



# PARTNERSHIP FOR SUSTAINABLE OCEANS

Recreational Fishermen Protecting California's Ocean Resources

June 22, 2009

The Honorable Arnold Schwarzenegger  
Governor  
State Capitol  
Sacramento, CA 95814

Dear Governor Schwarzenegger:

The Partnership for Sustainable Oceans (PSO) has been actively and constructively involved in the planning and implementation of the Marine Life Protection Act (MLPA) since the beginning of the North Central Coast phase. The members of the PSO include the American Sportfishing Association, Coastside Fishing Club, Southern California Marine Association, Sportfishing Association of California, United Anglers of Southern California, Berkley Conservation Institute, Contributing Members of the Avalon Tuna Club, International Game Fish Association, Kayak Fishing Association of California, National Marine Manufacturers Association, Nor-Cal Kayak Anglers, Shimano Sport Fisheries Initiative and the Watermen's Alliance. Our goal is to protect California's ocean environment while minimizing unnecessary closures to recreational fishing and boating.

As part of our involvement, we have continuously stressed to you, the Fish and Game Commission, MLPA Blue Ribbon Task Force (BRTF) and MLPA Initiative Team that the MLPA must be planned and implemented correctly, the first time. This requires the adequate funding to acquire the necessary scientific and habitat data for the planning process, as well as the necessary funds to scientifically monitor and enforce newly designated marine protected areas. And you will recall our letter to you in January expressing our concerns that due to the fiscal condition of the state, adequate financial resources would not be available to properly plan and implement the MLPA. Given that the planning process in Southern California is suffering from a lack of data and a lack of financial resources to obtain that data, and that the state is lacking the financial resources to responsibly implement the Central Coast and North Central Coast areas, we respectfully request that the MLPA process be placed on a temporary hold until such time as these issues can be adequately addressed.

During the course of the past few months, there have been numerous times when the PSO and members of the recreational fishing community have either sent letters or provided public comment regarding issues in the South Coast process. These issues include the apparent lack of habitat and other scientific data in the study region, including missing data for waters shallower than 30 meters; the seemingly unilateral decision to alter the kelp data layer and the confusing

*Partnership for Sustainable Oceans Governing Group: American Sportfishing Association, Coastside Fishing Club, Southern California Marine Association, Sportfishing Association of California and United Anglers of Southern California  
Members: Berkley Conservation Institute, Contributing Members of the Avalon Tuna Club, International Game Fish Association, Kayak Fishing Association of California, National Marine Manufacturers Association, Nor-Cal Kayak Anglers, Shimano Sport Fisheries Initiative and the Watermen's Alliance*

guidance that followed; the unclear guidance regarding military areas; and a public discussion on the financial resources necessary and available to implement the process in the South Coast. As recently as the April Regional Stakeholders Group (RSG) meeting, numerous members of the angling public commented on how the process in Southern California needs to slow down until the habitat data and scientific guidance is truly available. Thirty members of the RSG even sent a letter to the BRTF requesting a one-month pause to allow the science to catch up. Their request was ignored.

All of our efforts were made in an attempt to be constructive participants in the process and ensure that planning in the South Coast was a transparent process based on sound science and a process that is proceeding commensurate with consistent and stable guidance. Given the \$2.2 billion a year economic impact of saltwater recreational fishing to California, including \$160 million in state and local taxes and nearly 20,000 jobs, much of which is generated in Southern California, we believe that this is a goal that should be shared by all decision-makers regarding the MLPA. However, all of our concerns have been overlooked, some not even with the courtesy of a response by the MLPA process.

The lack of scientific data in the South Coast planning phase has serious implications that ripple through the process. For example, the missing habitat data for waters shallower than 30 meters is extremely significant – this is where the majority of fishing takes place. If habitat data exists only for certain portions of the study area, then this is where members of the regional stakeholder group will be forced to create marine protected areas. Perhaps the most disturbing aspect of the habitat data argument was the admission by the state that while they could gather the data for waters deeper than 30 meters, it was simply too expensive to gather the data for waters shallower.

While the quantity of habitat data in the South Coast may be better than what was available in the North Central Coast, the PSO strongly believes that the geography and use of marine waters in Southern California calls for a higher scientific standard. Unlike like the north central coast, every linear foot of coastline and every square mile of ocean in Southern California is someone's favorite fishing ground. And instead of fishing and boating access points spread far apart, docks, marinas and launch ramps are found throughout cities in Southern California. It is only fair, and a matter of sound public policy, that the citizens of Southern California be armed with the most basic of scientific data for the MLPA process.

Linked to this issue is the data layer for kelp habitat. In April, the kelp data layers used to evaluate habitat representation changed literally overnight prior to the RSG's first round two workshops. "Average" kelp was removed in favor of the new, at that time unexplained, "persistent" kelp. After members of the RSG raised concerns about this change, a second data layer representing "maximum" kelp was added. In practical terms, this significantly reduced the amount of kelp that "counts" toward meeting the science guidelines. The SAT uses persistent kelp to evaluate habitat replication and spacing. Universally, it is co-located in areas with high economic value to the fishing community. However, members of the RSG are still uncertain about how "persistent" and "maximum" kelp data layers are used in the evaluation of proposed arrays.

The PSO is equally concerned about the confusing guidance provided by the Blue Ribbon Task Force to the Regional Stakeholder Group regarding military closed areas in the study region. In December 2008 confusion arose surrounding whether the MLPA process could place MPAs at the islands of San Clemente and San Nicholas, as both were owned by the military. After months of uncertainty “final” guidance was provided the morning of the May RSG meeting. However, this guidance still remains very unclear because it provided the RSG members with the ability to make “choices.” While flexibility is typically a good thing, during the RSG process it feeds increased confusion and debate because members of the RSG would inherently “choose” the option that serves their needs the best.

Our specific concerns with the South Coast Planning Process are in conjunction with our increasingly grave concerns that due to the state’s dire fiscal circumstances, there is not enough money to both plan and implement the MLPA in a manner consistent with both the law and the promises made to the recreational fishing and boating community. Indeed, the Joint Budget Committee recently voted to pull all general fund support for the MLPA. And the committee’s desire to “back-fill” those funds with bond funds dedicated to the Ocean Protection Council faces hurdles in the coming months.

To move forward with the planning and implementation of the MLPA without the adequate state resources necessary to ensure a truly successful and science-based program is unfair to the recreational fishing community and the local communities whose livelihoods depend on recreational fishing and boating, and will also result in additional economic burdens for the state. The budgeted \$4.8m in FY 2009-2010 is only for the planning portion of the MLPA, and does not include the funds needed to scientifically monitor and enforce MPAs up and down California’s coast. The real cost to be borne by California’s taxpayers after implementation of the MLPA ranges from \$35 million to \$60 million *per year in perpetuity*.

While the PSO does have grave concerns about whether or not the State of California has the scientific resources necessary to implement the MLPA in a fair manner and based on sound science from the beginning, our commitment to healthy oceans is unwavering. As we have stated before, we would not be adamant about our concerns if we did not think that California’s marine environment was not sustainably managed for both recreational fishing and ocean health. With its single focus on restricting fishing, the MLPA is duplicating the efforts of the DFG and the Fish & Game Commission to regulate fishing and adopt fishery management plans pursuant to the Marine Life Management Act (MLMA).

We note that since the MLPA was created, fisheries management and the science supporting it have been effective in rebuilding what were then depleted fish stocks, that vast areas of the ocean have been set aside for protection of fish stocks, and destructive gear types are banned in order to protect sensitive marine habitats. Specifically, the federal Pacific Fishery Management Council (PFMC), working with the California Department of Fish and Game (CDFG) (and the wildlife agencies of the states of Oregon and Washington), is successfully rebuilding those rockfish species that were once depleted, has stopped overfishing on these species, and actively manages the entire groundfish fishery (and its other fisheries) to ensure compliance with federal law (the

re-enacted Magnuson-Stevens Fishery Conservation and Management Act – 2007) which requires a focus on sustainable fishing practices, conservation, and ending the abusive fishing practices of the past.

In conclusion, the state's dire fiscal circumstances prohibit it from implementing the MLPA is a truly fair and science-based process. The funding is simply not available for the state to scientifically monitor and enforce the Central and North Central Coast areas, or provide the necessary science for the planning process in the South Coast. The members of the RSG are currently waiting on scientific and regulatory evaluations of their Round 2 proposals. But without the necessary scientific data and guidance, their task to "converge" on proposals during Round 3 deliberations will be nearly impossible, and most decidedly contentious.

While the MLPA requires the use of the best readily available science, sound public policy requires that such sweeping decisions that will impact the lives and livelihoods of millions of Californians be held to a higher standard. If the science is not there, then the funds must be allocated to obtain it. If the funds are not available, then the process should be paused until such time as the state can carry through with its promise for a fair, truly science-based process.

On behalf of the Partnership for Sustainable Oceans,

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American Sportfishing Association

Bob Franko, Chairman  
Coastside Fishing Club

Doug Knecht, Board of Directors  
Southern California Marine Association

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cc: Dan Pellissier, Dep. Cabinet Secretary, Office of Governor Arnold Schwarzenegger  
Members, Joint Committee on Fisheries and Aquaculture  
Senator Darrell Steinberg  
Senator Dennis Hollingsworth  
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