

June 5, 2009

Mike Chrisman, Secretary
California Natural Resources Agency
1416 9th Street, #1311
Sacramento, CA 95814

Re: Marine Life Protection Act Initiative Process for the North Coast Study Region

Dear Secretary Chrisman,

This letter represents a consensus view of interested local government agencies, tribes and port authorities within the Marine Life Protection Act (MLPA) Initiative North Coast Study Region. It is our understanding that the MLPA Initiative will begin our Marine Protected Area (MPA) planning process in late 2009 or early 2010. We are united in our commitment to assist the State with MLPA implementation. However, as described below, we have several concerns regarding the proposed MPA planning process. We are anxious to discuss these concerns with you and collectively determine how we can improve the process for the North Coast Study Region.

- 1. Insufficient data are available for science-based North Coast MPA design.** We have reviewed the existing ecological data and find it inadequate for undertaking a scientifically sound MPA design process in the North Coast Study Region. Despite our attempts, we have been unsuccessful in securing funds to collect needed data. Recently, partners throughout the North Coast Study Region developed a research proposal that would gather information essential to your effort. The proposal was submitted for funding to the Ocean Protection Council but was not funded. A comparison of data used by the MLPA Initiative verses other preserve design efforts would reveal that the MLPA Initiative has a low data standard which we consider inadequate as a basis for MPA design in our region. We therefore believe that implementation of the MLPA Initiative in our region should be delayed until critical data gaps are filled. In collaboration with local fishermen and scientists we can help secure funding and conduct the necessary research to support MPA planning.
- 2. Implementation of MPAs without secured funds for monitoring, adaptive management and enforcement is inconsistent with the law.** The MLPA provides a sound conservation framework by calling for “. . . monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs . . .” In addition, one of the specific goals of the MLPA is “to ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.” The MLPA Master Plan estimates the cost of statewide MLPA implementation at \$20 - 60 million dollars annually. The State’s ability to fund this effort is highly uncertain, especially given the current fiscal crisis and recent news that there is insufficient funding to manage the State Park system. Although private partners may contribute funds, a secure funding mechanism for long term monitoring, adaptive management and enforcement has not been identified.

In the North Coast Study Region, the MLPA Initiative is posed to design MPAs based upon coarse and insufficient data with no realistic expectation for future monitoring, adaptive management or enforcement absent a reliable funding source. The potential economic and ecological consequences of such an effort are significant and unacceptable for our region. MLPA implementation should not occur here until secure funds are available.

3. **Blue Ribbon Task Force (BRTF).** To date, only one member of the BRTF has actively participated in fisheries and none have had experience developing fishing regulations. This is a concern because a major component of MLPA implementation involves regulation of fishing activities. The BRTF should be composed of people from the Study Region who understand and represent local interests. If a BRTF is utilized in the North Coast Study Region, we strongly believe that the members must include a balanced representation of local interests, which includes fishing.
4. **MPA Planning needs to consider existing fishery management and proposed ocean uses.** The widespread curtailment of fishing effort due to existing fishing regulations needs to be explicitly considered if further closures are pursued. Our area has suffered from severe closures which continue to provide ecological benefits and should therefore be a central consideration during the MLPA process. As an example, MPA planning needs to consider the Rockfish Conservation Area and the Klamath Management Zone, which constitute the most significant impact to fishing on the California coast. Additionally, wave power development may significantly constrain fishing access and should be considered in any proposal. Full consideration of the interrelationships between existing policies, current and future ocean uses, and MPA design will be a challenging process. Comprehensive dialogue will be necessary to ensure that existing regulatory impacts and progressive science methodologies are considered.
5. **The MLPA Initiative must minimize economic impacts to the fishing community.** Recreational and commercial fishing are proportionally more significant to our economy than in other regions. The State has a responsibility to ensure that MPAs do not compromise the short and long-term economic viability of North Coast fisheries. The MLPA Initiative has been deficient in this regard, as exemplified by proposed MPA designations on both sides of Point Arena Cove in the North Central Coast Study Region, which will have devastating impacts on the community of Point Arena. Beyond economic concerns, fish and fishing are a vital part of who we are and to impose non-science based closures could devastate our fishermen, dependent businesses and our coastal infrastructure.
6. **Restriction of traditional fish and shellfish harvest by Native Americans.** The North Central Coast MLPA process may eliminate traditional harvest of fish and shellfish by the Pomo Indians that spans centuries, if not millennia. Our North Coast Region has numerous indigenous Tribes that still reside in their ancestral territories and we find this precedent unacceptable.

Residents of our region, and we as their elected representatives, welcome efforts to maintain the health of coastal and ocean resources. However, for adequate implementation of the MLPA, the issues above must be resolved. We have always supported sound regulatory process. The limited entry programs initiated by the local fishing industry and the industry's strong objections to open seas gill netting are good examples. However, at this time, because of the cumulative regulatory impacts to our fishing economy, and the MLPA Initiative's lack of scientific documentation and secured long-term funding, we respectfully request that our areas MPA planning process be postponed. With adequate resources and time, we will work proactively with the State to implement the MLPA. However, such an effort needs to be driven by sound science, not an arbitrary timeline. MLPA implementation should result in long term benefits to ecosystems and economies; we owe it to our communities to spend the time and effort required for a scientific and comprehensive MPA planning process.

We would like to meet with you as soon as possible to discuss MLPA implementation for the North Coast Study Region. Please send correspondence to Adam Wagschal, Director of Conservation for the Humboldt Bay Harbor, Recreation and Conservation District (PO Box 1030, Eureka CA, 95501: adam@portofhumboldt.org: (707) 443-0801).

Sincerely,

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CC: Governor Schwarzenegger
Senate Majority Leader Dean Florez
President pro Tem Darrell Steinberg
Assemblyman Wesley Chesbro
Assemblyman Curt Hagman
Assemblyman Jared Huffman
Assemblywoman Nancy Skinner
Senator Pat Wiggins
Senator Christine Kehoe
Senator Alan Lowenthal
Senator Abel Maldonado
Senator Sam Aanestad
California Fish and Game Commission Members