



June 9, 2009

The Honorable Noreen Evans, Chair
Budget Conference Committee
California Assembly
State Capitol, Room 6026
Sacramento, CA 95814

The Honorable Denise Ducheny, Vice Chair
Budget Conference Committee
California Senate
State Capitol, Room 5035
Sacramento, CA 95814

Dear Ms. Evans and Senator Ducheny:

The State's budget is a mess. You and your Committee have an impossible task. It's unimaginable that anyone will come forward offering programs or activities to cut. This letter may be unique. All of the entities listed below support accepting one of the Legislative Analyst's recommendations for a cut in the Department of Fish & Game (DFG) budget. You should cut the \$4.8m from the General Fund, or any other fund, for implementing the Marine Life Protection Act (MLPA). Here's why.

1. The MLPA is simply too expensive. The budgeted \$4.8m is only for start-up and it only represents half of the 2009/10 start-up costs. Private special interest funders are paying the remaining - more than \$8m for southern California alone. But the real costs come after Marine Protected Areas are adopted when private money is not available and the Department and future Legislatures are left to fend for themselves.

A 2005 estimate (by two former directors of Finance) of the eventual full management cost of the MLPA was \$30-60 million annually. A 2006 study estimated a cost range from \$9-43 million annually. The DFG reported last December that the cost to manage the MLPA in California would be \$35-55 million annually. The significant ongoing cost comes from the need to monitor for adaptive management and enforcement, both required by law.

When the legislation was adopted by the Legislature in 1999, the ongoing cost was estimated at \$250,000 annually - clearly this program has gotten out of control. Cutting \$4.8m now could save up to \$55 million annually.

2. The MLPA is being implemented in an overly narrow and biased manner. The Legislature intended that the law be a broadly focused marine conservation program that would augment other previously existing programs. It was intended that marine protected areas fold together enhanced protections from water quality contamination, coastal development, fishing and other impacts on the ocean. The Legislature recognized that, without a system of coordinated State actions, marine managed areas “create an illusion of a comprehensive system” of protection and conservation.

None-the-less, the Administration persists in a course that simply prohibits fishing on top of already extensive fishing regulations throughout California. No studies or reports indicate that fishing is the primary threat to the marine environment. No estimates have been prepared regarding how much species or ecosystems will benefit from MPAs. The public, however, is told that the MLPA will protect the ocean - they imagine and expect broad based protections.

Actually the MLPA is mostly just threatening hundreds of small businesses, thousands of jobs, and coastal communities up and down the State. If it was being implemented comprehensively for long term conservation values, this may be justified - however, it is not. It will not accomplish the Legislature’s intentions.

The California Fisheries Coalition compiled an analysis of the MLPA and related laws examining the narrow inappropriate “fishing-only” focus reflected in its implementation. We would be pleased to provide you a copy.

3. The MLPA is redundant of other marine conservation programs. With its single focus on restricting fishing, the MLPA is duplicating efforts of the DFG and the Fish & Game Commission to regulate fishing and adopt fishery management plans pursuant to the Marine Life Management Act (MLMA). The goals and purposes of the MLPA and the MLMA are very similar: manage marine species from an ecosystem basis, stop species-by-species management.

The major difference, however, is that modifying a marine protected area that is not working, or is too costly, will be nearly impossible to accomplish. Since there is no money to monitor or manage these areas, it will be difficult, if not impossible, to know if modifications would be appropriate.

We think the start-up of the MLPA should be put on hold until State revenues recover and we have an Administration that will fully implement a comprehensive marine

conservation program. To continue funding the MLPA, while education, health care, State parks, and many other one-of-a-kind programs are being decimated, should be inexcusable.

Proponents of the MLPA argue that delay will waste money already spent. Fortunately most of that money was not taxpayer money and stopping implementation now will actually save tens of millions of taxpayer dollars annually.

The Governor says we need to learn to live within our means, but he *really* wants a map of marine protected areas. We don't think it is possible to make a case that his map is more important than parks or children's health care. The \$35-55 million dollars saved annually by terminating the MLPA is more than half the funds needed to keep all State parks open and nearly 20% of the funds needed to fully fund Healthy Families.

We urge you to adopt the Legislative Analyst's recommendation regarding MLPA funds and also adopt language that keeps the Administration from playing a shell game by cutting core fish and game programs to get the Governor's map. Thank you for considering our views.

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Louie Zimm, President
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Jim Martin, Regional Director
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Harry Liquornik, President
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John Mills, Owner
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Larry Collins
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Jeff Pontius, President
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John Bakos
Westcoastfishing.com

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