



# PARTNERSHIP FOR SUSTAINABLE OCEANS

Recreational Fishermen Protecting California's Ocean Resources

## **A Perspective on the MLPA and Healthy Oceans**

This commentary on the Marine Life Protection Act (MLPA) focuses primarily on the past and present state of California's ocean fisheries and some of the factors that have contributed to the current condition of the ocean ecosystem.

As with most State regulatory actions, there are real economic costs to achieve perceived environmental benefits. In the case of the MLPA, the quantifiable costs are a loss of California jobs, a decline in economic activity and a loss of tax revenues to state and local governments. According to an economic study by Southwick Associates, the potential MLPA designation in Southern California will result in a \$150 million loss in sales and will eliminate nearly 1,000 California jobs in that region alone. This impact will occur in the businesses that support the recreational fishing sector. Other areas of the state already being affected by MLPA designations are experiencing similar economic declines; for example, in the first region of the state undertaken by the MLPA – the Central coast – recreational fishing tackle sales have declined by 20% compared to other parts of the state. This early indicator will be followed by lost sales and jobs in the lodging and food industries that support recreational angler visits to central California coastal areas. In the best of times, economic impacts and job losses such as these should never be forced on coastal communities by the State without absolute necessity. Today, in the worst economic climate since the Great Depression, such losses are entirely unacceptable, especially when the program for which they are sacrificed is both unnecessary and, quite possibly, actually destructive to the resources targeted for protection.

In the mid-1990s when the MLPA was first envisioned, California's ocean environment was in trouble: several fish stocks were in decline, a clear need existed to protect the ocean and its ecosystem and the "green" movement was just beginning to realize its full potential. Along with several other legislative actions, California enacted, but did not fund, the MLPA. In combination, these measures were designed to protect the health of our ocean ecosystem.

The health of California's fisheries today has improved significantly. The federal government has re-enacted and re-enforced the conservation aspects of the Magnuson-Stevens Act (MSA), ending overfishing along the entire Pacific coast. The conservation provisions of the state's Marine Life Management Act (MLMA) largely have been implemented, and California's marine fish stocks are rebuilding. Global issues including ocean acidification, ocean side development, invasive species, terrestrial pollution, and global warming represent far greater threats to the health of the ocean than recreational fishing ever has, none of which can be addressed or solved by implementing a network of marine protected areas (MPAs).

*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*

For years, the environmental mantra has been that the state's marine fisheries are being overfished and are in a state of rapid decline and that the only way to solve this crisis is to stop all fishing – not just commercial, but recreational as well. And like so many sound bites, in California waters this one is unsupported by the facts. Under the MLPA, California is establishing a system of MPAs along its coast in State waters to address the so-called “fisheries crisis.” The state is doing this largely by creating draconian no-fishing zones that prevent recreational anglers and their families from going out for a day's fishing, even though the “overfishing” problem was a result of commercial fishing, not recreational anglers.

The MLPA as it currently being implemented bears no resemblance to what the Legislature envisioned upon its passage. A program originally estimated by the Legislature to cost California \$250,000 per year is now estimated to cost over \$40 million annually to enforce - resources that California simply does not have. Without sufficient enforcement, MPAs have been shown to have neutral or even negative results<sup>1</sup>, as they in effect become Marine Poaching Areas.

The MLPA is having serious negative financial impacts on coastal communities and on California's \$2.2 billion saltwater recreational fishing industry, while attempting to address a fishing crisis that no longer exists. While there are examples of overfishing and declining fish stocks in oceans around the world, such is not the case off the Pacific coast. The fisheries crisis that the MLPA is supposed to solve has been effectively addressed by implementation of traditional fishery management tools. In the waters of California, there is not one marine fish stock currently experiencing overfishing and the few stocks still under stress are rebuilding due to the strict fisheries management and conservation plans established at the federal and state levels over the last 20 years. For example, of the more than 90 groundfish stocks in California waters (which are the most likely to benefit from an MPA), only nine have ever been designated as overfished. Two of those stocks have been rebuilt in the past five years and the remaining seven are all showing improvement under strict rebuilding plans, which include take restrictions, gear restrictions and thousands of square miles of federally-mandated closed areas known as the Cowcod and Rockfish Conservation Areas. In addition to these fishery management measures, prime marine habitat is already federally protected in selected Habitat Areas of Particular Concern and throughout California via a ban on destructive commercial fishing practices such as bottom trawling. Recreational fishing activities have no such negative impacts on marine habitats. California's traditional marine fisheries management programs are working, and are even cited as examples of “spectacular rebuilding efforts” in a paper in Science Magazine by several noted marine fisheries scientists<sup>2</sup>.

In fact, the arguments that were used to pass the MLPA over a decade ago simply no longer hold true. Terrestrial pollution is having a significant impact on our oceans. Climate change and ocean acidification are global problems regularly associated with our oceans' decline, and have nothing to do with fishing. MPAs in state waters along California's coast that restrict fishing opportunities will not solve these problems, nor will these MPAs be an effective tool in mitigating their impact.

Designating MPAs in state waters will not cure the ocean of what ails it. Because the MLPA process (funded by private sources with a political agenda) is based on symbolism, not science, and addresses

only fishing, it is far from certain that it will ever achieve its conservation objectives. Data-derived science has taken a back seat to private political agendas throughout the MLPA implementation process, creating barriers to quality work and public policy that serves the people.

California's policy makers need to ask themselves - can our state afford to fix a fisheries crisis that doesn't exist? The key to a healthy ocean is to first solve fishery problems by balancing extraction and conservation of ecosystem needs and achieve sustainability through existing fishery management regulations under the federal MSA, the state's MLMA and other regulatory authority. Since the late 1990s, this approach clearly has demonstrated that fish stocks can be effectively managed and rebuilt – without the aid of the MLPA closures and their associated adverse economic and environmental impacts on fishing and coastal communities. That is exactly why the Legislative Analyst recommended on March 3, 2010 to the Legislature suspension of the MLPA program.

The pressing issues of sewage outfalls and storm water runoff, agricultural chemicals and other pollution, ocean acidification, ocean side development and once-through cooling are not threats that are being addressed by the MLPA – but must be addressed if we are to have a healthy ocean. It is time for California to rethink its MLPA agenda, focus on resolving the real problems threatening our ocean and design effective, affordable programs and target issues which are so blatantly being ignored under the MLPA.

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<sup>1</sup> Guidetti, P. et al. 2008. Italian marine reserve effectiveness: does enforcement matter? *Biological Conservation* 141: 699–709

<sup>2</sup> Worm, B. et al. 2009 Rebuilding global fisheries. *Science* 325: 578–585