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California State Senate

SENATOR
BOB DUTTON

THIRTY-FIRST SENATE DISTRICT



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BUDGET & FISCAL REVIEW

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RULES
BUDGET & FISCAL REVIEW,
SUBCOMMITTEE NO.5

May 19, 2010

Mr. John McCamman, Director
California Department of Fish and Game
1416 Ninth St., 12th Floor
Sacramento, CA 95814

Dear Director McCamman:

It has come to my attention that the Legislative Analyst has recommended "suspension of state support" to implement the Marine Life Protection Act (MLPA). Further, the LAO recognizes that there is no long-term comprehensive plan to finance enforcement or management of marine protected areas once established. The LAO cites existing state fishing statutes such as the Marine Life Management Act and traditional fishing restrictions that could be used to enforce fishing restrictions as an alternative to this proposal.

While the MLPA may be cast as an "ecosystem approach" to protecting the ocean environment, it appears, according to the California Attorney General, that the only thing that the MLPA can actually do is to restrict commercial and recreational fishing. In fact, the Attorney General, in a September 25, 2009 letter to the Assistant Secretary of the Natural Resources Agency clearly states on page 9 that "The State Water Resources Control Board maintains primary jurisdiction over water quality and pollution discharges." And, "[the MLPA ... does not grant DFG or DPR new powers to enforce water quality regulations within marine reserves." [Words in brackets added for clarification.]

After careful analysis, the LAO's conclusions therefore say, in summary, the following:

1. The state does not have the resources to enforce the MLPA.
2. The state does not have the resources to manage and scientifically monitor the MLPA.
3. Current fishing statutes are working to protect California fisheries and, therefore, the MLPA is an unnecessary program.

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Given California's long-standing budget crisis where we face difficult cuts to health and safety programs, please justify for me why the Department should continue with implementation of the MLPA. As the Legislature is required to pass a balanced state budget by June 15, 2010 please provide your response to me by June 1, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Dutton", with a long horizontal flourish extending to the right.

BOB DUTTON

Vice-Chair, Senate Budget and Fiscal Review Committee

cc: Senator Denise Ducheny, Chair, Senate Budget and Fiscal Review Committee
California Fish and Game Commission