



BACKCOUNTRY  
HUNTERS & ANGLERS  
CALIFORNIA



*Via electronic delivery*

July 7<sup>th</sup>, 2023

Marine Resources Committee  
California Fish & Game Commission  
715 P Street, 16th Floor  
Sacramento, CA 95814

**RE: Agenda Item 5 Marine Protected Areas Decadal Management Review**

Dear Committee Co-Chairs Sklar & Murray,

Prior to the April 2023 Fish & Game Commission meeting, our coalition of conservation and recreational angling organizations submitted written comment and subsequently provided verbal input regarding the adaptive management recommendations for the Marine Protected Area Network brought forth by the Department of Fish and Wildlife in the Decadal Management Review (DMR).

According to the Department, we were part of the “more than 100 entities or individuals provided several hundred distinct comments” regarding the suite of streamlined and elevated recommendations from table 6.1 of the DMR.

However, not a single change was made to the 28 recommendations listed, despite numerous public comments requesting the list be modified in one way or another.

Specifically, many tribal representatives, fisherman, NGO representatives and community members mentioned the impacts that sewage leaks and pollution are having on our Marine Protected Area Network, yet it remains entirely absent from mention in the list of adaptive management recommendations. With increased levels of nitrates, bacteria and chemicals from the record amounts of sewage and runoff that have been released into California waters since the Marine Life Protection Act was passed, we remain concerned that there is not a higher level of emphasis or coordination on this issue as it pertains to the MPA network. This is underscored by recent increases in harmful algal blooms and deadly domoic acid outbreaks currently killing hundreds of dolphins and other marine mammals along the California Coast. NOAA has indicated that this latest die off is likely related to another outbreak of the Pseudo-

nitzschia algae which produces domoic acid, and scientists have long documented the link between algal blooms and increased run-off/pollution.

Further, we remain concerned that there remains no plan to study and analyze the efficacy of “no-take” versus “limited-take” MPAs and that the vast disparities across the network regarding methods of take are also not being analyzed. Rather, MPA managers appear willing to bypass a constitutional right to fish in certain areas without any scientific documentation justifying the rationale for doing so and often at the expense of Tribes, lower-income anglers, or historically marginalized communities. Given that the primary tool used by MPA managers is restricting access in some form, it is incumbent upon the Commission to evaluate whether those various access restrictions are achieving a conservation gain, if a similar benefit could be achieved with less restriction, or if an access restriction is necessary at all. Furthermore, with the dynamic nature of fisheries management and the numerous laws, agencies and councils dedicated to the task, one would assume that species specific regulations or restrictions would be adjusted to reflect species conservation successes or failures to ensure MPA regulations were up to date with current best practices and information.

We also remain concerned that the scope of the challenges before the FGC and CDFW are complex and multi-jurisdictional, with many key necessary actions outside of the control of either entity; we underscore the fact that the regulatory mechanisms available to the Commission may not be sufficient to address the root problems at hand:

- There is currently no formulated plan of engagement with counterpart agencies, state or federal, to drive desired outcomes that would have beneficial impacts on the results MPAs are seeking to achieve with regard to water quality and ecosystem health. Great examples include the persistent and ongoing toxic sewage and stormwater which continues to flow from Mexico into Southern California waters, directly impacting watersheds, the Tijuana River Mouth State Marine Conservation Area, and fisheries in and around the San Diego area in addition to the hundreds of millions of gallons of raw sewage that have been spilled in California waters since the passage of the MLPA. What is the plan to engage in the factors beyond the Commission’s control to procure solutions? How will the Commission provide recommendations through the MPA Decadal Review process to advocate for necessary actions that other agencies must take to achieve the Commission’s own objectives?
- Understanding that the Commission’s purview and authority is limited, and systemic issues such as water pollution, biodiversity loss, and oil spills require a multilateral coordinated effort to address, how will the Commission ensure that the levers of power at its disposal, namely restricting fishing access and opportunity, are not wielded unnecessarily without clear scientific rationale for doing so? Our groups are concerned that given the lack of alternative actions available to them, the Commission will resort to promulgating or proposing further restrictions on fishing, which may be unjustifiably punitive towards some communities while not addressing the root causes of the issues in the first place.

We strongly encourage you to reconsider the recommendations made in our letter, submitted in April and attached again now, for a more in-depth response to CDFW’s adaptive management recommendations for the DMR of the MPA network. Thank you in advance for taking the time to revisit our comments, and we look forward to a response directly addressing our concerns.

We also hope to discuss some of the following during the upcoming MRC meeting and strongly believe the conversation should not be limited to the 28 recommendations provided by CDFW.

Sincerely,

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