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20200226/OPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf](https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20200226/OPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf)

<sup>7</sup> CA Ocean Protection Council, Discussion Item: Council Priorities and Process to Inform OPC's 2026-2023 Strategic Plan, August 2024, <https://opc.ca.gov/wp-content/uploads/2024/08/Item-5-Strategic-Plan-Discussion-508.pdf>

Our comments focus on how the Framework will apply to, and provide adequate conservation of, the state's bays, estuaries, and other coastal wetlands (which we will collectively refer to as "estuaries" in this letter). Estuaries, with their diverse habitats including tidal wetlands and marshes, mudflats and seagrass meadows, are immensely valuable ecosystems.<sup>8</sup> These areas link the state's diverse landscapes, famed forests, and rivers with ocean waters and sustain marine wildlife, including salmon, seabirds, Dungeness crab, oysters, and forage fish. These, in turn, support Tribal Nations and California's economy by providing nurseries and feeding and breeding grounds that are vital to subsistence, recreational and commercial fisheries. Native vegetation and habitats in estuaries also help reduce the effects of climate change by storing greenhouse gases, lessening the effects of ocean acidification, and safeguarding people from more intense and frequent storms and floods. Estuarine health, therefore, has implications for California's coastal waters, including the state's marine protected area network and fisheries, as well as land-based decision-making.

The Baylands and Estuary Science Towards (BEST) 30 x 30 workgroup was convened by our organizations and includes scientists and practitioners with expertise in California estuaries. This group recently identified sea level rise, impaired water quality, and continuing impacts from historically altered hydrology – including dikes, dams and other diversions – as the most significant threats facing estuaries.<sup>9</sup> These experts also note that managing and mitigating each of these threats to estuaries requires both marine and land-based management considerations and interventions, and that these considerations and interventions must be reasonably certain to occur before any area can achieve California "30x30 Conserved Area" status, which the state defines as "*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.*"<sup>10</sup>

Below we provide three high level comments followed by 9 specific recommendations. Recognizing that OPC aims to approve a final Framework before the end of the calendar year, our recommendations are split into two groups: 1) recommendations for updates to the existing Draft Framework, and 2) recommendations for next steps in implementing the Framework to durably conserve California's estuary habitats.

## **Comments**

### **Comment 1: Protection and management tools must address the greatest threats for an area to be considered conserved.**

The Draft Framework's use of the Marine Protected Area (MPA) Guide and IUCN Site Tool provides an excellent starting point to develop criteria for "30x30 Conservation Areas." However, these tools require modification to be successfully applied to California's bays, estuaries, and coastal wetlands to ensure the assessment identifies major threats and the efficacy of existing protections to mitigate them. Without modification, OPC risks accepting a managed area as conserved when existing protections do not mitigate a site's major threats.

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<sup>8</sup> Merrifield, M.S., Hines, E., Liu, X. and Beck, M.W. (2011). Building Regional Threat-Based Networks for Estuaries in the Western United States. PlosOne. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0017407#pone-0017407-g003>

<sup>9</sup> Personal communication (2024) with estuary experts who are members of the Baylands and Estuary Science Towards (BEST) 30x30 Workgroup.

<sup>10</sup> California Natural Resources Agency, Pathways to 30x30: Accelerating conservation of California's nature. April 22, 2022. [https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final\\_Pathwaysto30x30\\_042022\\_508.pdf](https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf)

In California, many estuaries are “protected” through a range of measures including estuarine MPAs, State Parks, State Ecological Reserves and Wildlife Areas, University of California Natural Reserve System, National Wildlife Refuges, and National Estuarine Research Reserves, but many are not adequately conserved by these existing tools given the absence of scope, authority, or funding to pursue a threats-based lens to management and mitigation. For example, California's 23 marine protected areas in estuaries, known as EMPAs, are designations designed primarily to address the non-Tribal injury, damage, take, or possession of living, geological, or cultural marine resources.<sup>11</sup> While these are important impacts to manage in California’s coastal waters, this protection and management structure is not designed to address the aforementioned estuary threats: sea level rise, impaired water quality, and continuing impacts from historically altered hydrology.

The MPA Guide is technically applicable to any site that meets the IUCN definition of a marine “protected area,”<sup>12</sup> however, the managed activities used in the Guide to assess the level of protection must be localized to California, particularly for estuarine habitats and threats. The IUCN Site Tool goes further in testing whether a site’s biodiversity can be expected to be conserved over the long term (by focusing on expected outcomes, rather than allowed activities). However, it was not designed to be applied to protected areas, and thus screens them out, and it does not include explicit considerations for sea level rise impacts. We support the potential continued use of the IUCN Site Tool, if additional guidance is incorporated for bays, estuaries and coastal wetlands (see recommendations 2, 3 and 8).

**Comment 2: The Draft Framework is missing adequate steps to achieve the biodiversity, access, and climate resilience goals outlined in *Pathways to 30x30* and a clear process for conducting and adopting the results of the Framework’s analysis.**

For reference, the 2022 *Pathways to 30x30* document lists a series of priorities for protecting and restoring biodiversity, including:

1. “Ensure conservation of habitats that represent the full diversity of California’s ecosystems, especially rare or remnant habitat types.
2. Protect areas that are adjacent or linked to existing conserved areas to support large, interconnected watersheds and seascapes.
3. Restore degraded habitats, especially for rare ecosystems and wetlands.”<sup>13</sup>

The Draft Framework lacks a clear identification and decision-making process to ensure a proportional representation of the diversity of habitat types and adequate connectivity across land/seascapes. This will become critical to determine when California has met its 30x30 target. For example, after the state has assessed which existing managed and protected areas count, what is the process for prioritizing which additional areas to focus on to reach the 30x30 goal? Without a way to ensure adequate representation and connectivity, California risks failing to protect broader biodiversity and build long term resilience in

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<sup>11</sup> California Department of Fish and Wildlife. (2016). California Marine Life Protection Act Master Plan for Marine Protected Areas. Adopted by the California Fish and Game Commission on August 24, 2016. Retrieved from [www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan](http://www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan)

<sup>12</sup> International Union for Conservation of Nature (IUCN) definition of Protected Area: “A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.” See Dudley, N. (Editor) (2008). Guidelines for Applying Protected Area Management Categories. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., P. Shadie and N. Dudley (2013). IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types, Best Practice Protected Area Guidelines Series No. 21, Gland, Switzerland: IUCN. xpp. <https://portals.iucn.org/library/sites/library/files/documents/PAG-021.pdf>

<sup>13</sup> California Natural Resources Agency, Pathways to 30x30 California: Accelerating Conservation of California’s Nature, 2022. [https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final\\_Pathwaysto30x30\\_042022\\_508.pdf](https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf)

coastal waters at appropriate scales. We recognize that OPC staff may already be thinking in this manner, but the concept and its application should be articulated as part of the Framework's implementation.

**Comment 3: Many policies and management practices designed to protect estuaries, and other coastal waters are not implemented or enforced.**

Without proper implementation and enforcement of protections, conservation outcomes are unlikely to be achieved. California should not adopt areas as "conserved" for places where protective policies are not adequately implemented. A 2018 study, "Improving Water Quality and Ecosystem Health in California's Marine Managed Areas" found that Areas of Special Biological Significance (ASBSs) are an example of a protection that is not adequately enforced and additionally, that exemptions render them ineffective.<sup>14</sup>

Another important consideration is that now and over the coming decades, natural resource managers will have to anticipate, respond to, and comprehensively manage for the conditions that a changing climate will bring to the natural and cultural resources they steward. Many resource management plans currently rely on traditional forecast planning based on static environmental conditions which are unlikely to persist over time. What people and the environment need instead are innovative, collaborative approaches to incorporate effects of changing climate conditions into natural resource management. Doing so will allow for adaptation actions that contribute to resilient ecosystems and communities.

## **Recommendations**

**Recommendation 1: Given the land-sea interface of estuary ecosystems, the California Natural Resources Agency should conduct an assessment of estuarine areas as meeting the definition of a "conserved area" within a single, formal 30x30 process, not split across the two coastal waters and land processes.** Experts recommend that conservation planning in the coastal zone incorporates assessments of land and sea-based threats.<sup>15</sup> Implementation of a single process will help to ensure conservation areas are identified and prioritized to support landscape-scale benefits necessary to meet the challenges of protecting these systems. National Estuarine Research Reserves and the National Estuary Program (NEP) may be a helpful collaborator on this front. NEP areas have been shown to have great efficiencies in collaborative conservation as compared to those outside the program.<sup>16,17</sup>

### ***A. Recommendations for updates to the existing Draft Framework***

**Recommendation 2: Use the IUCN Site Tool for assessing estuary managed areas, including those areas considered as "protected" areas, and modify it to consider sea level rise as a threat to achieving durable outcomes (per recommendation 3).** The MPA Guide is not suitable for estuaries without inserting an additional, estuarine-specific activity screen. After the Framework is finalized, develop additional guidance for the IUCN Site Tool per recommendation 9 below.

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<sup>14</sup> Taylor, E., Talavera, S. and Camacho, A.E., 2018. Improving Water Quality and Ecosystem Health in California's Marine Managed Areas. *Envtl. L. Rep. News & Analysis*, 48, p.10818. <https://www.law.uci.edu/centers/cleanr/news-pdfs/mpa-elr.pdf>

<sup>15</sup> Merrifield, M.S., Hines, E., Liu, X. and Beck, M.W. (2011). Building Regional Threat-Based Networks for Estuaries in the Western United States. *PlosOne*. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0017407#pone-0017407-g003>

<sup>16</sup> Schneider, M., Scholz, J., Lubell, M., Mindruta, D. and Edwardsen, M. (2003), Building Consensual Institutions: Networks and the National Estuary Program. *American Journal of Political Science*, 47: 143-158. <https://doi.org/10.1111/1540-5907.00010>

<sup>17</sup> California has four such NEP sites: San Francisco, Santa Monica Bay, Morro Bay, and San Diego Bay. See Environmental Protection Agency, Individual Estuary Program Websites, accessed 9/20/24: <https://www.epa.gov/nep/individual-estuary-program-websites>

**Recommendation 3: Define and operationalize key concepts like “durable/durably” and “managed” by incorporating best available science, knowledge, and policy around present and future sea level rise when assessing for the broader concept of “conserved”.** Guidance on Criterion 6 of the IUCN Site Tool recommends that the presence of pressures “beyond the control of the governing and managing authority (such as climate change and sea level rise) does not exclude a site from being identified as an OECM.”<sup>18</sup> However, protected nearshore habitat cannot persist without room to migrate (for example, due to existing hard infrastructure or other development), and these areas should not be considered durably conserved and not counted towards 30x30 if upland migration areas are not (yet) secured. Planning should consider sea level rise projections out to at least 2100 to determine whether space is available for the landward migration of coastal habitats.<sup>19</sup> OPC and relevant state agencies can make good use of science and multi-jurisdictional collaboration already occurring with respect to sea level rise to ensure buffer areas that allow migration for nearshore/coastal habitats are included in areas that count towards the state’s 30x30 goal.

**Recommendation 4: Update the Draft Framework to include steps for evaluating enforcement quality.** This could include updating the Framework to include a process for evaluating the suite of other so-called “enabling conditions” described in the MPA Guide as, “prerequisite for durable, effective MPAs.”<sup>20</sup>

**Recommendation 5: The Draft Framework provides for a decision on whether an area counts as conserved to be a yes/no binary. Given the need for prioritization of investments to achieve additional conserved areas, there should be a third option of “candidate conserved area”.** Candidate areas would be places where some level of protection exists, but either existing regulation must be adjusted, or enforcement issues rectified, for an area to count as conserved.

#### *B. Recommendations for next steps in implementing the Framework*

**Recommendation 6: Develop a process for implementing the Framework and open a second public comment period to review this process. Provide additional guidance per the recommendations below prior to presenting this process to the OPC Council for adoption.** This should include:

1. **A transparent and collaborative process for analyzing managed areas that includes analyses for each site (or zones within a site), using the final Framework.** OPC can continue its community engagement by conducting analyses in collaboration with local stakeholders using local data, including scientific and monitoring data for a site, Indigenous knowledge, and experience of local natural resource managers. As included in Recommendation 8 from our October 25 letter, this site-by-site analysis should address whether threats and stressors for the site are addressed by existing area-based management measures and what conservation outcomes can reasonably be expected.
2. **Specific and measurable criteria for determining whether an existing site meets priorities for Biodiversity, Climate, and Access.** The Draft Framework outlines a decision-making framework

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<sup>18</sup> International Union for Conservation of Nature (IUCN) Site-level tool for identifying other effective area-based conservation measures (OECMs), August 2023. <https://portals.iucn.org/library/node/51296>

<sup>19</sup> California Sea Level Rise Science Task Force, California Ocean Protection Council, California Ocean Science Trust, *The State of California Sea Level Rise Guidance: 2024 Science and Policy Update*, December 2022, <https://opc.ca.gov/wp-content/uploads/2024/05/California-Sea-Level-Rise-Guidance-2024-508.pdf>

<sup>20</sup> Grorud-Colvert, K., et al. (2021). The MPA Guide: A framework to achieve global goals for the ocean. Science. <https://doi.org/10.1126/science.abf0861> Expanded Guidance: Level of Protection Version 2 (December 2021).

for evaluating a site's level of protection. However, the Draft Framework does not include details for how biodiversity, climate resilience, and access will be evaluated. While the Draft Framework released on June 4 states, "additional guidance is anticipated to be available for review during the public comment period and regional workshop series," as of September 25 no additional guidance on these important considerations. is available for public review. This guidance should include criteria for protecting 30% of California's estuaries, ensuring proportionate representation of estuary types (e.g., bays, lagoons, intermittently open estuaries, bar-built estuaries, etc.) and across the state's geography (e.g., North, Central, San Francisco Bay and Sacramento Delta, and Southern coast regions).

- 3. A process for identifying, prioritizing and evaluating potential future 30x30 Conservation Areas.** The Draft Framework currently reads, "In addition to identifying existing 30x30 Conservation Areas in coastal waters, moving forward, this proposed decision-making framework and process will support identification of potential new conservation measures..." As currently constructed, the Draft Framework is designed to evaluate sites that are already contributing to the state's goal of conserving 30% of coastal waters (i.e., the places that are already conserved on the landscape). It is not clear how the Draft Framework would apply to future conservation measures (i.e., the policies and programs that would need expansion to deliver additional on-the-ground conservation outcomes).

The State Water Quality Protection Area - Area of Special Biological Significance (SWQPA - ASBS) program, designed to protect water quality in priority coastal habitats, is an intriguing measure which, if reformed, could help solidify a core conservation component that contributes to estuary health and could support the state's 30x30 goal. To increase their effectiveness in delivering conservation outcomes, this program needs upgrades to its standards and enforcement. Taylor et al. (2018)<sup>21</sup> provides a detailed analysis of opportunities for reform that could serve as a starting point. ASBSs need strengthening in terms of how they enforce limits on non-point source pollution, a significant stressor to water quality in California's bays and estuaries. This would likely need to be accomplished in conjunction with other policies that limit the kinds of activities permissible along the California coast, like Coastal Development Permits and Local Coastal Programs. OPC should coordinate with all the state's Trustee Agencies:<sup>22</sup> California Department of Fish and Wildlife, State Lands Commission, State Department of Parks and Recreation, and the University of California Natural Reserves system as these agencies may have ideas on ways to strengthen policies and protections needed to achieve CA's definition of "conserved" and may have ideas on prioritization for future sites.

**Recommendation 7: Identify a strategy to implement a layered approach for meeting the definition of "conserved", which may surface opportunities for new candidate sites (Recommendation 5) and policy changes needed for new 30x30 Conservation Areas.** An individual area-based management measure or protection in isolation may not durably protect an area's biodiversity because it fails to address the biggest threats to that place; for example, when a stressor occurs outside the boundary of the protected area. However, layering or integrating additional protections onto existing protected areas that do not yet meet the definition of "conserved" may provide an efficient and effective method to achieve long term biodiversity conservation of additional acreage along the California coast. This layered

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<sup>21</sup> Taylor, E., Talavera, S. and Camacho, A.E., 2018. Improving Water Quality and Ecosystem Health in California's Marine Managed Areas. *Envtl. L. Rep. News & Analysis*, 48, p.10818. <https://www.law.uci.edu/centers/cleanr/news-pdfs/mpa-elr.pdf>

<sup>22</sup> California Environmental Quality Act - Cal. Code Regs. tit. 14 § 15386 - Regarding "Trustee Agency" - accessed August 23, 2024: <https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-20-definitions/section-15386-trustee-agency>



approach may also have value for scenarios where California is collaborating, co-governing, or co-managing a discrete area with Tribal Nations.

*A real-world layered-conservation example from Florida:* the state's Department of Environmental Protection applies an anti-degradation designation, Outstanding Florida Waters (OFW), by rule to waters in many federally or state conserved and protected areas including Florida's Aquatic Preserves.<sup>23</sup> By automatically layering additional protections like OFWs to coastal protected areas, it ensures that these areas can adhere to a high level of protection while synchronizing and reinforcing the goals of multiple jurisdictions.

*Potential layered-conservation scenario for California:* an existing estuary MPA may not qualify when held to the standards of the ecosystem functionality due to impacts from water quality impairments not addressed by a conservation tool that primarily limits fishing effort. However, if that estuary MPA or other area-based designation can be paired with a water quality protection, such as, State Water Quality Protection Area - Area of Special Biological Significance (SWQPA – ASBS) designation that is appropriately enforced, that site may qualify.

**Recommendation 8: Seek guidance from estuary experts to augment the IUCN Site Tool with California-specific guidance that includes criteria that assess all major threats.** This could include crafting a Technical Note or additional guidance on criteria. Examples include the Technical Note created for marine Other Effective area-based Conservation Measures (OECMs)<sup>24</sup> and the regional guidance created by The Baltic Marine Environment Protection Commission – also known as the Helsinki Commission (HELCOM) Working Group on Ecosystem-based Sustainable Fisheries.<sup>25</sup> The additional guidance should advise users how to incorporate estuary-specific criteria into the process. To identify criteria and guidance that align with existing policy and practice in the state, we recommend building upon existing efforts such as OPC's Establishing Science-based Indicators for California's Oceans and Coasts,<sup>26</sup> the California Estuary and Wetland Monitoring Workgroups,<sup>27</sup> and NOAA's Integrated Ecosystem Assessment.<sup>28</sup>

**Recommendation 9: Ensure climate-ready management plans are in place for all conserved and candidate areas that are funded and require shared priorities and coordination across agencies with jurisdiction over specific areas.** From a review of scientific literature and state and federal agency documents over the last decade, the Pew Charitable Trusts' U.S. Conservation program has identified useful concepts and planning actions for climate-informed adaptation in natural resource management

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<sup>23</sup> Florida: 62-302.700 – Florida Administrative Code (F.A.C.), December 2006, Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters <https://www.flrules.org/gateway/RuleNo.asp?id=62-302.700>

<sup>24</sup> Woodley, S. 2024. Frequently Asked Questions on Establishing Marine OECMs under the Convention on Biological Diversity. International Union for Conservation of Nature (IUCN) Technical Note: <https://iucn.org/resources/other-brief/iucn-wcpa-technical-note-12-faqs-establishing-marine-oecms-under-cbd>

<sup>25</sup> HELCOM, the Convention on the Protection of the Marine Environment of the Baltic Sea Area, (2023), *Regional common understanding of the CBD criteria for Other Effective Area-based Conservation Measures (OECMs)*: <https://helcom.fi/wp-content/uploads/2023/06/Regional-common-understanding-of-the-OECM-criteria-and-potential-OECM-identification-tree.pdf>

<sup>26</sup> Ocean Protection Council Science Advisory Team, California Ocean Protection Council, California Ocean Science Trust, 2024, *Establishing Science-based Indicators for California's Oceans and Coasts*. <https://opc.ca.gov/wp-content/uploads/2024/02/SAT-Indicators-Recommendations-Report-January-2024-508.pdf>

<sup>27</sup> California Estuary Monitoring Workgroup, accessed 9/23/24: [https://www.mywaterquality.ca.gov/monitoring\\_council/estuary\\_workgroup/](https://www.mywaterquality.ca.gov/monitoring_council/estuary_workgroup/)

<sup>28</sup> NOAA's Integrated Ecosystem Assessment (IEA) - accessed 9-6-2024: <https://www.integratedecosystemassessment.noaa.gov/about-iea/iea-approach>



and integrated those into five interrelated principles.<sup>29</sup> Taken together, these five principles can help resource managers successfully navigate the challenges of a changing environment. The principles are:

1. **Climate Impact Evaluation:** Assess present and future environmental impacts on communities and their natural and cultural resources. Assessment can involve scenario planning, predictive modelling, or vulnerability assessments, as well as braiding together of Traditional Knowledge with western science. Impact evaluations help communities, natural resource managers, and decision-makers prioritize investments and plan solutions for multiple uncertain future outcomes.
2. **Responsive Goals and Strategies:** Set goals and strategies responsive to impact evaluation findings, including clear, tangible outcomes along with specific actions to measure success. Approaches should be designed to resist or adapt to different climate threats and other identified stressors.
3. **Systematic Monitoring:** Set up protocols and methods for what, when, and how to measure change and progress. Systematic monitoring with appropriate scheduling, standardized methods, and dedicated funding and staffing, can help assure the effectiveness of management actions and reveal how changing environments impact resources over time.
4. **Adaptive Management:** Follow a scheduled process for re-evaluating and adjusting actions when new information from systematic monitoring, local knowledge, and other variables show that management is not achieving desired outcomes or that the original goal is no longer feasible.
5. **Collaborative Planning with Indigenous People and Vulnerable Communities:** Engage and potentially share decision-making with sovereign Tribal Nations, Indigenous People, vulnerable communities, and others, and consider Traditional Knowledge as well as lived experience and expertise.

Because of the patchwork of agencies and protective policies that manage estuary systems, management priorities can differ at a single location. We recommend establishing landscape scale plans that align priorities across agencies to improve the efficiency and effectiveness of management. A great example includes The San Francisco Bay Estuary Blueprint.<sup>30</sup>

With respect to co-management between the State of California and area Tribal Nations, we respect the government-to-government negotiations and encourage consideration of this climate-ready frame. The newly designated IMSA may provide an opportunity to pilot a novel approach to climate-ready management with Tribal Nations at the center of determining the future of their ancestral lands and waters.

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<sup>29</sup> The Pew Charitable Trusts - U.S. Conservation project, 2024. Climate Ready Management Plans (CRMP): Principles and Key Elements of Managing Natural Resources in the Face of Climate Change (white paper).

<https://drive.google.com/file/d/1UuD7Kkntone5fuuR8AxcM2EgtXC5ZYHA/view?usp=sharing>

<sup>30</sup> San Francisco Estuary Partnership, 2022: *San Francisco Estuary Blueprint*,

<https://storymaps.arcgis.com/stories/d06990817bde4eb5b185881ad2ab9545> Story map: <https://sfestuary.org/estuary-blueprint-2022-update>

## **Conclusion**

We thank OPC staff for the considerable effort that has gone into the series of place-based workshops and online webinars that provided multiple opportunities for stakeholders to engage in this process. We recognize that such outreach is costly in terms of both time and money, and we applaud you for dedicating resources to these efforts.

As OPC has made clear, estuaries and coastal wetlands are crucial to our state's climate resilience, biodiversity, and cultural heritage. In addition to helping achieve 30x30 goals, conservation of these important habitats will also help OPC achieve its target of protecting, restoring, and creating 10,000 acres of coastal wetlands, as well as implementing goals for wetlands and seagrasses included in California's Nature-Based Solutions Climate Targets.<sup>31</sup>

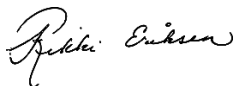
By incorporating our recommendations above into the Framework and associated planning and decision-making, we believe California will lean into its conservation leadership and innovator status and set a high bar for the world that people and their environments need now and into the future. Conversely, the absence of these needed changes and considerations may risk the state taking a path that does not adequately meet the moment on our biodiversity and climate change challenges.

We again recognize the complex nature of this decision-making process and seek to be partners as this process moves forward. We welcome further dialogue and thank you for your time, consideration, and leadership on this crucial work.

Sincerely,



Jos Hill  
Project Director  
The Pew Charitable Trusts



Rikki Eriksen  
Marine Ecologist  
California Marine Sanctuary  
Foundation



Rebecca Schwartz Lesberg  
President  
Coastal Policy Solutions

Cc:

Wade Crowfoot, Secretary - California Natural Resources Agency  
Amanda Hansen, Deputy Secretary for Climate Change - California Natural Resources Agency  
Meghan Hertel, Deputy Secretary, Biodiversity and Habitat - California Natural Resources Agency  
Jenn Phillips, Assistant Secretary for Climate Change - California Natural Resources Agency

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<sup>31</sup> California Natural Resources Agency, *California's Nature-Based Solutions Climate Targets*, April 22, 2024, <https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Expanding-Nature-Based-Solutions/Californias-NBS-Climate-Targets-2024.pdf>

October 2, 2024

Jenn Eckerle, Deputy Secretary of Ocean and Coastal Policy  
Abby Mohan and Anh Diep, 30 x 30 Program Managers  
30x30 Scientific Advisory Expert Panelists  
California Ocean Protection Council (OPC)  
715 P Street, 20th Floor  
Sacramento, CA 95814

Re: OPC's 30x30 Draft Decision-Making Framework for Coastal Waters

Dear Deputy Secretary Eckerle, 30x30 Program Managers, and Expert Panelists,

Thank you for the opportunity to comment on OPC's draft Decision-Making Framework for Coastal Waters ("draft Framework"), released on June 4, 2024. We applaud OPC's leadership in the state's efforts to conserve 30% of coastal waters by 2030 and appreciate your extensive, thoughtful approach to seeking public input on the draft Framework.

The following comments were developed based on input from a workgroup called Bay and Estuary Science Toward 30x30, or BEST 30x30. This group is coordinated by the Pew Charitable Trusts and its partner Coastal Policy Solutions to provide expert scientific advice to help ensure bays, estuaries, and other coastal wetlands in California are durably protected as part of California's 30x30 Initiative. Members of BEST 30x30 who contributed to the following comments are listed at the end of this letter, but note that these comments do not necessarily reflect the official positions of their respective institutions.

## Introduction

As described on OPC's website, the draft Framework is meant to, "translate policy objectives for 30x30 Conservation Areas – protecting biodiversity, expanding access to nature, and building climate resilience – into **objective, transparent, science-based criteria**<sup>1</sup>." This letter, which is the result of the BEST 30x30 working group's effort over the past several months, focuses on those criteria as they relate to bays, estuaries, and other coastal wetland ecosystems in California (referred to collectively as "estuaries" for the remainder of this letter). These ecosystems are some of the most vulnerable places along our coast to the impacts of anthropogenic activity in California, including urban development, water resource management, habitat fragmentation, and the myriad effects of climate change<sup>2,3,4,5</sup>.

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<sup>1</sup> OPC's draft framework announcement website, accessed 8-26-24:

<https://opc.ca.gov/2024/06/30x30-draft-decision-making-framework-for-coastal-waters-public-comment-period-and-regional-workshops/>. Emphasis added.

<sup>2</sup> Kennish, M. J. (2002). Environmental threats and environmental future of estuaries. *Environmental conservation*, 29(1), 78-107.

<sup>3</sup> Merrifield, M. S., Hines, E., Liu, X., & Beck, M. W. (2011). Building regional threat-based networks for estuaries in the Western United States. *PLoS One*, 6(2), e17407.

<sup>4</sup> Brophy, L. S., Greene, C. M., Hare, V. C., Holycross, B., Lanier, A., Heady, W. N., ... & Dana, R. (2019). Insights into estuary habitat loss in the western United States using a new method for mapping maximum extent of tidal wetlands. *PLoS one*, 14(8), e0218558.

<sup>5</sup> Gillanders, B. M., McMillan, M. N., Reis-Santos, P., Baumgartner, L. J., Brown, L. R., Conallin, J., ... & Wibowo, A. (2022). Climate change and fishes in estuaries. *Fish and fisheries in estuaries: A global perspective*, 1, 380-457.

Because they exist at, and span, the boundary between land and sea, California’s estuaries also risk being inadequately protected by policies focused exclusively on either land or coastal waters.

Before delving into the specific comments, we would like to recognize and express our appreciation for the extensive effort that went into developing this draft Framework and believe OPC is likely on the right track. However, as currently described, **the draft Framework does not set forth a set of criteria that would adequately and durably conserve bays, coastal wetlands, and other estuary ecosystems in California.** Therefore, we request that our comments not be incorporated into a final product outright. Instead, we strongly request an iterative process where at least one more draft of the Framework is made available for public input before a final version is brought to the full Council for adoption.

The rest of this letter is laid out in two parts:

- I. High-level comments and overarching concerns
- II. Suggested changes to how OPC applies the MPA Guide and the IUCN Site Tool to bays, estuaries, and other coastal wetlands

## I. High-level comments and overarching concerns

### 1. **The tools proposed for use by the draft Framework do not address the main threats facing the long-term conservation of biodiversity in California’s estuaries**

The draft Framework proposes to use two existing international tools, the MPA Guide and the IUCN Site-Level Tool For Identifying OECMs (the “IUCN Site Tool”), to determine whether a site will be designated as a “30x30 Conservation Area.” While these tools reflect laudable international efforts at standardizing processes for identifying and understanding biodiversity conservation, they fall short of capturing the issues facing estuaries in California. The tools serve as good starting points for OPC’s draft Framework, but must be adapted if they are to be used in this context.

The primary factors that negatively impact the distribution, abundance, and condition of coastal and estuarine ecosystems in California are:

- Hydrologic modification of estuaries and the watersheds that feed them
- Habitat fragmentation due to the construction of urban development, transportation, utilities, and associated infrastructure
- Point and nonpoint source discharges that decrease water quality
- Climate change, which is increasing sea levels, changing patterns of watershed runoff, and increasing air and water temperatures
- Non-native species that displace native and special-status species

Many coastal and estuarine ecosystems are cumulatively impacted by these factors, yet the MPA Guide and IUCN Site Tool do not include criteria that allow for their assessment. The MPA Guide only looks at seven activities to evaluate level of protection: mining, dredging and dumping, anchoring, infrastructure, aquaculture, fishing, and non-extractive activities (like snorkeling, cultural activities, wildlife viewing, etc.). In many of California’s bays and estuaries, these are not what threaten the functionality of the site’s ecosystem. Therefore, if the draft Framework were applied as-is, a site may count as “conserved” even if long-term biodiversity is not protected.

For example, according to the draft Framework, the MPA Guide would be the tool used to evaluate the Moro Cojo Slough State Marine Reserve because it was established for biodiversity protection. Using the Guide's decision tree for "Level of Protection," Moro Cojo would likely return a result of "Highly" or "Fully" protected. While the site holds significant biodiversity value, natural resource managers on the ground suggest it is unlikely to sustain functional ecosystems because of the ongoing legacy of historically altered hydrology and intensive agricultural land use in the watershed leading to overly nutrient rich water and sediment.

The MPA Guide explicitly states that it only considers on-site activities when evaluating level of protection, which omits critical impacts that affect the long term sustainability of biodiversity. While the IUCN Site Tool extends further in applying criteria about long-term biodiversity protections, it also stops short of evaluating impacts from activities that occur outside of the boundaries of the protected area, including sea level rise and degraded water quality.

The goal of California's 30x30 effort is not just to identify areas that possess legal status as "protected", but to actually conserve California's biodiversity according to its own definition, "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."<sup>6</sup> Therefore, **we recommend that OPC's Framework include criteria that capture whether a site is appropriately protected from the full suite of on and off-site threats** for a site to qualify as a "30x30 Conservation Area."

We recognize that grappling with off-site impacts is a challenge faced by the global conservation community seeking to define and manage protected areas and OECMs. However, **California is a leader in this global community and must rise to the challenge of ensuring that its own 30x30 endeavor is not an exercise in accounting, but a true reflection of biodiversity conserved on the landscape.**

- 2. The draft Framework suggests a yes/no output where a site either is or is not a "30x30 Conservation Area" but the implications of those designations are not clear. Also, a strict binary does not reflect true on the ground conditions of protected areas or provide a clear on-ramp into designation as a "30x30 Conservation Area."**

There are risks associated with counting a site as conserved when it is not, and vice versa. If a site is designated as a "30x30 Conservation Area", it may have reduced eligibility for funding or other programmatic support because conservation is considered "done." Conversely, a site that is not designated as a "30x30 Conservation Area", but which holds significant biodiversity value, may experience reduced investment because it is no longer considered a priority. The updated Framework should include policy guidance that clarifies the implications of a site being considered a "30x30 Conservation Area." These implications inform whether it is in the best interest of a site to be or not to be designated as a "30x30 Conservation Area" and would inform whether criteria should be applied more narrowly or more broadly.

Additionally, places of biodiversity value exist along a continuum between fully conserved and completely unprotected. This continuum is dynamic - even the most pristine, "fully conserved" coastal and estuarine ecosystems are experiencing baseline shifts driven by climate change. While it is likely that few if any sites meet criteria for one extreme or another, identifying where on that spectrum a site falls (and is likely to stay) is important. Rather than a strict binary output, OPC would be better served by

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<sup>6</sup> California Natural Resources Agency, "Pathways to 30x30: Accelerating conservation of California's nature." April 22, 2022.

designing a set of criteria, or at least a middle “pending” category, that identify a site’s level of conservation and whether that is expected to increase or decrease under future conditions. While some cutoff will have to be identified for whether a site counts as a “30x30 Conservation Area”, the draft Framework should describe how the state plans to prioritize and engage with sites that *could* meet “30x30 Conservation Area” criteria with increased investment in their conservation and resilience.

This “pending” category is particularly relevant for sites undergoing current or planned restoration, where biodiversity value is intended and expected to increase over time. In many coastal estuaries, conservation of biodiversity will not be achieved simply by eliminating threats or limiting negative activities (like overextraction). Instead, many of these ecosystems will require active management, including habitat restoration and a commitment to robust long term monitoring. Durable protection must not preclude these kinds of active management strategies in protected areas, which will be needed now and into the future in response to the impacts of climate change. The Framework must be designed to capture the unique value and opportunities of these sites towards achieving the state’s 30x30 goals.

### **3. Decision-making is unclear**

Even given a perfect framework, a certain amount of judgment and interpretation must go into applying it in the real world. The Framework should be clear about how sites will be selected for evaluation (e.g., nominated by the public? compiled by OPC staff?), who will be analyzing each site, how stakeholders will be engaged in this process, and who will decide on the final outcome. For example, will the final decision be made by OPC staff or the full Council, and how will the public have an opportunity to comment on the final designation?

### **4. Lack of detail makes it difficult or impossible to evaluate the draft Framework in the following areas:**

- a. **What boundary is OPC using to decide which areas will be evaluated by this coastal waters process** vs. areas that will be evaluated by the California Natural Resources Agency (CNRA) lands process?

The version of the draft Framework shared over the summer does not specify where the line has been drawn for “coastal waters” vs “land.” Will OPC use property boundaries, tidal datum (e.g., highest astronomical tide (HAT) or Mean Lower Low Water (MLLW)), the boundary between land cover types, or something else? Does OPC intend to use the Coastal Wetlands, Beaches and Watersheds Inventory<sup>7</sup> recently developed in partnership with the San Francisco Estuary Institute, and if so, how?

This boundary is important because depending on where the line is, estuaries may cross it, with some sites evaluated by OPC’s Framework and other sites evaluated through CNRA’s land process. Evaluating estuaries via two separate processes is problematic as it could result in holding some sites to higher, or at least different, standards than others in terms of biodiversity protections and conservation outcomes. This is particularly important if San Francisco Bay, the largest estuary in the state, is treated differently than other estuarine ecosystems.

Some communications have suggested that OPC may plan to use the boundaries of California Department of Fish and Wildlife (CDFW) Marine Region 7. If this is the case, then according to available

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<sup>7</sup> <https://www.sfei.org/projects/coastal-inventory>

data<sup>8</sup> the Framework would apply to some coastal estuaries but not others, and would explicitly exclude several sites included in California’s MPA network:

- Included in CDFW Marine Region 7: Smith River Estuary, Eel River Estuary, Ten Mile River, Noyo Bay, Tomales Bay, Drakes Estero, Bolinas Lagoon, Santa Monica Bay estuaries, Seal Beach NWR, Upper Newport Bay, and Mission Bay
- Not included in CDFW Marine Region 7: Big River Estuary (MPA), Navarro River Estuary (MPA), Elkhorn Slough (MPA), Morro Bay (MPA), Goleta Slough (MPA), Ballona wetlands, Bolsa Chica wetlands (MPA), the SD North County Coastal Lagoons (Buena Vista, Agua Hedionda, Baticuitos [MPA], San Elijo [MPA], San Dieguito [MPA], Los Penasquitos), or the Tijuana River Estuary

If the Framework indeed includes some coastal wetlands and not others, it has serious implications for the ability of the state to adequately identify areas that should or should not count as “conserved” and for the coordinated protection and management of coastal and estuarine ecosystems across the state.

**b. It is unclear how this draft Framework will be used to identify, prioritize, and designate future “30x30 Conservation Areas.”**

The entirety of the draft Framework’s discussion about future use states, “moving forward, this proposed decision-making framework, and process will support identification of potential new conservation measures to address major threats to biodiversity in coastal waters.” It is not clear *how* the Framework will be applied to identify these conservation measures, since it does not appear to be designed to do so.

For example, after this first stage of analysis is complete and all existing conserved areas are identified, the state will likely need to conserve additional acres to meet its 30 percent goal. To do so, the state will need to identify potential conservation areas and prioritize them for protection. The tools identified in the draft Framework are not suited for these tasks. Furthermore, protecting the identified coastal areas will require increasing the use of existing authorities, policies, and programs, or instituting new ones. How would this Framework identify the measures needed to conserve additional acres when it was designed to evaluate the level of protection already in place on the landscape?

**c. It is unclear how the draft Framework will “ensure conservation of habitats that represent the full diversity of California’s ecosystems, especially rare or remnant habitat types” or “ensure conservation and restoration of corridors” (page 8 of the draft Framework).**

The draft Framework commits to “conserving the full diversity of California’s ecosystems, especially rare or remnant habitat types”, yet guidance on how this will be achieved is not provided, nor are definitions provided for identifying what counts as rare or remnant in the first place. What habitat classification is being applied? Are the full suite of bays, estuaries and coastal wetlands being considered separately as they serve different functions and occur in different locations? Achieving habitat representation within our constellation of protected areas is a laudable goal wholly supported by the BEST 30x30 group; however, neither the MPA Guide nor the IUCN Site Tool include criteria for evaluating progress towards either goal, nor are additional criteria (quantitative or otherwise) included in the draft Framework that address these questions.

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<sup>8</sup> <https://apps.wildlife.ca.gov/marine/>



**d. How will biodiversity be evaluated, both for assessing baseline conditions and ongoing monitoring?**

The draft Framework states, “Additional guidance regarding the biodiversity evaluation component of the IUCN OECM site-level tool, evaluation of access benefits, and evaluation of climate mitigation and resilience benefits is under development with the 30x30 Technical Advisory Panel. This additional guidance is anticipated to be available for review during the public comment period and regional workshop series.” (page 10). However, to date no such guidance has been made available.

To understand existing and changing biodiversity values of estuary ecosystems, the state must commit to long-term monitoring of protected areas. In describing how biodiversity will be evaluated, the updated Framework should emphasize the need for this long-term investment. The Framework should also provide guidance on how to handle data-poor sites with a high likelihood of importance to biodiversity protection, including through the application of traditional ecological knowledge.

When developing metrics and criteria for evaluating biodiversity, we encourage you to rely on existing networks, processes, and datasets, such as the [California Estuarine Marine Protected Area \(EMPA\) Monitoring Program](#), the [California Rapid Assessment Method](#), the [California Estuary Monitoring Workgroup](#) and the [California Wetland Monitoring Workgroup](#). Many of these efforts incorporate site-specific data and monitoring that give a scientific basis for many of the criteria OPC is trying to include in the Framework (biodiversity, local stressors, climate impacts, etc.). Additionally, these efforts have promoted collaboration and coordination among multiple local, state, and federal agencies and organizations that are interested in estuarine protection, restoration, and conservation.

**e. What process will be used to evaluate access and climate?**

The material in the draft Framework states that “guiding questions” are being developed for these two aspects, but that material has not yet been made available to the general public for comment. In developing this guidance, OPC should consider how to apply traditional ecological knowledge to the assessment of potential “30x30 Conservation Areas.”

## II. Suggested changes to how OPC proposes to use the MPA Guide and the IUCN Site-level Tool

If OPC determines that continued use of the MPA Guide and the IUCN Site Tool is the best path forward for the Framework, we recommend making the following changes to how they are applied:

- 1. “Established for biodiversity” should not be the determining question for whether to apply the MPA Guide or the IUCN site tool. Instead use, “Is the site a Protected Area?”**

As stated in the draft Framework, OPC plans to use the MPA Guide for evaluating sites established primarily for biodiversity and the IUCN site tool for sites established for other reasons. However, “established for biodiversity” is not the criterion that should be used to determine which tool to use. As

stated in the Executive Summary of the IUCN site tool, “Biodiversity conservation may be the primary objective of the site.”<sup>9</sup>

This misapplication would result in sites that likely should count as a “30x30 Conservation Area” being discounted, and vice versa. For example, San Diego’s Kendall Frost Marsh is owned in fee title by the University of California Natural Reserve System and is protected in perpetuity. However, it was established for reasons other than biodiversity protection. Under the existing draft Framework, it would therefore be evaluated by the IUCN Site Tool. The site would then be rejected as an OECM because the IUCN Site Tool’s first screening criteria is, “The site is not a protected area.” By the IUCN’s definition, Kendall Frost Marsh *is* a protected area and not an OECM.

As is clear by this example, if OPC chooses to continue with the two tools it has proposed in the draft Framework, the criterion OPC should use in determining which tool to use should be whether a site is a protected area, as defined by the IUCN<sup>10</sup>.

**2. If using the MPA Guide as a tool for evaluating a site, use the entirety of the guide, not just the “level of protection” element; specifically consider “enabling conditions”**

The MPA Guide includes four elements for use in assessing protected areas in marine habitats: stage of establishment, level of protection, enabling conditions, and expected outcomes. The guide was not designed for the elements to be used separately, as appears to be the case in the draft Framework, which proposes only the use of the “Level of Protection” element. The way the decision-making framework within the MPA Guide is laid out, the “Level of Protection” element only addresses whether activities are taking place and their level of impact. It does not address some of the most important criteria for determining whether the MPA is likely to be successful in conserving biodiversity, including sustainable funding, compliance and enforcement, site design for connectivity and resilience, consideration of existing threats and their mitigation, adaptive management, and the many other considerations included in the MPA Guide’s third element, “Enabling Conditions.” If OPC chooses to continue with using the MPA Guide as the basis for decision making in the Framework, it is imperative to consider whether each site’s Enabling Conditions have been met.

**3. When evaluating a site using the MPA Guide, the guide should be amended by adding three additional questions to the “Level of Protection” decision-making scheme.**

The MPA Guide, as written, is specifically applicable to offshore MPAs but is less relevant for coastal wetland and estuarine ecosystems. If the updated Framework still plans to use the MPA Guide, then the “Level of Protection” decision tree should be amended to include the following three questions (at least when evaluating bays, estuaries, and coastal wetlands). The possible answers listed below correspond to the fully/highly/lightly/minimally/incompatible decision-making scheme described in the MPA Guide User Manual - Figure 8.<sup>11</sup> To produce comparable data across sites, users would have to be provided with

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<sup>9</sup> Jonas, H. D., MacKinnon, K., Marnewick, D. and Wood, P. (2023). Site-level tool for identifying other effective area-based conservation measures (OECMs). First edition. IUCN WCPA Technical Report Series No. 6. Gland, Switzerland: IUCN.

<sup>10</sup> IUCN definition of Protected Area: “A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.”

<sup>11</sup> Oregon State University, IUCN World Commission on Protected Areas - Marine, Marine Conservation Institute, National Geographic Pristine Seas, and UN Environment Programme World Conservation Monitoring Centre (2023) *The MPA Guide User Manual, version 1.* <https://mpa-guide.protectedplanet.net>.

written guidance (including definitions of key terms) and access to help from the OPC on how to answer the questions.

*Suggested additional screening questions to augment existing “Level of Protection” evaluation:*

For each protected area, or zone within a protected area, evaluated using the OPC 30x30 framework, add the following questions:

Question 1: Are there negative impacts from altered hydrology?

Possible answers:

- a. No
- b. Yes, but impacts are minimal
- c. Yes, and impacts are moderate
- d. Yes, and impacts are severe but stable or improving
- e. Yes, and impacts are severe and getting worse

Question 2: Is water quality negatively impacted by point and/or nonpoint source pollution? ?

Possible answers:

- a. No
- b. Yes, but impacts are minimal
- c. Yes, and impacts are moderate
- d. Yes, and impacts are severe but stable or improving
- e. Yes, and impacts are severe and getting worse

Question 3: Is the overall distribution, abundance, and condition of habitats expected to be resilient to at least 1m of sea level rise?

- a. Yes
- b. Yes, but negative impacts to biodiversity are expected
- c. No, but it is expected that the site will still provide significant biodiversity value
- d. No, and it is expected that the site will provide some biodiversity value
- e. No, and it is expected that the site will no longer provide biodiversity value

4. **When evaluating a site using the IUCN Site Tool, it should be amended by adding two additional criteria for evaluation.**

Like the suggested updates to the MPA Guide above, we recommend that the updated Framework include the following criteria for evaluation when considering estuary sites using the IUCN Site Tool. While we propose the criteria and questions below, we recommend that full guidance for these criteria be co-developed with the public as part of further outreach efforts. Note that the second criterion below is modeled after the IUCN Site Tool’s existing criterion #8 regarding equity considerations.

- a. Criterion 1: Impacts from offsite activities are not expected to impair the site’s long-term ecosystem functioning and conservation of important biodiversity values
  - i. Questions: Are adjacent land uses and inputs from the watershed compatible with the long-term conservation of biodiversity values?
  - ii. Guidance: to be co-developed with public input

- b. Criterion 2: Governance and management arrangements address climate considerations
  - i. Questions: Do the governance and management arrangements include efforts to address the likely impacts of climate change on the site, including for example a Climate Adaptation Plan that addresses at least sea level rise but also (where applicable) changes in sediment supply, water temperature, freshwater inputs, erosion, and other climate-mediated conditions?
  - ii. Guidance: to be co-developed with public input

## Closing

We would like to reiterate our thanks to OPC staff for all the hard work that has gone into developing the draft Framework so far. We fully acknowledge that capturing the suite of threats facing California's estuaries is complicated and that the state of California is charting a new course in figuring out how to achieve 30x30 goals. As some of the most impacted ecosystems along the California coast, estuaries need particular attention to make sure their biodiversity does not slip through the cracks, and we thank you for your thoughtful consideration of these comments.

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Additional anonymous members



October 2, 2024

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 Michael Esagro, Senior Biodiversity Program Manager & Tribal Liaison  
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 30x30 Technical Advisory Panel  
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Re: Comments on OPC's 30x30 Draft Decision-Making Framework for Coastal Waters

Dear Deputy Secretary Eckerle, 30x30 Program Managers, and Expert Panelists,

Thank you for the opportunity to provide comments on OPC's draft 30x30 Decision-Making Framework for Coastal Waters.

Our organizations share a desire for California to do all it can to protect the state's amazing and essential bays, estuaries, and other coastal wetlands (referred to collectively here as “estuaries”). Estuaries are powerhouses of climate resilience and biodiversity. They provide clean water, critical habitat for numerous recreationally, commercially, and culturally significant fish and wildlife, protection against more frequent and severe floods, and carbon sequestration.<sup>1</sup> Estuaries provide critical support for the suite of habitats along the coast - including kelp forests, beaches, and rocky shores - where the majority of Californians live, work, and play.

As OPC leads the implementation of 30x30 in coastal waters, it is crucial that estuaries are durably conserved and managed for their long-term sustainability.

Because they span the boundary between land and sea, estuaries are impacted by threats from both marine and terrestrial sources. Therefore, they are especially vulnerable to the impacts of climate change and other drivers of biodiversity loss, including habitat loss and fragmentation, impaired water quality, and limited area for habitat migration in the face of sea level rise. Many of the state's most relied upon tools, like marine protected areas, do not account for and address these threats in estuary systems. OPC must ensure that its final 30x30 Framework effectively conserves these habitats now and into the future.

We thank OPC for the effort that has gone into developing the draft Framework and for the public outreach conducted over the summer. However, the draft Framework as currently written does not outline criteria that will adequately conserve bays, estuaries, and other coastal wetlands in California.

This is because neither tool proposed for use by the draft Framework (the MPA Guide and the IUCN Site Tool) adequately addresses the key threats faced by estuaries in California, including sea level rise and degraded water quality. Therefore, sites may be designated as “conserved” according to the draft Framework, without adequate protections in place to support the long-term sustainability of the ecosystem and its biodiversity. We urge OPC to listen to input from bay and estuary scientists on how to update the draft Framework so that the process will conserve these habitats for future generations.

Once the Framework has been updated and adopted, we strongly recommend that all potential “30x30 Conservation Areas” be evaluated independently, in collaboration with sovereign nations and local stakeholders, and that the draft assessments be made available for public comment before it is finalized.

Finally, the process for how the Framework will be used to identify future 30x30 Conservation Areas must be clarified. As currently described in the draft Framework, the criteria do not include questions designed to prioritize ecologically important sites for conservation, evaluate the effectiveness of their protections, or identify what protections must be applied or strengthened to support the long-term conservation of the site’s biodiversity and climate resilience. We urge OPC to update the draft Framework in a way

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<sup>1</sup> CA Ocean Protection Council (OPC), Strategic Plan to Protect California’s Coast and Ocean 2020–2025, [https://opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20200226/OPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf](https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20200226/OPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf)

that answers these questions.

OPC has long been at the forefront of efforts to conserve bays, estuaries, and other coastal wetlands in California, including setting targets for protecting and restoring tidal marsh, eelgrass, and other priority habitats. And California has for years been a leader in setting ambitious goals for biodiversity support and climate resilience. It is now time to show the same leadership in how these goals are achieved. By enshrining strong criteria into the final Framework, OPC can help ensure long-term conservation of these coastal waters.

Thank you for your time and consideration.

Sincerely,

Matthew Baker  
Policy Director  
Planning and Conservation League

Katherine Emery  
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Cc:

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