

Introduction

Private coastal and ocean conservationists have often been relegated to advocacy and educational roles because of a misconception that all coastal and ocean lands and resources are common property. However, throughout the world, private commercial entities have acquired proprietary interests in coastal and ocean lands and resources. The Nature Conservancy is successfully pioneering the acquisition of proprietary rights to coastal and ocean lands and resources as a strategy to achieve conservation goals in multiple locations in the United States. Now, The Conservancy is assessing and developing new and innovative opportunities for private conservationists to utilize this strategy internationally.

Five years ago, The Conservancy started to use acquisition as a strategy to protect underwater marine areas and has since acquired through leasing and ownership over 25,000 acres of submerged lands in the United States. We are restoring and stewarding our leased and owned submerged lands, as well as using them to leverage additional conservation action by government agencies and partners to improve the management of in-water marine conservation targets. We have also acquired fishing vessels and permits, and are using these acquisitions to move towards both enhanced biodiversity and a more sustainable fishery. With a proven track record of success in the United States, the next step is to look internationally for similar opportunities. The Conservancy is now well positioned to assess and develop options to lease and manage coastal and ocean lands and resources on the Pacific and Gulf coasts of the Baja peninsula.

The Nature Conservancy's Baja California program was established seven years ago by working with local conservation partners and government officials to address marine conservation opportunities. Just last month the Conservancy's Baja Sur program received a grant from the David & Lucile Packard Foundation to further our marine conservation work in collaboration with World Wildlife Fund and Conservation International. One component of this grant is to conduct an assessment of traditional marine conservation strategies. Now we have the opportunity to complement and augment our current work with the development of new leasing and ownership strategies that could substantially contribute to marine conservation in the Gulf and Pacific Ocean. By placing the lands and resources directly into the hands of private conservationists and local stakeholders, we can take direct action to protect specific sites and resources.

Submerged Lands Project Concept

The Conservancy proposes to work with partners on the Gulf and Pacific coasts of Baja to assess laws, policies, and opportunities for private conservation of lands and resources within submerged marine areas and the Federal Maritime Zone (ZOFEMAT). The project will be accomplished in two phases. During the first twelve month phase Conservancy scientists, partners, and contractors will:

- Work in conjunction with local partners and government entities to assess and facilitate the existing concession process for conservation purposes, develop long-term management and monitoring strategies for conservation concessions, and address legal issues with the goal of implementing private concessions for unprotected prioritized

wetlands within the ZOFEMAT in San Quintín and of obtaining a kelp concession from a private company in Isla Natividad; and

- Analyze and develop methodologies for valuing lands and marine resources within submerged areas and ZOFEMAT for conservation purposes.

In addition, the proposed submerged lands project will compliment the following two projects in Baja California:

San Quintín Concession

The Conservancy's Baja California Program recently signed a Memorandum of Understanding with Terra Peninsular A.C., Pronatura Noroeste, and Pro Esteros to form a Coalition for the Protection of San Quintín Bay. The Coalition will work on projects that foster conservation of the San Quintín Bay's unique natural values. Under the MOU, participating organizations will work both jointly and separately on several projects. A gift of \$100,000 has been granted to Terra Peninsular A.C. to apply for concessions of the Federal Maritime Zone adjacent to important wetlands in the Bay. The objective of the project is to protect these areas and limit uses that could cause irreversible damage to these almost pristine wetlands. The work proposed within this request will contribute to Terra Peninsular's efforts by evaluating the value of the concession as well as the laws, policies, and procedures for acquiring concessions for conservation purposes, develop long-term management and monitoring strategies for conservation concessions, and work to include other prioritized wetlands into conservation concessions within the bay.

Isla Natividad Concession

One of the most dense kelp forests south of the California Current rim in relatively good condition is found at Isla Natividad off the coast of Baja California. A fishing cooperative, *Cooperativa Buzos y Pescadores*, controls extraction, processing, and marketing of the benthic fisheries through a fishing concession that includes the area around Isla Natividad. A local conservation partner, Comunidad y Biodiversidad (COBI), has negotiated with the fishing cooperative to fully protect three of the 42 fishing grounds within their concessions for a six-year period. Kelp and algae resources, however, are not included within the fishing concession. AGARMEX, a private company, holds the concessions for extraction of giant kelp and red sea weed within the fishing cooperative's concession area. The fishing cooperative is interested in purchasing AGARMEX's concession for conservation purposes. The proposed submerged lands project within this request will enable the Conservancy to work with COBI and the fishing cooperative to evaluate the value of the kelp and algae concession and to assess and facilitate the process and mechanism to purchase the concessions from AGARMEX.

The acquisition of proprietary rights through concessions of submerged lands and associated resources will complement one more project currently being undertaken by Conservancy partners in Baja California. Fondo Mexicano para la Conservación de la Naturaleza (FMCN) and Comunidad y Biodiversidad (COBI), with the support of The Walton Family Foundation, are going to analyze the legal aspects of proprietary marine fishery rights within the Pacific Ocean and Gulf of California. This project will identify changes needed to the legal framework to improve enforcement of proprietary fishery rights obtained through fish concessions. The work

Concept Proposal

proposed within this request will complement COBI's fishery rights project by assessing and furthering similar issues as they relate to the protection of biodiversity through submerged land and ZOFEMAT resource concessions.

Project Phases

The activities proposed in this phase of the project will allow us to understand whether and how we can acquire proprietary rights to important coastal and ocean resources. The project will be conducted in cooperation with local partners and will include the recruitment of a half-time project manager as well as contractors to perform appraisals and legal analyses. The total costs for phase one are U.S. \$132,000, and include:

Item	Phase One
Project Manager, local partner	\$20,000
Appraiser	\$20,000
Legal Advisor/Policy Analyst	\$20,000
GMI Policy Advisor	\$20,000
Organizational Meeting	\$15,000
Workshop	\$15,000
Operations (20%)	\$22,000
Total	\$132,000

Given supportive findings as a result of the phase one work, phase two of the project will include the actual negotiation and implementation of concession agreements at both sites. We also expect, in a second phase of the project to engage in a wide range of education and outreach activities so that proprietary rights approaches can play a significant role in our marine conservation toolbox for the Gulf of California and Baja. The duration, elements, and costs associated with phase two are largely contingent upon the findings of phase one.

Conclusion

The Nature Conservancy has a proven track record of acquiring rights to submerged lands and associated resources as a tool to further marine conservation efforts. Now, we have the opportunity to replicate this success in Baja through the combined expertise of The Conservancy's Global Marine Initiative, the Baja Sur Program, and the local knowledge of our partners. The David and Lucile Packard Foundation has been a great partner and supporter of The Conservancy's marine conservation work in collaboration with World Wildlife Fund and Conservation International. We hope that the Foundation will find this concept paper compelling and join us in developing new and innovative opportunities for private conservationists in Baja California and around the world.