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Ms. Cindy Gustafson, Chair
Marine Life Protection Act Blue Ribbon Task Force
C/O California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: North Coast Region Governmental and Tribal Concerns with Blue Ribbon Task Force and Marine Life Protection Act Implementation

Dear Ms. Gustafson,

Although I am a Humboldt Bay Harbor, Recreation and Conservation District Commissioner, I make my living as a consulting fisheries and watershed scientist. I was instrumental in the formation of a sub-committee dealing with Marine Life Protection Act (MLPA) issues and we are currently beginning work on production of an external Marine Protected Area array and look forward to working with you constructively. However, I felt it would be useful for me to inform you of reservations governments and tribes have regarding the MLPA Initiative on the North Coast. I am providing copies of a letter that went from 15 governments and tribes to Secretary Crisman and it clearly states our concerns, many of which have not been allayed.

Science Advisory Team Model Has Major Flaws

Designation of MPAs is based on sea floor topographic data under the assumption that there are known biological associations with rocky points, pinnacles and other recognizable features can lead to substantial problems with meeting intended conservation benefits. Specifically, there are no data on larval drift, where rockfish spawn and where juvenile rookeries are located. Assumptions on larval drift and juvenile recruitment have no basis. **Residents, governments and tribes of the North Coast Region are concerned that a conservation strategy lacking key biological data does not provide sufficient basis for selecting locations of MPAs.**

Dr. Ray Hilborn has also pointed out the MLPA SAT has been unduly biased towards numerous small conservation areas, whereas benefits from larger areas is likely to be accrued. **Unlike areas of much of the California coast, we may have the ability to locate substantially larger MPAs here that are both less economically constraining and more likely to serve the intended purpose of protecting biodiversity.** It would be most unfortunate if the BRTF and MLPAT were to force us to submit to MPA locations determined by flawed model outputs and you should not expect us to acquiesce to such a decision.

Difference in Fishing Effort and Stock Conditions from Other California Regions

Many areas of the California coast are near very large population centers and have very calm ocean conditions for months at a time. Over-fishing has occurred in places like the California Channel

Islands and has led to reduced species diversity, abundance and harvests. Significant conservation steps are needed in these areas where over-fishing is pervasive and closures of some areas can trigger huge increases in biomass and significant increases in species diversity (Lubchencko et al. 2007), but the benefit of such actions in areas not over-fished (Worm et al. 2007) can be much different (Hilborn 2006).

Hilborn et al. (2006) assert that many areas of the California coast where MPA arrays have been previously implemented are not overfished and that MLPA implementation will not protect fish stocks nor lessen fish harvest, only shift its location.

“Further, the perception that rocky bottom fishes are presently overfished is incorrect. The SAT apparently did not consider or seriously underestimated the conservation benefits afforded by areas protected by measures other than restrictive MPAs, or marine reserves. For many species, especially those with wide dispersal patterns, the other forms of protection (e.g. existing fishery management measures) are much more effective than MPA status. For example, the enactment of MPAs will have little effect on the annual take or abundance of most groundfishes because their management includes the use of annual quotas. Therefore, the annual take for these species will be the same with or without MPAs; but MPAs will determine where the fish are taken” (Hilborn et al. 2006).

If the effort shift away from MPAs is into important spawning or nursery areas, negative effects to fish populations and their abundance could occur.

Ecological and Economic Consequences of Poor MPA Site Selection

While the benefit of closing areas to fishing that are over-exploited is well recognized, results of establishing preserves in areas that are not over-fished do not necessarily increase biomass or diversity (Hilborn et al. 2006). In fact if areas included in MPAs are not essential for breeding or used extensively as a nursery, fishing effort no longer allowed there may shift to areas adjacent that may be spawning or juvenile fish recruitment areas. Furthermore, if the size of MPAs is insufficient, then benefits of additional recruitment into adjacent areas that remain open to fishing may not be accrued (Hilborn et al. 2006). Under this scenario one could decrease biomass, recruitment and catch.

We were concerned by the BRTF decision on the North Central Coast (NCC) region MLPAI “preferred alternative” that will lead to the closure of both Lighthouse Reef and Saunders Reef to the north and south of Pt. Arena. This is likely to result in loss of critical financial mass to support operation of the Point Arena Pier, which was built with a \$10 million federal grant. The City of Point Arena has 1500 residents and a 25% unemployment rate and the closure is another critical blow to both the local economic vitality and the quality of life for local residents. **If MPAs are implemented near fishing communities such as Ft. Bragg, Shelter Cove, Trinidad and Crescent City, similar economic consequences are likely to ensue. If most MPAs are sited near ports and gas prices rise to \$10 per gallon, then access to fish stocks could be cut off and citizens of the region deprived.**

North Coast has Indigenous People Inhabiting Aboriginal Territories

Native American harvest is not only an economic issue but also one of social justice. The North Coast has numerous Indian Tribes that inhabit their ancestral territories and have an unbroken

tradition of foraging and fishing on the North Coast that dates back thousands of years. Consequently, the loss of such rights disrupts their cultural traditions and abridges their right to traditional subsistence harvests guaranteed by Treaty Rights. The NCC MLP AI preferred alternative shuts access at Stewarts Point (within the Horseshoe Point SMR) to Pomo Indians and the residents, governments and tribes of the North Coast find this unacceptable and alarming. **We hope that the MLP AI will agree to a government to government consultation per the request of the National Congress of American Indians last month.**

Flaws in Economic Analysis

The current MLP AI doesn't consider sport fishing economic values, which are very high on the North Coast, and also does not take into account economic multipliers created by such things as processing, shipping and wholesale and retail seafood marketing. The lack of data and narrow focus of economic studies supporting the MLP AI means that the economic consequences of unjustified closure of commercial and sport fishing are grossly underestimated. In fact such closures would send ripple impacts through the retail sector, marinas and boat sales and maintenance as well as causing a major decline in tourism.

Blue Ribbon Task Force Authority

Governments and tribes of the North Coast have major reservations about your authority as previously stated in our letter to Secretary Crisman. Many of us are comforted that you have added our trusted governmental leader Supervisor Jimmie Smith and our former Assembly Person Virginia Strom-Martin. However, the original MOU that formed the BRTF states that up to 10 members can be seated. To really meet our regional comfort level you should have five North Coast residents. In the event that you override the concerns of those now seated to represent us capriciously, your decisions are not likely to be accepted without challenge.

Thanks again for the opportunity to address you and you or your staff should feel free to call me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Higgins', with a stylized flourish extending from the end.

Patrick Higgins

References

Hilborn, R. 2006. Faith-based fisheries management. Fisheries Magazine. November 2006.

Hilborn, R., R. Parrish, and C. Walters. 2006. Peer review of California Marine Life Protection Act (MLPA) Science Advice and MPA Network Proposals. May 25, 2006. Prepared for the California Fisheries Coalition, 1621 B Thirteenth Street, Sacramento, CA 95814. 65 p.

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