



March 8, 2023

California Fish and Game Commission  
Marine Resources Committee  
715 P Street, 16th Floor  
Sacramento, CA 95814

**RE: Fish and Game Commission Marine Resources Committee March 16, 2023 Meeting  
Agenda Item #9 - Marine Protected Areas Decadal Management Review**

Submitted electronically via [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

Dear President Sklar and Honorable Commissioners:

The fourteen non-profit signatory organizations are dedicated to ocean protection in California, with a long history of working on marine protected area (MPA) management, research, compliance, education and outreach efforts. We submit this letter to provide initial comments on California's first Decadal Management Review (DMR) of the state's MPA Network, which marks a momentous step. We would like to thank State agencies, the Commissioners, and the countless individuals who helped make our MPA Network a reality and a resounding success. Our takeaways on the DMR Report (Report) and implications for MPA management moving forward are as follows:

**A Public Process for Managing Climate Resilience is Needed**

Since the Network's establishment in 2012, MPAs have successfully resulted in larger, more abundant, and older fish in specific areas — this is a huge success well noted in the Report. However, California's MPAs were not originally designated with climate resilience in mind. California's ocean and coastal ecosystems have already begun to experience serious impacts from climate change. As climate impacts worsen, the integrity of the MPA Network will be threatened. To support the six goals of the Marine Life Protection Act, MPA management must evolve to address climate resilience.

The Fish and Game Commission (FGC) should work towards climate resilient MPAs through an equitable, science-based process. This process should be aimed at establishing adaptive

management of state MPAs that considers climate impacts as well as broader site-specific challenges, needs, and lessons learned.

The [Ocean Science Trust Climate Resilience and California's MPA Network Report](#) makes many science-based recommendations that can be incorporated into such a process. Recommendations include adding new climate resilience monitoring metrics to the state's existing long-term monitoring plan and performing climate impact risk assessments of species, ecosystems and habitats. Our NGOs are collectively eager and willing to participate in this effort immediately given the short-time frame to address these quickly accelerating impacts.

### **More Tools Needed to Address Compliance**

Compliance and enforcement of California's MPAs is not occurring with regularity, resulting in take of marine resources from inside protected areas. Non-compliance undermines biodiversity protections, with unchecked illegal commercial take unduly penalizing law-abiding fishers. This can have major ecological and economic impacts that jeopardize MPAs success. We urge the State to better monitor and improve MPA compliance.

We appreciate the Report for including useful information regarding enforcement statistics, including data on MPA citations. We also encourage a stronger focus on collecting, analyzing, and sharing comprehensive enforcement and compliance data in the future, as well as an increased commitment to using this data to guide equitable management. We recommend a comprehensive analysis of compliance data to better quantify true network compliance. We also recommend working closely with prosecutors to track the outcome of MPA cases through the judicial system. It is important to understand if violators are being held accountable, and if not, what can be done to improve compliance.

We support the FGC to use its own administrative penalty authority, particularly for serious or commercial poaching violations. California's ocean fish and invertebrates are to be managed for everyone's benefit. Those who break the law are violating the public trust and should have their fishing license suspended or revoked as appropriate. We appreciate the FGC's recent application of this authority to two major poaching cases last year. The Report should note its application and continue this use of administrative penalty authority.

### **Equity Must be Better Framed in the Document and Addressed in Future Management**

'Appendix A: Comprehensive Recommendations' currently reads as if it is a list of recommendations being made by Report authors, giving the misperception that the included suggestions represent the State's perspective. We ask that this error be corrected in the Report text to avoid continued misunderstanding.

We also object to the placement of commercial fishing interests under the header "Justice, Equity, Diversity, and Inclusion" (DEIJ) in Appendix A in the Report. Combining commercial fishing perspectives together with those marginalized in the fishing community, such as subsistence or low-income participants, erases the voices the DEIJ concept is intended to help

elevate and is fundamentally at odds with DEIJ best practices because commercial fishing interests have been considered extensively throughout the MPA designation process and during the last 10 years of management. We urge you to add a new subheader to Appendix A specific to fishing related stakeholder recommendations and move the fishing bullets under that new header so that DEIJ issues receive the attention they deserve.

Communities with strong cultural, spiritual and physical connections with California's ocean are vast, diverse and historically underrepresented in coastal and resource management. The FGC should seek to include the perspectives of non-consumptive ocean users, tribes, and businesses that are supported in myriad ways by healthy ocean ecosystems in future management programs and decisions.

State agencies should continue to expand research and monitoring on MPA perspectives that are broadly inclusive and representative of all relationships with our ocean and coast. One research recommendation is to focus on socio-economic metrics beyond surveying fishermen, such as through analysis of research related to tourism, which may increase when wildlife is more abundant and ecosystems are healthier.

### **Targeted Effective Education and Outreach is Needed**

We encourage the State to invest heavily in MPA outreach and education and focus on improving equitable opportunities to gain knowledge, and access to, MPAs. We specifically support increased focus on culturally relevant materials, programs, and translated materials, in addition to other methods of access identified in the report (e.g., use of universally understood symbols).

The California Marine Sanctuary Foundation's '[MPA Needs Assessment](#)' makes many recommendations that we support, including engaging directly with the recreational fishing community, widely distributing participation opportunities and materials, embracing new formats and technologies and expanding locally-relevant educational opportunities.

### **Conclusion**

We appreciate the opportunity to comment on management of California's MPA network at this momentous milestone. The last ten years of management have begun to shift the course for our ocean from unsustainable practices towards adaptive, community-based leadership to protect our ocean for future generations. We look forward to working with the FGC and Department of Fish and Wildlife to expand our understanding and management of the MPA Network in a way that serves all Californians.

Sincerely,

Laura Walsh  
California Policy Manager  
Surfrider Foundation

Emily Parker  
Coastal and Marine Scientist  
Heal the Bay

Chelsea H. Tu  
Executive Director  
Monterey Waterkeeper

Michael Quill, PhD.  
Marine Programs Director  
Los Angeles Waterkeeper

Rikki Eriksen, PhD.  
Marine Programs Director  
California Marine Sanctuary Foundation

Kristen Hislop  
Marine Program Senior Director  
Environmental Defense Center

Sean Bothwell  
Executive Director  
California Coastkeeper Alliance & The Otter  
Project

Anupa Asokan  
Senior Oceans Advocate, Nature Program  
Natural Resources Defense Council

Ray Hiemstra  
Associate Director of Programs  
Orange County Coastkeeper

Angela Kemsley  
Conservation Director  
WILD COAST

Lisa Gilfillan  
MPA Watch Coordinator  
WILD COAST/MPA Watch

Penny Owens  
Education & Outreach Director  
Santa Barbara Channelkeeper

Ashley Eagle-Gibbs  
Legal and Policy Director  
Environmental Action Committee of West  
Marin