



CALIFORNIA WETFISH PRODUCERS ASSOCIATION

Representing California's Historic Fishery

August 11, 2006

MLPA CEQA Scoping Comments
c/o Mr. John Ugoretz, Nearshore Ecosystem Coordinator
Department of Fish and Game – Marine Region
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940

Dear John,

I'm writing on behalf of the California Wetfish Producers Association, representing fishermen and processors in Monterey and southern California who harvest and process coastal pelagic species including sardines, mackerels and market squid. California's wetfish industry represents more than 80 percent of the total volume of seafood produced commercially in California. Monterey's wetfish industry contributes the lion's share of all commercially landed seafood products in the Monterey Bay area. This is an historic industry of continuing importance, both economically and culturally, in the Monterey area as well as statewide. However, the future of Monterey's wetfish industry depends largely on final decisions made re: implementing the MLPA Initiative on the central coast, with particular emphasis on regulations that could curtail squid fishing in the Año Nuevo – Greyhound Rock area, and possibly also curtail fishing for coastal pelagic species in the Soquel Canyon and Portuguese Ledge deep-water conservation areas proposed for Monterey Bay.

We appreciate this opportunity to recommend the following information for inclusion the MLPA environmental review and CEQA analysis. The notice announcing scoping hearings stated that the Department's Environmental Impact Report (EIR) on the proposed project intends to provide information about [1] potentially significant impacts, [2] identify ways to minimize impacts, and [3] evaluate feasible alternatives.

[1] Summarizing our concerns re: impacts, which will be echoed by other central coast fishing interests:

- The EIR requires a comprehensive description of the pre-existing environment.

In the case of new MPAs proposed for implementation, comprehensive baseline data on marine species should be included in the CEQA analysis if future evaluation of MPA performance is to be meaningful. Adequate baseline data are also required to meet the MLPA mandate for adaptive management.

The existing environment in this project has not been adequately described to date, in part because there has been no quantified evaluation of the benefits of fishery management relative to meeting the goals of the MLPA. The Hilborn, Parrish, Walters review of the MLPA science guidance quantified the effects of existing fishery management and found:

"Resulting from precautionary "ecosystem-based" fishery regulations enforced by both State and Federal fishery management agencies in recent years, there is now no evidence that current fishing practices upset the "natural" biological diversity of the marine ecosystem."

This important finding should be included and quantified in the CEQA analysis as contributing to MLPA goals of protecting biodiversity and ecosystem function, as well as conserving and restoring species of concern.

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The SAT did not quantify expected outcomes from its theoretical prescription for MPA size and spacing; no modeling of population dynamics was applied to the various MPA network proposals. The science advice also did not describe the meaning of the terms "ecosystem function" and "diversity", and likewise failed to undertake quantitative analysis of the effect of any of the any of the MPA network proposals on ecosystem function or biodiversity. At a minimum, the SAT should develop definitions of ecosystem function and diversity that can be employed in the future to assess the effects of MPAs on these statute-mandated quantities. We're concerned that there is simply no hope of monitoring either ecosystem function or diversity without explicit definitions, and the mandate for adaptive management will also be unachievable.

Modeling, including dispersion models developed by Hilborn and Walters and presented in the Hilborn, Parrish, Walters review of the MLPA science advice, must be employed in the CEQA analysis to correct this deficiency. The EIR should carry out an abundance assessment using present harvest rates, so decision makers will be able to determine the effect of the preferred MPA network on the total abundance of the key marine species in the California Current ecosystem. Ideally, this analysis should be accomplished BEFORE a network and accompanying regulations are enacted.

The Hilborn et al review made important findings, which also should be included in analysis of environmental impacts:

- **Recognize that there is little chance that MPAs will contribute significantly to maintenance of marine ecosystem function; the function of these ecosystems is largely determined by highly mobile species that will be totally unaffected by MPAs. Only widespread, effective fisheries management will insure maintenance and restoration of ecosystem function.**
- Because the SAT did not do quantitative analysis on the effect of network proposals on total function and diversity, it failed to acknowledge that species managed by quotas, which include all rockfish as well as other important species in the California Current ecosystem, will have no net change in abundance due to the MPA network. In fact, these species will decrease in abundance outside MPAs. Based on the net zero effect on abundance of the majority of important species, there will be a zero effect on function and diversity of the broad California Current ecosystem. **The EIR must address and quantify these overall abundance and diversity questions, which underlie the whole concept of MPAs, in the context of the California Current ecosystem.**

The MLPA is intended to address ALL impacts to the marine environment; however, this project only proposes to curtail fishing. This CEQA analysis must include a detailed description of the NON-fishing impacts to the marine ecosystem, i.e. impacts of coastal development, non-point source pollution etc., and how the MPA network will (or will not) improve these problems. This analysis should acknowledge that curtailing fishing will have NO measurable benefit with regard to minimizing pollution or the degradation to the marine environment caused by current and future coastal development. Nor will eliminating fishing restore sea otter populations, when up to 50 percent of documented mortality is caused by non-point source pollution contributed by cat and opossum feces.

Further, we find discrepancies between the goals and objectives for MPAs stated in Package P and the regulations proposed to achieve them. How does prohibiting fishing protect sandy beaches, for instance?

A key rationale for curtailing wetfish fisheries, particularly in headland areas, is to protect forage for birds and marine mammals. With specific reference to the squid fishery, the Año Nuevo – Greyhound Rock area was proposed for total closure in Packages 2R and 3R, and partial closure in Package P.

The EIR and CEQA analysis should include detailed discussion of the breeding patterns and dietary preferences of birds and mammals in proximity to Año Nuevo and the Monterey Bay area, with specific emphasis on the total forage base available (including anchovy, krill, rockfish, saury and other forage species – all either not fished or prohibition on take proposed) vs. the relatively small amount of squid harvested in this area. Such analysis should also note that the Año area is also very important seasonally to Monterey's historic wetfish industry. The Greyhound Rock area is among Monterey's most important squid harvest grounds.

Similarly, the EIR should provide quantified documentation how curtailing fisheries for coastal pelagic species in the Soquel Canyon and Portuguese Ledge areas would (or would not) improve bird and mammal populations, when according to best available science, fishing for CPS finfish in these deep-water areas would not impact the habitat or ecosystem. Moreover, recent studies of both marine mammal and bird species in the area indicate increasing population trends in the presence of wetfish fisheries. (In fact, Package 3R, identified as the preferred alternative for the Bay, originally proposed to allow fishing for CPS finfish, although that opportunity may be questioned in the regulatory process.)

- Feasibility, economic viability, and available infrastructure must be determined. The proponent needs to be able to reasonably control the project.

The Department has acknowledged repeatedly that it lacks manpower to adequately implement the MLPA unless substantial additional funding is not only promised but delivered over the long term. Additional funds promised to date are inadequate to continue monitoring and enforcement over time, especially enforcement in remote areas, such as Point Sur. The projected budget for this project far exceeds available and promised funding. This inadequacy must be thoroughly documented in the CEQA analysis.

Enactment of a comprehensive network of MPAs will be a very expensive undertaking. Quantitative analysis of expected ecosystem benefits demonstrates no net increase in abundance and a zero effect on function and diversity of the California Current ecosystem. We are concerned about the lack of long-term commitment to fund a program that will have negligible payoff or broad benefit to the environment. This project will result in a major shift of fishing effort, and perhaps further decline in fishing infrastructure now an essential part of central coast fishing communities. Although socio-economic concerns are not a primary purpose of a CEQA analysis, we note for the record nonetheless that this project may have serious negative impacts on the infrastructure of harbor communities, with resultant negative, perhaps ruinous, consequences both cultural and economic, to the future viability of Monterey's historic fishing industry as well as central coast fishing communities.

- Cumulative effects - potential negative impacts to neighboring areas, are required to be analyzed.

As noted above, to date there has been no attempt to quantify negative environmental impacts caused by removing 40 percent, perhaps as high as 60 percent, of the most important fishing grounds in the study area, i.e. nearshore rocky habitat, kelp beds and headlands. Sixty percent or more of the most productive fishing grounds in the southern portion of the study area has been proposed for closure. As numerous fishermen have testified, all proposals will cause significant displaced fishing effort into smaller areas that would remain open to fishing. However, only Package 1 addresses displaced effort and attempts to minimize it consistent with scientific guidelines.

In addition, as explained in the Hilborn, Parrish, Walters review of the MLPA science advice, the removal of virtually all major and minor headlands may result in a net negative biomass as larvae are entrained far offshore and their dispersal patterns are unknown. This impact should be fully addressed and quantified to the extent possible in the CEQA analysis.

Additionally, recommendations presented in the Hilborn et al review provide important information that should be included in the CEQA analysis. Essential points are highlighted (emphasis added):

Recommendations (General)

- **There is a critical need to develop spatial maps of fishing efforts and impacts for the major California fisheries, using commercial logbook and creel census information along with assistance from knowledgeable fishers (using workshop data synthesis and mapping processes) where quantitative distribution data are not available.**
- **Using such maps, fishing effort displacement should be calculated for each MPA plan proposed, and estimates made of the increase in fishing effort and impact in remaining areas open to fishing.**
- Long-range proposals and plans should be developed for reduction in overall fishing efforts for those fisheries where substantial (20 % or larger) displacement is likely to occur. (This should be evaluated and discussed in the CEQA analysis.)
- Avoid using concepts from terrestrial protected area planning in MPA design, and instead use appropriate models

Recommendations (to improve scientific guidance and analysis)

- **The Scientific Advisory Team should be required to provide specific guidelines for desired levels of protection by habitat type, with precise justification for each of these guidelines and with quantitative predictions (using population dynamics models for a range of representative species) of the consequences of failing to meet them.**
- **The Scientific Advisory Team should develop quantitative classification guidelines to be used to evaluate the levels of protection assigned to MPAs.**
- **The Scientific Advisory Team should develop a list of species to be benefited by MPAs that provides a quantitative assessment of the degree of benefit that each species is expected to receive.**
- *Recommendations (Modeling)*
- **Use the models provided [in the Hilborn, Parrish, Walters review] as a starting point for more careful quantitative analysis and comparison of alternative MPA proposals.**
- Involve stakeholders in game-playing with the models, and in trouble-shooting possible missing model components and functional relationships needed for prediction, as a central part of the adaptive management planning process and as a means to stimulate development of cooperative monitoring programs.
- **Use the models as an aid to development of monitoring designs, both in terms of helping to identify key monitoring variables (i.e. what model predictions do people really look at in comparing policy alternatives) and in design of spatial sampling programs and inside-outside comparisons of open areas versus MPAs.**

[2] Re: identify ways to minimize impacts, we suggest that the CEQA review include discussion on phasing in the network, and provide appropriate benchmarks for expansion. Again, quoting from the Hilborn et al review, the first recommendation is as follows:

"Implement a phased MPA network designed with a variety of MPA sizes and with an adequate long-term monitoring plan and sufficient resources to test MPA theories."

Monitoring recommendations extracted from the Hilborn et al review that should be incorporated into a discussion on phasing, in the context of minimizing potential impacts, include the following:

- Adopt the institutional design framework recommended in the "Final Draft Adaptive Management and Monitoring and Evaluation Framework", but modify it immediately to address the hard-nosed issues of exactly what to monitor, where, and when, and how. Focus on the recommendations in Appendix 3B of that report and incorporate the monitoring recommendations provided in this review. Discard the recommendation in that draft of designing monitoring programs around broad biogeographical regions; there is no need to do that for effective adaptive management based on paired comparison data between nearby protected and fished areas.
- A joint State-Federal task group should be formed to develop a detailed, cooperative monitoring program with costs and cost sharing proposals, taking full account of possible cooperative monitoring efforts that will become feasible given planned changes in fishing property rights and recent support for collaboration between industry and fishery management agencies.
- **Begin monitoring basic ecological response indicators (relative abundances, sizes of representative species, i.e. essential fishery information) ideally at least two years before implementation of each new MPA.**
- **Plan to continue these paired monitoring programs for at least a decade after establishment of each MPA, so as to assess cumulative effects of both the MPA and other management influences and to allow staircase comparisons to MPAs initiated later in time.**
- **There should be a careful enumeration of the total number and kind of field measurements that will need to be taken annually for the foreseeable future as the core of the core adaptive management monitoring program, with particular attention to the need for paired measurements in and near each protected area.**
- A consensus statement should be developed on a basic, key indicator set that must be measured on all experimental (and reference) areas.
- There should be increased funding for and very careful evaluation and encouragement of the cooperative programs between fishers and scientists that are now underway in some locations (e.g. tagging in Channel Islands area), with a view to extending such programs much more widely along the coast.
- **Carry out the same monitoring (same methods, etc.) on at least one "control" or reference area in close proximity to each protected area (treatment-control pairing).**
- **Monitoring programs should attempt to measure both settlement rates of very small juveniles, especially rockfishes, and also net production (recruitment) of larger juveniles out of nursery areas.**
- **Monitoring programs for longer-lived species should regularly collect size-age distribution samples to assess rebuilding of population age structures, and the component of overall abundance increase due to this rebuilding as opposed to increases in recruitment rates.**

- **Monitoring plans for adaptive management should include transect sampling of abundance for a set of indicator species with different movement rates, along transects from well outside MPA boundaries into the middle of the areas.**
- A study team should be formed to evaluate options for large-scale investment in new, automated technologies for ecological monitoring, in particular the deployment of large-scale listening arrays for acoustic tags that would provide an opportunity to measure movement and exploitation patterns directly for a variety of larger species.

[3] Re: evaluating feasible alternatives, we point out the striking similarities in the amount of the best nearshore habitat – including hard bottom, kelp beds and headland areas – proposed for MPAs in Packages 2R, 3R and P. Clearly, the CEQA analysis should include a range of alternatives. As noted above, only Package 1 succeeded in developing a network proposal that meets SAT guidelines and minimizes potential environmental impacts caused by effort shift and congestion in outlying areas. **Package 1 also achieved rare consensus support from virtually the entire central coast fishing community, and it is appropriate that it is included as presented in the CEQA document for analysis.**

Thank you very much for your consideration of these comments.

Sincerely,

Diane Pleschner-Steele
Executive Director

cc: Secretary of Resources Mr. Mike Chrisman
Mr. Ryan Broddrick, Director, CDFG
Mr. Sonke Mastrup, Deputy Director, CDFG
Mr. Gary Stacey, Regional Manager, CDFG