



National Marine Manufacturers Association

Via Electronic Copy

June 1, 2020



The Honorable Ash Kalra
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0027

Re: AB 3030 (Kalra) – Oppose Unless Amended

Dear Assembly Member Kalra:

On behalf of the undersigned organizations, we regretfully inform you of our “Oppose, Unless Amended” position on your measure AB 3030.

We appreciate the opportunities your staff has provided for dialogue with themselves and the sponsors. The conversations have been informative both about the intentions of the sponsors of the measure, the purpose of the bill as they see it, and allowing for dialogue over our interpretation and concerns.

However, despite these conversations, we remain very concerned about the broad and sweeping nature of the bill. Unless the extent and impacts of existing protections in ocean waters are expressly acknowledged in this legislation, unnecessary fishery closures may result, further restricting recreational angler opportunity and possibly setting the stage for another contentious fight around the establishment of these closures.

We therefore oppose this legislation and cannot remove our opposition unless:

- Specific language is taken into the bill to acknowledge California’s role as a leader in marine conservation, recognizing the role of government bodies such as the Pacific Fishery Management Council (PFMC) and the California Fish and Game Commission (FGC) in regulating and overseeing species management and harvest off California’s coast, and the tremendous protections already in place in California’s marine waters;
- Recognition is made in the measure of the importance of recreational angling in the marine environment in terms of the dollars and volunteer hours the community invests in conservation and state funded programs, and the stated goals of the California Department of Fish and Wildlife in promoting increased participation in recreational angling;
- Clarification around some of the broad and ambiguous findings in the bill that, for example, state that existing protections are insufficient (without identifying specifics), and definitions in the bill (such as the word “protect”) that could lead to some interpreting the purpose of this bill as means to restrict or deny take in our marine waters.

The proposed language states that “it is the goal of the state to protect at least . . . 30 percent of the ocean waters off the coast of California by 2030.” No responsible angler would oppose this goal. Similarly, every responsible angler should support healthy biodiversity as well as thriving marine resources. The work our organizations do today are to support robust opportunity for anglers today, and for the generations to come.

That being said, while goals of AB 3030 are potentially laudable, this goal has already been accomplished in California’s marine environment. In fact, depending on how “protections” in the bill are defined or interpreted (a matter of some concern because the term is intentionally vague, which we will address elsewhere in this letter) California has exceeded the 30% protected standard in our coastal waters. This includes California’s extensive network of Marine Protected

Areas, National Marine Sanctuaries, designated Essential Fish Habitat and Habitat Areas of Particular Concern, and other “protected” spaces. MPA’s alone already account for over 16% of State waters by themselves.

California is already a leader in management of marine habitat and living marine resources. The PFMC, which includes representation from the State of California, works with the National Marine Fisheries Service to manage fisheries in federal waters off the coast of California. In fact, many species found in State waters, such as salmon and dozens of groundfish species, are managed by the Council. Measures taken by the Council have resulted in the rebuilding of west coast groundfish stocks. Out of 90 groundfish stocks, many of which had been depleted decades ago, all have been rebuilt through strict management measures save for one species (yellow eye rockfish) that is rebuilding well ahead of schedule.

Current management of fishery resources in waters off the coast of California already provide the “protections” being sought in the bill, both in percentage scope and mission. The Council, working with environmental NGOs, has prohibited the take of unmanaged forage fisheries. Vast stretches of the ocean floor have been protected. The Council is guided by a Fishery Ecosystem Plan drafted and revised by the Ecosystem Workgroup. The Council also has a standing Ecosystem Advisory Subpanel to provide advice. Bottom trawling, a high impact commercial fishing practice, is strictly limited in both federal and state waters. Drift gill nets are being phased out (with the support of the recreational community). Other fishery practices, especially those practiced by recreational anglers, have low ecological impacts and thus already meet the goal of protecting ocean waters.

Further, conversations with the sponsors have illuminated the scope and magnitude of the concerns they are seeking to address with this bill. Those items, among others, consist of pollution by onshore runoff, ocean acidification, rising sea temperatures, and more. The proposed legislative findings also make specific reference to a loss of terrestrial biodiversity, loss of terrestrial natural areas, risk of extinction of terrestrial species, and climate change. Enacting further fishery restrictions would have no benefit, of course, to terrestrial species or on factors influencing climate change. Marine heat waves and ocean acidification are real challenges but cannot be genuinely or symbolically addressed by fishery closures.

As specifically relates to language in the findings and operable sections of the legislation:

- Language in the operable section of the bill includes terms like “protect”, and as proposed to be amended, a call for consideration of “how existing marine protected areas contribute to the goals” of the measure. The uncertainty around these terms – what does it mean to be “protected?”, are traditional outdoor recreational pursuits compatible with “protections?”, lead to ambiguity and confusion and concern among our communities. We hear how your sponsors interpret and describe this bill. However, you may not hold public office after 2030, and many of us will not be working in this same space at that time either. The bill needs more clarity around these terms so that we all have a clear vision of what is proposed if the bill becomes law.

- As proposed to be amended the bill makes clear to sidestep a marine review process already underway, but in that regard may be premature in supposing that additional protections are necessary to any extent. Perhaps it would be better to wait for the definitive outcome of California's review of its Marine Protected Areas before establishing a further framework of possible restrictions or closures. Further, we are not sure that these amendments about MPAs (e.g., study effectiveness, review process, etc.) are relevant to the underlying purpose of the bill, which supposedly relates to the UN's 30% (50%) goal.
- The bill enumerates a number of communities that shall be consulted on advancing the goals of this measure, but sportsmen and women are not included in their ranks. The bill states specific goals about improving access to nature for certain communities but does not include those whose recreational opportunities have shrunk over time as opportunities have declined and management restrictions have been imposed.

The International Union for Conservation of Nature and World Commission on Protected Areas (IUCN) states that fishing is compatible within a marine protected area provided it has "a low ecological impact, [is] sustainable and [is] well managed as part of an integrated approach to management".

Here are some proposed amendments that we would encourage you to consider:

Section 1:

(g) ~~The existing~~ Additional protections for land, water, the ocean, and wildlife in California and the United States ~~are insufficient~~ may be necessary to prevent a further decline of nature.

Move (h) to operable section of the bill (Section 2) and create a definition:

(h) 'Protect' or 'protection' means the establishment of enduring conservation measures on land, water and ocean areas of the State to Protected land, water, and ocean areas ~~must~~ support thriving biodiversity, contribute to climate resilience, and provide ecosystem services; ~~be established with enduring measures;~~ and managed so that their natural character, resources, and functions are conserved, ~~maximized,~~ and not impaired for current and future generations. Well-managed and sustainable fishing and hunting practices with low ecological impacts are compatible with protected areas.

Include two new findings:

(m) California's recreational anglers and hunters provide substantial benefit to restoration, enhancement and protection of the natural habitats of California's game and non-game species via the annual revenues generated for the state through their purchase of license, stamps and tags; additional revenues provided our state for this purpose via

excise taxes placed on hunting and fishing related equipment pursuant to the Federal Aid in Sport Fish Restoration Act and the Federal Aid in Wildlife Restoration Act; funding and on-the-ground efforts provided for these purposes via hunting and fishing related conservation organizations; and habitat restoration efforts of private landowners on their lands with hunting and fishing as their incentive.

(n) It is not the intent of the measure to further restrict, or limit, existing opportunities or access to wildlife-dependent recreational activities including hunting and fishing as defined in section 1571 (e) of the Fish and Game Code. Further, recognizing the economic value that conservation hunting and angling provide to meeting the state's conservation goals, it is the intent of the Legislature to expand those opportunities where appropriate and compatible with conservation priorities. Finally, it is not the intent of the Legislature to impact the authority of the Fish and Game Commission in establishing the parameters under which locations, species, seasons, bag limits, and other regulations are defined.

Section 2:

(a) It is the goal of the state to protect at least 30 percent of land areas and waters within the state and 30 percent of the marine waters of California by 2030, inclusive of existing protections afforded by state and federal laws and regulations.

Also, create a Definitions section as proposed above for the word "protection", and possibly other terms.

Whatever abuses of the ocean ecosystem that may exist around the world, the marine waters of California are already well-protected through a combination of federal and state measures. This protection already exceeds the 30 percent goal of this legislation. We are justifiably concerned that this legislation, if not amended to recognize these existing protections and integrated approach, will serve as a vehicle to introduce additional fishery closures. The irony, of course, is that such go-it-alone closures would be the antithesis of "of an integrated approach to management" contemplated by the IUCN.

We are ready to work with you, your staff and other stakeholders on amendments to address our concerns.

Sincerely,

American Sportfishing Association
Angler Chronicles
California Sportfishing League
Channel Islands Yacht Club
Coastal Conservation Association California
Coastside Fishing Club
Congressional Sportsmen's Foundation
Cope's Tackle and Rod Shop

Dana Wharf Rod and Reel club
Davis Boats
Fish Taco Chronicles
Fred Hall Shows
Golden Gate Fisherman's Association
International Game Fish Association
Izorline
Let's Talk Hookup
Los Angeles Rod and Reel Club
National Marine Manufacturers Association
Northern California Guides and Sportsmen's Association
Oceanside Senior Anglers
Pacific Coast Sportfishing Magazine
San Diego County Wildlife Federation
Socal Sportfishing Club
Sportfishing Association of California
Virgs Landing

Cc: Members, Assembly Appropriations Committee
Wade Crowfoot, Secretary, California Natural Resources Agency
Chuck Bonham, Director, California Department of Fish and Wildlife
Anthony Williams, Office of Governor Newsom