Workshop 2: Legal Frameworks for Protected Surfing Areas

Moderated By
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Conservamos
How did Peruvians manage to create a legal system to protect their emblematic waves, and how does it work?
LIMA.
La Suerte de La Herradura

La comunidad de surf peruano lucha por preservar la ola que ha hecho famosa a La Herradura.

Una vez que el asistente del director de una obra, Grecno, y amigo de la comuna de Chorrillos, Pablo Gutiérrez, conoció el proyecto, decidió apoyarlo. El proyecto "Ciudad Costera" tendrá una inversión total de 800 millones de soles.

Con una inversión inicial de 300 millones, los planes incluyen la construcción de nuevas playas en el cercano Llano de Santa María, y el proyecto se sustentará con inversiones de 200 millones más. Con una inversión adicional de 200 millones se planea iniciar el proyecto "El Sol y La Chira" en un área grande de la ciudad, con vivienda propia. La iniciativa se complementará con la restauración del muelle y el estacionamiento para vehículos.

El proyecto se basará en la conservación de las playas La Herradura y El Sol, y mantendrá los espacios verdes como zona de recreación. Sin duda, este proyecto beneficiará a la población local.

CARETAS/Noviembre 2001
Un mar de piedras cubre La Herradura

Cubierta de arena, rocas y vegetación, se ve un mar de piedras. Es un lugar misterioso y mágico en la costa de Lima, conocido como La Herradura. A lo largo del tiempo, estas piedras han sido parte de una historia que ha maravillado a muchos.

La costa de Lima ha sido testigo de cambios, donde la naturaleza ha jugado un papel importante en la evolución de este lugar. La Herradura, con sus hermosas rocas y arena, es un ejemplo de cómo la naturaleza puede ser sorprendentemente hermosa.

ANTES

Después

La evolución de La Herradura muestra cómo el tiempo puede cambiar el paisaje. Antes, era un lugar misterioso y mágico, ahora es una zona turística popular.
Cabo Blanco, 1980s
Cabo Blanco, 1992

Creation of ACOPLO, an organisation to protect waves and beaches
Letter sent by the Peruvian Navy to register waves for their importance for tourism
Letter sent by the Peruvian Navy to register waves for their importance for tourism

Law for the protection of waves is passed
Letter sent by the Peruvian Navy to register waves for their importance for tourism

Law for the protection of waves is passed

Regulations of the Law are passed
What does the law say?

• Creates the Protected Waves Registry

• To be registered, technical justification is required that **proves the existence of a ridable wave** (bathymetric studies)

• Prohibits infrastructure that could impact waves
Once registered, a wave becomes a legal entity, subject to protection.
HELP US PROTECT, OUR WAVES
AYÚDANOS A PROTEGER NUESTRAS OLAS
Juntos, hemos logrado proteger 20 rompientes. En este 2017, ayúdanos a proteger 10 rompientes más.

Sigue estos pasos y protege tu ola favorita
FOLLOW THESE STEPS AND PROTECT YOUR FAVORITE WAVE
TRANSPARENCY AND ACCOUNTABILITY ARE KEY WHEN MONEY IS INVOLVED
Si te gusta correr olas, no te corras de esta campaña!

1. Inscríbete a través de S/. 15,000
   para la cancha de la lucha por tu Ola e inscribir en la Reserva Nacional de Pescadores del Norte, y En El Hito. Los sitios y puntos donde se inscribirán están disponibles.

2. Dona S/. 10 o la cuenta de Conservación por la Vida de la FQM:
   RCP: 012 (099) – 01 y 02
   CEP: 335 – 05 – 0989
   PUCF: 2093278534

3. Menciona a tu contacto del negocio a:
   haziportaplayas@gmail.com

4. Sube la foto de tu equipo del día de la campaña a este sitio web. Los ganadores de la campaña serán seleccionados por los equipos más divertidos y creativos que tengan el mismo nombre que el hotel en el que se hospedaron.

Más información en:
http://salvemosphc.com

DIVERSITY OF STRATEGIES FOR EACH WAVE
OUR IMPACT

- 2.5 years
- 80,000 USD
- 24 waves protected
- +1000 people involved
- 15 alliances with enterprises
1. **+100 waves yet to be protected**  
   • Crowd-funding strategy with Patagonia  
   • Alliance with oceanographers – bathymetric studies

2. **Replication in other countries**  
   • In alliance with STW - Fundación Rompientes in Chile

3. **Defend waves**  
   • Wave defense commission installed

4. **Involving the next generation**
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Bahía de Todos Santos WSR
Conservation and management strategies for Bahía de Todos Santos World Surfing Reserve.
1. Salsipuedes
2. San Miguel
3. Tres Emes
4. Stacks
5. Islas de Todos Santos
San Miguel
Baja Surf Club Invitational, San Miguel 1966
Photo Leo Hetzel
San Miguel Jetty, 1966
Photo Leo Hetzel
Arroyo de San Miguel State Park
Tres Emes

Photo Jesús Salazar
@jsslzr
Tres Emes
Photo Leo Hetzel
Tres Emes, Winter 2016
Protecting Tres Emes from Coastal infrastructure

Seawater intake pipeline for lobster processing plant

Submerged pipe intake w/ concrete outlet

Seawater intake pipelines with concrete holdings

Lobster Processing Plant’s seawater discharge pipeline

Meeting with the Port Administration and Lobster Company
Islas de Todos Santos

Photo Jesús Salazar
@jsslzr
1. Environmental monitoring program with Federal Attorney for Environmental Protection (PROFEPA)

2. Conservation and management plan for Islas de Todos Santos.

3. Collaboration for a second coastal cleaning at Islas de Todos Santos.
1. San Miguel State Park.

2. Request to the Federal Government to revise the permits and technical studies of industrial pipes in Tres Emes.

3. Cleaning, monitoring program and management plan for Islas de Todos Santos.

4. Municipality program: Clean Beaches Committee (Comité playas limpias).

5. Interdisciplinary project: Public areas and green spaces for Ensenada together with IMIP and other Civil Society Organizations.

**BAHIA DE TODOS SANTOS WSR:**

**ACADEMIC WORK:**

Work by the BTSWSR from 2014 to 2017

Participatory Research Methods

Field work

Framework proposal for surf break conservation and management
A transdisciplinary framework proposal for surf break conservation and management: Bahía de Todos Santos World Surfing Reserve

Mara Arroyo¹ &³, Ileana Espejel¹, Arielle Levine²

Paper in progress for Ocean & Coastal Management Journal

**Governance:**
STW, the WSR program and the local committee.

**Actors:**
Surfers, local community, academics, CSO's and Government Agencies.

**Resources**:
Surf breaks

**Resources Units:**
Surf breaks

**System:**
Bahía de Todos Santos and Salsipuedes.

3. **Adaptive Co-Management**

Conservations and management strategies in terms of: a) Environmental and natural resource management, b) Local and regional institutional reinforcement and c) New mechanisms that support local people to make decisions.

**Threats to surf breaks**
(causal relations between society and nature)

- **Driving forces**
- **Pressure**
- **State**
- **Impact**
- **Response**

Policies and institutions that enable or limit the decision making process.
1. Social-Ecological System (SES)

Social, economic and political settings: Demographic trends, economic development, Government resource policies.

1. Resource system

Bahía de Todos Santos and Bahía de Salsipuedes.

Set conditions for

Focal Action Situations
Interactions - Outcomes

Are part of

Are Inputs to

Surf breaks (a,b,c,d,e)

2. Resources units

Define and set rules for

Organized formal groups and institutions, and the Government. (1,2,3,4)

Set conditions for

Surfer community, local community, academics and CSOs (I,II,III,IV,V,VI,VII).

Participate in

4. Actors

2. Driving Forces-Pressure-State-Impact-Response (DPSIR)

Drivers
- Land use change. Privatization and concessions.
- Introduction of new coastal infrastructure.
- Construction of houses and hotels in the coastline.
- No regulations and no sustainable planning. Insufficient infrastructure and services.

Pressures
- Land use change.
- Introduction of new coastal infrastructure.
- Construction of houses and hotels in the coastline.
- No regulations and no sustainable planning. Insufficient infrastructure and services.

State
- Loss of natural habitats. Restricted beach access.
- Alteration of coastal geomorphology, accelerating coastal erosion processes.
- Illegal sewage discharges. Solid waste on beaches, marine debris and polluted water.

Impact
- Local people marginalized. Decrease in spaces for recreational activities.
- Coastal erosion. Alteration of surf break.
- Illness. Reduction of surfers visiting the surf breaks.

Responses
- Governmental agencies at different scales and CSOs: Establishment of protected areas and environmental conservation programs.
- CSOs and academic institutions: Research, environmental protection activities and monitoring programs.
- Local government, CSOs, academic institutions: Actions through the Clean beaches program (Planning, control and sanction).
3. Adaptive Co-management

1. Identify, define and assess the problem together with the local surfer community, CSOs, academics and other relevant actors.

2. Start planning: Develop strategies and actions (Define goals, strategies, objectives), develop monitoring plan and develop operational plan.

3. Implement strategies and actions. Define actions with every actor. Engage in a common coastal management project.

4. Monitor: Work with the local community, CSOs and academics to document every activity.

5. Evaluate: Analyze and review management plan.

6. Adjust strategies and actions and share findings with the local community, CSOs, academics, government, and other key actors.

Social Adaptive co-management cycle proposal for BTSWSR. Based on Olsson et al. (2004)
Gracias
Juan Buttazzoni

Fundación Rompientes
Creating a network of legally protected waves in Chile
“Some of the most biodiverse and productive seas in the world”.

“Chile is experiencing the same level of explosion of the sport that occurred in California during the 50’s”

“We surf on Artisanal Fisheries Workplace”
Coastal zone challenges in Chile are affecting surf breaks...... and ocean people
Being responsible is a call for action

How could we create a scalable model to legally protect waves and local coastal people in Chile?
Legal tools for protecting waves in Chile

- Chile: active player of creation of MPA´s. In EEZ increase from 4% up to 46 % in last 4 years.
- But, MPA’s are underrepresented in Central Coast.
- Today, the protection and effective management of near-shore waters is an urgent need.

Surf breaks

Offer a wide range of values (social, economic, environmental and cultural).

Its protection could serve as a platform and support to
Legal tools for protecting waves in Chile

MPA's under Chilean Laws:

- Natural Sanctuaries
- National Monuments
- Marine Parks
- Marine Reserves
- Marine Coastal Protected Areas for Multiple Uses
Legal tools for protecting waves in Chile

• Natural Sanctuaries are recognized under Chilean Law.

"Territorial or marine sites that offer special possibilities for research and studies for geological, paleontological, zoological, botanical or ecological purposes; or that contain natural formations, which its conservation is needed for sciences or for the state"

• Multiple Use Marine Protected Areas (AMCP-MU).

“Open the possibility of argument that surf is a valid activity to protect a place”

Coastal Protection is a collaborative effort and integrated process that need to include all aspects of the coastal edge, in order to achieve sustainability.
Case Study of Navidad, VI Region, Chile.

- Natural Sanctuary

- Community Based Approach led by the artisanal fishing community of Navidad and supported by the local council.
- Located among TURF’s in a Surf Spot.

Considered innovative because:

- √ Protection of Marine Biodiversity
  Links TURF with protected areas to achieve sustainability.

- √ Recognizes the area for its Multiple Uses, specifically artisanal fisheries and recreational activities (Surf).
Case Study of Topocalma & Puertecillo, VI Region, Chile.

- Restricted Public Access.
- Displacement of local inhabitants
- Development Project lacks EIA’s.

- Over 5,000 signatures collected by #abramostopocalma campaign.
- Working with local Fishermans / Prevent eviction.
- Requiring EIA for the Project.
Case Study of Topocalma & Puertecillo, VI Region, Chile.

- Re-open public beach access

- Complain to the Chilean EPA: December, 2017, EPA presents charges with the possibility to fine with up to US 9,2 $ million to the owner of the project.

- Sue to prevent the displacement and recognition of Land Titles to local inhabitants.

- Strategic Environmental Assessment recognizes Surfing activities on the coast.

Marine Protected Areas for Multiples Uses
Proposal to create the 1st MPA-MU in Central Coast of Chile

- Recognition of 7 World Class waves legally protected
- Increase near shore MPA’s.
- Hotspots for Biodiversity conservation
- Community based project

Matanzas, Marine Sanctuary
Bosques de Calabacillo
Puertecillo & Topocalma, Beach Access
Pichilemu & Punta de Lobos, Landtrust
We delivered a proposal to the Chilean Ministry of Environment. Our goal: By 2019 we will create the first MPA-MU in the central coast of Chile.

- Align 7 NGO’s fisherman’s unions and global brands
- We delivered a proposal to the Chilean Ministry of Environment

Our goal: By 2019 we will create the first MPA-MU in the central coast of Chile.

Feb 2018: Meeting with Environmental Minister, Mr. Marcelo Mena, Fundación Rompientes and local fisherman’s union.
Thanks!
Michael Blum

Sea of Clouds
SALLY SAVES SPACES BY THE SEASHORE

Protecting Surfing Areas &
The Malibu Historic District

Sea of Clouds
PLAYA HERMOSA
CALIFORNIA
ME.
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WE.
CONSERVATION FOCUS TO MATCH SURFING’S VALUE

Possessing of Cultural Attributes

A Coastal Recreational + Economic Activity

Dependent Upon Site-specific Bio + Physical Resources
This property has been placed on the National Register of Historic Places by the United States Department of the Interior.
“I’m here to enlist you in a project.”

1. SURFING AREAS ARE LEGITIMATE NATURE - CULTURE CXNS.
“I’m here to enlist you in a project.”

ii.

HISTORIC PRESERVATION.

CONSERVATION OUTCOMES.
“I’m here to enlist you in a project.”

iii.

LET’S RECOGNIZE, CELEBRATE, + PROTECT YOUR SURFING AREA.
I’m here to enlist you in a project.”

iv.

NATURAL HERITAGE AND CULTURAL HERITAGE.