



September 2, 2021

California Natural Resources Agency (CNRA)

Sent electronically to: CaliforniaNature@Resources.ca.gov

RE: Comments on "Advancing 30x30: Conservation of Coastal Waters."

To Whom it may concern,

Please accept the following comments from the San Diego Fishermen's Working Group (SDFWG) and the Alliance of Communities for Sustainable Fisheries (ACSF) regarding Governor Newsom's Executive Order and the "Advancing 30x30: Conserving Coastal Waters" section of the report which is under development.

As an introduction, this quote is found on the CNRA website:

"The Executive Order's commitment to reaching 30 percent of coastal marine conservation is based on advancing measures beyond the MPAs (such as enhancing biodiversity safeguards in National Marine Sanctuaries, National Estuary Programs, and Areas of Special Biological Significance) and through the collaborative stakeholder process. The final strategy for achieving protection of 30 percent of state coastal waters can be developed as part of the state biodiversity plan and modified as needed after completion of the decadal review of the MPA network."

Define "conserve" and "conservation"

The Governor's EO and the initiative to implement it do not provide clear definitions of these terms. If conservation is defined in a way that means no extractive activities, then such a mandate will needlessly wipe out our industry at a time when the fragility of U.S. food security is being made clear during this pandemic. It will also be contrary to the successful U.S. fisheries statute, the Magnuson-Stevens Fishery Conservation and Management Act, which already creates a science-based, public process to address sustainable levels of harvest, based on the best scientific information available, and habitat protections, which in turn, enhances marine biodiversity. It will also run contrary to the large body of California's regulation of its fisheries, which also provide substantial conservation measures for habitat, biodiversity, and sustainability.

However, if "conservation" is interpreted in a more holistic way, meaning regulation and management for long-term sustainability and levels of protection for certain habitats, then we believe you will find California is meeting this goal already for its coastal waters. We respectfully draw your attention to the letter (attached) signed by thirty eminent fisheries scientists, which lays out the scientific basis as to why a policy banning ALL extractive activities is unnecessary, destructive to US fisheries, and undermines existing state and federal laws.

A discussion of societal trade-offs is needed

Thus far in this process there has been little discussion of the societal trade-offs which are made, as they apply to conserving biodiversity. For example, the best organic farming practices substantially alter natural habitats and reduce biodiversity. As a society, we accept these organic (and other) farming practices in exchange for food.

For fishing activities in California, we have a negligible effect on the physical environment and do not transform it like farming, forestry, mining and other human activities do on land.

A 2009 public opinion poll, [**Nationwide Survey of Public Opinion on the Management of Ocean Resources**](#), sponsored by the ACSF and independently conducted by the well-regarded natural resources polling firm, Responsive Management, Inc, found this:

"The survey asked respondents if they agree or disagree that some change to the natural biodiversity in U.S. ocean waters is acceptable to guarantee a continued food supply through fishing and shellfishing: agreement (71%) far exceeds disagreement (20%). The same question was asked again, but was preceded by this explanation: "On land, our society generally accepts change to the natural biodiversity of an environment to guarantee a continued supply of food. For

example, we change the natural biodiversity of land by replacing natural growth of wild grasses with food crops on farmed land.” When the question includes this introduction, 73% of respondents agree and 18% disagree (note that agreement is just slightly higher with the introduction).”

When considering actions to conserve biodiversity, the trade-offs we continually make, for food, recreation, cultural needs, economics, and other factors of well-being, must be front and center of the discussion.

Some are calling for more Marine Protected Areas, but think twice...

A major problem in achieving a goal of MPA's-- to improve the overall health of ocean ecosystems-- are the effects of displaced fishing effort. As fishing effort is moved out of the MPAs, fish are caught elsewhere and often in habitats of less quality, resulting in no net gain to the ecosystem.

A recent article in the peer-reviewed journal, *Conservation Biology*, entitled “Assessing the population-level conservation effects of marine protected areas”, Ovando, et al, (<https://mail.google.com/mail/u/0/#search/dan+ovando/WhctKKWxXJDPCtDDhQmxbPmjmVHSfzPkxjCPLzHmdkbHcVNHMtXRjgKDIrpZVCTqTXxPlgL?projector=1&messagePartId=0.1.1>) highlighted these findings:

“Marine protected areas (MPAs) cover 3–7% of the world’s ocean, and international organizations call for 30% coverage by 2030. Although numerous studies show that MPAs produce conservation benefits inside their borders, many MPAs are also justified on the grounds that they confer conservation benefits to the connected populations that span beyond their borders. A network of MPAs covering roughly 20% of the Channel Islands National Marine Sanctuary was established in 2003, with a goal of providing regional conservation and fishery benefits. We used a spatially explicit bioeconomic simulation model and a Bayesian difference-in-difference regression to examine the conditions under which MPAs can provide population-level conservation benefits inside and outside their borders and to assess evidence of those benefits in the Channel Islands. As of 2017, we estimated that biomass densities of targeted fin-fish had a median value 81% higher (90% credible interval: 23–148) inside the Channel Island MPAs than outside. However, we found no clear effect of these MPAs on mean total biomass densities at the population level: estimated median effect was –7% (90% credible interval: –31 to 23) from 2015 to 2017. Our simulation model showed that effect sizes of MPAs of <30% were likely to be difficult to detect (even when they were present); smaller effect sizes (which are likely to be common) were even harder to detect. Clearly, communicating expectations and uncertainties around MPAs is critical to ensuring that MPAs are effective.”

Direct fishing-sampling done under CDFW scientific permit of the long-established Big Creek State Marine Reserve showed a distinct lack of biodiversity, as large predator finfish (ling cod, Cabazon, etc) dominated the population. (Tom Hafer, Morro Bay commercial fisherman, personal communication, 2021).

Further, marine reserves have not protected kelp forest from negative impacts of climate change: loss of kelp beds, starfish die-offs, red sea urchin die-offs, proliferation of purple sea urchins. These issues occurred both inside and outside MPAs. Fishery impacts were generally not discernible. All recommendations for improving kelp bed habitat now revolve around adaptive management using fishery participants. The fishery managers do not have the patience to wait 10 to 50 years for balance to be restored without adaptive management, and now are advocating for culling “bad” species and artificial seeding of “good” species. The notion that more MPAs are needed to address the kelp problem is counterproductive.

“Enhancing biodiversity safeguards in National Marine Sanctuaries”

As a stated recommendation coming from the 30x30 initiative, we wonder, what does this mean? National Marine Sanctuaries are designated under the National Marine Sanctuaries Act and each is managed by federal agencies, deriving their authority from federal law. Sanctuary authority is largely reliant on other federal laws, such as the Endangered Species Act, the Clean Water Act, and the Marine Mammal Protection Act, among others. Sanctuary actions around habitat protection are mostly found in its permit authority; however, even with this authority it can and has permitted projects with clear habitat impacts, such as cable burial. The program is currently considering allowing offshore wind energy projects inside sanctuaries. We point out that such decisions involve societal trade-offs. Fishermen almost universally find sanctuaries to be unnecessarily redundant in authority, not transparent in management, and straying away from the multiple-use intent of Congress when it established the National Marine Sanctuaries Act.

Social and environmental justice issues

Harming commercial fishing will fly in the face of social and environmental justice goals that state leaders and the President have stated are of value. The seafood supply chain is heavily represented by people of color, from direct harvest through processing and delivery. Diminishing the harvest of seafood will cost jobs in the supply chain. We hope the state will value, and not sacrifice, the good paying jobs, many with benefits, that exist in seafood processing from California companies.

As working class people who have few funds and little time to participate in the federal and state processes, fishermen don't have a level playing field with agencies and well-funded ENGO's. We have already seen that fishermen were not invited to participate in a leadership role in the 30x30 initiative. Please don't compound this injustice.

Last, we note that for many Californians, eating local seafood is the only real connection they have with our ocean.

Fishermen have been excluded thus far in leadership roles in 30x30

As stated above, fishermen and fishery managers have been largely excluded from any leadership role in forming strategies to conserve biodiversity under the Governor's Executive Order. They are not part of the core team formulating recommendations, nor have they been invited to be panelists on state-sponsored webinars.

Who we are

The San Diego Fishermen's Working Group (SDFWG) was formed to provide a unified voice to commercial fishermen of all gear types in the greater San Diego region. We are a 501-c-3 non-profit organization, purposed to bring the collective views of commercial fishermen to fisheries science and management, and to any public process that may impact the success of our fisheries. The SDFWG is lead by a nine person Board of Directors (Board), representing the various important gear types and fisheries in the region.

The Alliance of Communities for Sustainable Fisheries (ACSF) is a 19-year-old 501(c)(3) not-for-profit organization, founded for the purposes of educating the public on fisheries issues, connecting fishing men and women ("fishermen") with their communities, and representing fishing interests in state and federal processes. The ACSF is a regional organization, with commercial fishing leaders, representing Monterey, Moss Landing, Santa Cruz, Morro Bay, Pillar Point, and Port San Luis, on our Board of Directors. Port communities, several recreational fishing organizations, and the California Wetfish Producers Association (squid, sardines, etc), also have representatives on our Board. Thus, the ACSF represents a large cross-section of fishing and community interests for the Central Coast of California.

In Conclusion

Fishermen, based, in part, upon our long on-the-water observations, believe that when the wide variety and effectiveness of existing federal and state laws which conserve habitats, biodiversity, and provide for sustainable harvest, are accounted for, the State will realize that it already has met the conservation of coastal waters it is seeking.

Thank you for considering comments from the San Diego Fishermen's Working Group and the Alliance of Communities for Sustainable Fisheries.

Pete Halmay, President

SDFWG

peterhalmay@gmail.com

Alan Alward, Co- Chair

ACSF

netflea@charter.net

attachment