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H.B.H.R. & C.D.

The Honorable Jimmy Smith, Humboldt County Board of Supervisors
The Honorable Virginia Bass, City of Eureka
The Honorable Dennis Hunter, Humboldt Bay Harbor, Recreation and Conservation District
The Honorable John Pinches, Mendocino County Board of Supervisors
General Manager Richard Culp, Shelter Cove Resort Improvement District #1
Chairman Sundberg, Trinidad Rancheria
The Honorable Gerry Hemmingsen, Del Norte County Board of Supervisors
The Honorable Patrick Whitchurch, City of Fortuna
The Honorable Stanley Binnie, City of Trinidad
Chair Robert Armitage, Noyo Harbor District Commission
The Honorable Lauren Sinnott, City of Point Arena
President Jack Reese, Crescent City Harbor District
The Honorable Kelly Schellong, City of Crescent City

Dear North coast local elected officials, tribes and port authorities,

Thank you for your recent letter regarding the Marine Life Protection Act (MLPA) Initiative. Specifically, you described a number of concerns with how the planning process will move forward in the MLPA North Coast Study Region.

Insufficient data are available for science-based north coast MPA design.

Marine protected areas (MPAs) have been shown to offer a number of potential benefits, including helping to protect habitats and ecosystems, conserve biological diversity, maintain culturally significant resources, enhance recreational and educational opportunities, provide research opportunities, and complement fisheries management.

The science of MPAs, and how to design an effective network of MPAs in California using the six goals of the MLPA, has been vigorously debated since 2000 in many public forums. In 2006 the California Fish and Game Commission adopted a set of science guidelines resulting from those public discussions, which are adapted by the MLPA Master Plan Science Advisory Team for the unique conditions of each study region in the MPA planning process. The science to support the design of MPAs is well-founded and provides a rigorous framework capable of supporting informed decision-making.

The science to support the evaluation of draft MPA proposals is also well-founded, supporting informed decision making while requiring relatively minimal data, and readily accommodating whatever additional information may be available. This evaluation process is intentionally general, so that it can inform an analysis for a broad suite of species and habitats.

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MPA planning through the MLPA Initiative requires spatial data on the distribution of key habitats, some physical oceanographic data (such as upwelling, currents, and impaired water bodies), basic distribution and life history characteristics for a handful of species, socioeconomic uses of the marine environment, existing marine protected and managed areas, distribution of ports and coastal access points, and other points of reference. Through the MLPA Initiative an online tool has been developed to help stakeholders maximize their use of the available data using a geographic information system, further supporting a well-informed MPA design and evaluation process.

Implementation of MPAs without secured funds for monitoring, adaptive management and enforcement is inconsistent with the law.

I share your concerns about whether California has the resources necessary to ensure effective enforcement, public outreach and education, and scientific research and monitoring. The truth of the matter is that we do not now and never will have adequate funding to alone manage all of California's natural resources in the most effective manner. This is what makes public-private partnerships like the MLPA Initiative so important, not only for planning purposes, but also for long-term management.

California already has numerous partners engaged in the long-term management of our natural resources, and those essential relationships will continue to be the foundation of our management strategy. In ocean resource management we will continue to work with our government and not-for-profit partners, such as local government agencies, the National Marine Sanctuary Program, the National Marine Protected Areas Center, and the National Park Service, to help ensure long-term stewardship for current and future generations.

While I agree that there are questions we are still addressing about how we will fund various aspects of the program, moving forward is entirely consistent with the MLPA; the Governor and California State Legislature anticipated uncertainty when the MLPA was signed into law, directing that the state "... shall implement the program, to the extent funds are available." This mandate has not been forgotten and we will continue to forge partnerships to ensure a robust program.

Note also that there are currently over 60 MPAs along the California coast (outside of central California) that were not established with any coherent plan or based on sound scientific guidelines. Many of these MPAs even lack clearly defined purposes. As a result, the existing array of MPAs falls far short of its potential to protect and conserve living marine resources. The Legislature passed the MLPA noting that marine protected areas were one of many tools that may be used to sustain marine life. Modifying the existing collection of MPAs to ensure that they are designed according to clear, ecosystem-based goals and guidelines allows us to take greater advantage of the multiple benefits that can be derived from such a system. The intent of the MLPA is that protected areas become a part of a scientifically designed network that, along with other management, will provide for long-term resource sustainability.

Blue Ribbon Task Force (BRTF).

The description you provide of a blue ribbon task force is more consistent with what we call the regional stakeholder group (RSG). In selecting members of the RSG, consideration is given to professional expertise or experience (including local fisheries), diversity of perspectives, and geographic location; members appointed to the RSG are people who live, work, recreate in the study region, and therefore understand its unique characteristics and the various interests that need to be considered in the planning process. The RSG is the primary body that develops MPA proposals and it is the BRTF that oversees the process and directs the expenditure of private funds.

The BRTF, on the other hand, is composed of five to seven distinguished, knowledgeable and highly credible public leaders selected based on their public policy experience, vision and diversity of professional expertise. Most current and past BRTF members have been involved in state, federal and/or international public policy development for over 30 years. These individuals are not intended to represent any particular constituency or interest, nor are they required to have any prior experience or knowledge about MPAs and ecosystem-based management in the marine environment.

MPA planning needs to consider existing fishery management and proposed ocean uses.

The MPA planning process encourages stakeholders to take into consideration existing fishery management and other ocean uses. One way the MLPA Initiative helps facilitate that type of conversation is through the development of a regional profile, which describes the ecological and socioeconomic context of the region. Local knowledge will be incorporated throughout the document. In addition, the regional profile includes maps of selected spatial data layers (such as groundfish conservation areas, soft and hard bottom habitats, coastal energy projects, and existing marine protected areas), the balance of which will be available through an online mapping tool.

In the case of fishery management, the MLPA expressly states that MPAs and fisheries management are complementary. California's primary state fisheries management statute, the Marine Life Management Act (MLMA), acknowledges that conservation and management programs (such as that being developed under the MLPA) help ensure conservation and facilitate long-term protection of fishery resources. However, although MPAs and fisheries management are complementary, they are not equivalent. The purpose of habitat protection in the MLMA is to advance the "primary fishery management goal" of sustainability and so may only provide limited protection of a particular habitat. Conversely, although the MLPA considers fishery habitat, it also encompasses broader, ecosystem-based objectives that are not limited to *only* managing fisheries; the MLPA is intended to improve our system of MPAs in order to protect marine life, habitat and ecosystems. In short, some goals of the MLPA simply cannot be achieved with traditional fisheries management.

The MLPA Initiative must minimize economic impacts to the fishing community.

I share your concerns about potentially negative economic impacts to the commercial and recreational fishing communities in the region, which is why the MLPA Initiative contracts with an organization (Ecotrust) to gather commercial and recreational fishing data to estimate the potential, negative impacts of any MPA proposal. Such information helps us determine the potential first order impacts that then allows an estimation of the overall potential impacts. Stakeholders participating in the process use the data to help develop MPA proposals that, to the extent possible, minimize potential negative economic impacts. The data gathered by Ecotrust is essential for developing a "worst case" estimate in a socioeconomic analysis conducted through the state regulatory process. While we know there are also potential benefits from MPAs, we do not currently gather data to estimate those numbers that would offset in part or in whole the potential negative impacts.

Restriction of traditional fish and shellfish harvest by Native Americans.

Traditional fish and shellfish harvest by Native Americans is an important use of the ocean environment that stakeholders are asked to consider in the redesign of MPAs in each study region. To help ensure that such interests are considered, previous RSGs have included tribal representatives and we expect the same will occur in the north coast.

Request that MPA planning be postponed.

In spite of California's temporary budget setback, the planning process is currently unaffected and the public-private partnership of the MLPA Initiative is strong, enabling us to continue the good work such that the difficult task of redesigning California's system of marine MPAs is completed and ready for implementation as we are able.

California's process for adopting an improved system of MPAs is well-funded and adequate science and data are both available to enable informed decision-making; as a result there is no reason, funding or otherwise, for the planning process supporting the law to be postponed. It is encouraging that with adequate resources and time you are willing to work proactively with the state to implement the MLPA; I believe we have both for the planning portion and welcome your participation in this science-based, stakeholder-driven planning process.

I believe we can all agree that promoting a healthy environment and ensuring a strong economy are not mutually exclusive goals. The MLPA envisions a healthy, vibrant ocean ecosystem that will help maintain our economy, which is heavily dependent upon coastal tourism and recreation overall and upon commercial and recreational fishing in the north coast. I know we all share that vision and I look forward to working with you and your constituents to make it a reality.

North coast local elected officials, tribes and port authorities
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Thank you again for the attention you have given to the MLPA process and for expressing your concerns. I have asked Ken Wiseman, executive director of the MLPA Initiative (916) 653-5674 or Ken.Wiseman@resources.ca.gov), to set up a series of meetings when we can come to the north coast and talk with some of you, working through Senator Wesley Chesbro, Senator Sam Aanestad, and Assemblymember Patricia Wiggins.

Sincerely,



Mike Chrisman
Secretary for Natural Resources

cc: Governor Arnold Schwarzenegger
The Honorable Dean Florez, California State Senate
The Honorable Darrell Steinberg, California State Senate
The Honorable Sam Aanestad, California State Senate
The Honorable Christine Kehoe, California State Senate
The Honorable Alan Lowenthal, California State Senate
The Honorable Abel Maldonado, California State Senate
The Honorable Pat Wiggins, California State Senate
The Honorable Wes Chesbro, California State Assembly
The Honorable Curt Hagman, California State Assembly
The Honorable Jared Huffman, California State Assembly
The Honorable Nancy Skinner, California State Assembly
Members, California Fish and Game Commission
Members, MLPA Blue Ribbon Task Force
Ken Wiseman, Executive Director, MLPA Initiative