



Attn: Cyndi Dawson
Ocean Protection Council
Marine Protected Areas Policy Advisor
1416 9th St., Suite 1310
Sacramento, CA 95814

From: SLO County Marine Protected Areas Collaborative Co-Chairs:

Gordon Hensley, San Luis Obispo Coastkeeper
Environment in the Public Interest
EPI-Center, 1013 Monterey Street
San Luis Obispo, CA 93401

Cara O'Brien, State Park Interpreter II,
California State Parks
750 Hearst Castle Road
San Simeon, CA 93452
Phone (805) 286-1320

Regarding: Adoption of the Partnership Plan

The SLO County MPA Collaborative is a network of agencies and NGOs working with the Department of Fish and Wildlife to foster inter-agency communication and on the ground implementation of marine protected areas. The collaborative provides a localized, comprehensive approach to implementation by bringing together local experts and authorities in the areas of education and outreach, enforcement, and research and monitoring. The SLO County MPA collaborative brings together non-profits, California Polytechnic University, and local government agencies that are engaged and share existing resources, area knowledge, access, and local approval.

On behalf of the San Luis Obispo County MPA Collaborative, we would like to express our support for the adoption of the Partnership Plan. The SLO County MPA Collaborative is currently in the process of launching its first MPA outreach/education project. The structure and support provided by the collaborative makes the projects possible by providing the expertise, resources, and work force to plan and implement the projects. The collaborative approach also eliminates duplication of efforts and inconsistencies in messaging. The SLO County MPA Collaborative is looking forward to many more successful projects to jointly interpret the role of MPAs in regards to education/outreach, enforcement, and research/monitoring in San Luis Obispo County.



Coastside Fishing Club

P.O. Box 5928
Napa, CA 94581

November 21, 2014

BY EMAIL: catherine.kuhlman@resources.ca.gov

Ms. Catherine Kuhlman, Executive Director
California Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814

Re: Unlawful Diversion of Fish and Game Preservation Fund

Dear Ms. Kuhlman:

This past July, Coastside Fishing Club, a California non-profit corporation with 10,000 California members, commented on the May 30, 2014 draft of "The California Collaborative Approach: Marine Protected Areas Partnership Plan" (Partnership Plan). After viewing the November 17, 2014 "final draft" of the Partnership Plan we are very disappointed that the California Ocean Protection Council continues to unlawfully target money from the Fish and Game Preservation Fund.

We previously noted the statutory prohibition regarding the use of the Fish and Game Preservation Fund for nongame fish and wildlife programs. Fish and Game Code § 711(a)(1). The MPA is a nongame program with speculative benefits to the recreational fishery that would, at best, be incidental and indirect, should they occur at all. The MLPA record clearly shows that the primary purpose for the MPAs was nongame and that MPAs are "not about" fishery management.

In response to our comments, the "final draft" asserts that the "Fund is a non-dedicated account that can be allocated for a variety of uses, including habitat conservation." See Appendix F. Such expenditures are nevertheless constrained by statute, a point recognized throughout State government but ignored by the authors of the Partnership Plan. The Department of Fish and Wildlife's own Fund Reference

Manual¹ states:

The costs of non-game fish and wildlife programs ... shall be provided annually in the Budget Act by appropriating money from the General Fund and sources other than the [Fish and Game Preservation Fund] to the Department for these purposes.

To the extent that the Fund may be used to fund habitat conservation, it must be for the benefit of fish and/or game programs. Since the Partnership Plan addresses an indisputably nongame program, disingenuously characterizing the effort as habitat conservation is irrelevant.

The plain language of Fish and Game Code § 711(a)(1) requires that the “costs of nongame fish and wildlife programs shall be provided annually in the Budget Act by appropriating money from the General Fund, through nongame user fees, and sources other than the Fish and Game Preservation Fund.” (Emphasis added). While a portion of the Fund is labeled “non-dedicated,” this does not mean the monies – almost 90% of which come from fish and game licenses, tags, and permits – are free from constraints imposed by California law or federal regulations.

The “final draft” of the Partnership Plan impermissibly identifies the Fish and Game Preservation Fund as a source of monies for MPA management. The Partnership Plan tries and fails in footnote xiv to justify using Fish and Game Preservation Fund for MPA management. Nowhere does the Partnership Plan address Coastsides’ citation to Fish and Game Code § 711(a)(1), the law that bars this funding scheme.

Throughout the MLPA’s implementation anglers were lectured that the purpose was ecosystem protection and not fishery management. The resulting MPAs have deprived recreational anglers of access to public waters. It would now be inappropriate to argue that MPA management is anything but a nongame program. Therefore, under State law the Fish and Game Preservation Fund is not available for MPA management. The OPC’s Partnership Plan must be amended accordingly.

Very truly yours,



Dan Wolford
President, Coastsides Fishing Club

cc: California Fish and Game Commission

¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=44013&inline=true>



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November 21, 2014

Via email: COPCpublic@resources.ca.gov

John Laird, Secretary for Natural Resources
Chair, California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Ocean Protection Council:

The California Marine Sanctuary Foundation (CMSF) has been collaborating over the past seven years with local, state and federal organizations to increase awareness and stewardship of California's network of marine protected areas (MPAs).

One of our major programs is the MPA Education and Outreach Initiative, funded by the Resources Legacy Fund Foundation. Working with partners from state parks, aquaria, education institutions, NGOs, community groups, harbors and marinas we have created a multitude of resources that have received wide acclaim and are being deployed across the state. See the website www.californiampas.org for more details.

As part of our current MPA signage grant, funded through an interagency agreement between CDFW and OPC, we are working with many dozens of partners to create and install nearly two-hundred regulatory and interpretive signs for priority MPA locations. Through that project we are forging new relationships with non-traditional partners in support of the network of MPAs.

Lastly, in conjunction with the Community Collaboratives, CMSF is helping to develop a framework for regional engagement and facilitating ongoing coordination and communication among key MPA implementation partners.

We fully support the Ocean Protection Council's partnership-based implementation approach for the recently completed statewide network of MPAs. It will recognize and incentivize the efforts of local, state and federal agencies, tribes and tribal communities, academic institutions, NGOs, researchers, citizen scientists and others involved in MPA implementation and stewardship. We believe the adoption of the MPA Partnership Plan will help facilitate a bold new collaborative approach.

John Laird, Ocean Protection Council
November 21, 2014
Page 2

We have been encouraged and gratified by the involvement of partners in the implementation of the MPA network thus far and look forward to continued involvement with the MPA Partnership Plan process.

Sincerely,

A handwritten signature in blue ink, reading "Dennis J. Long". The signature is fluid and cursive, with the first name "Dennis" and last name "Long" clearly legible.

Dennis J. Long
Executive Director

Cc: Cat Kuhlman, Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Rikki Dunsmore, Ph.D., Director California MPA Program
California Marine Sanctuary Foundation



November 21, 2014

Ms. Cat Kuhlman, Executive Director
California Ocean Protection Council
Via email: COPCpublic@resources.ca.gov

Re: Support for MPA Collaborative Partnership Plan

Dear Cat,

The Environmental Action Committee of West Marin (EAC) appreciates the opportunity to express our strong support for the Ocean Protection Council's Marine Protected Areas Partnership Plan. Since 1971, EAC has been the leading voice to protect West Marin's magnificent marine and terrestrial biodiversity.

EAC was an important partner in creating and defining Marin County's MPAs, and our commitment to the effective implementation of Marin's MPAs remains strong. In May 2013, EAC initiated Marin MPA Watch, a citizen-science collaborative to monitor human uses in Marin County's MPAs in partnership with the California Academy of Sciences and the Point Reyes National Seashore. Additionally, EAC participates in the Golden Gate MPA Collaborative and believes that continued dialogue among diverse stakeholders fosters better MPA management and implementation.

EAC strongly urges the Ocean Protection Council to adopt the MPA Partnership Plan as proposed. The Partnership Plan is consistent with the California Ocean Protection Act and implements multiple goals and objectives in the OPC's 5-year Strategic Plan. The Partnership Plan will carry out the state's commitment to engaging a broad constituency of stakeholders to continue effectively implementing and managing California's MPA network.

Thank you for your continued leadership to protect California's statewide network of MPAs!

Sincerely yours,

A handwritten signature in black ink, appearing to read "Amy Trainer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amy Trainer, Executive Director

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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FAX (415) 904-5400



November 20, 2014

John Laird
Secretary for Natural Resources
Chair, California Ocean Protection Council
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: **Adoption of the California Collaborative Approach: Marine Protected Areas Partnership Plan**

Dear Secretary Laird:

I am writing in support of the Ocean Protection Council ("OPC") adopting at its December 2, 2014 meeting the proposed resolution regarding the *California Collaborative Approach: Marine Protected Areas Partnership Plan*. The Partnership Plan, which was developed through a collaborative approach that involved extensive input from agency and non-agency partners, including Coastal Commission staff, identifies an interagency, public- and science-informed management and governance structure for California's network of marine protected areas ("MPAs").

The Coastal Commission strongly supported the designation of California's network of MPAs and since then its staff in its daily work has been coordinating with the California Department of Fish and Wildlife, Fish and Game Commission, OPC, and others to advance the objectives of the MPA network. This collaborative work has resulted in progress in a variety of areas that have strengthened the Coastal Commission's role as a partner in MPA management, including the establishment of interagency communication and coordination protocols during the Coastal Commission's Coastal Act review of development projects proposed to be located within or adjacent to MPAs.

The establishment of the California MPA network was a monumental effort and adopting the Partnership Plan is a key step in supporting its effective management and evaluation. We look forward to continuing our collaborative working relationship with the OPC and other partners in implementing the Partnership Plan.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles F. Lester", with a stylized flourish at the end.

CHARLES F. LESTER
Executive Director

Jan Freiwald, PhD
Director, Reef Check California
Long Marine Laboratory
100 Shaffer Rd
Santa Cruz, CA 95060



November 24, 2014

Ocean Protection Council
1416 9th St., Suite 1310
Sacramento, CA 95814

Letter of support for:
The California Collaborative Approach: Marine Protected Area Partnership Plan

Dear Ocean Protection Council,

Reef Check California, a program of the Reef Check Foundation was started in 2006 with the goal to use citizen sciences to monitor California's rocky reefs and kelp forest in order to provide scientific information to marine managers and policy makers so that they can make sound and science-based management and conservation decisions for California's marine resources. Since its beginning, Reef Check California has been involved in the monitoring of Californian's new Marine Protected Areas (MPAs) as they were implemented across the state. The program has been part of the baseline monitor projects in all MLPA regions.

We fully support of the adoption of the *California Collaborative Approach: Marine Protected Area Partnership Plan*. RCCA staff and volunteers are participating in many of the County Community Collaboratives and plan to continue to work on this collaborative approach to MPA management. I would especially like to express my strong support for the way in which the Partnership Plan lays out the goal of the use of objective, reliable and timely scientific information in management decisions and stewardship of the MPA network and how it calls for California's citizenry to be involved in science, management and stewardship through the use of citizen science for research and monitoring.

Sincerely,

A handwritten signature in blue ink that reads 'Jan Freiwald'. The signature is fluid and cursive, with the first name 'Jan' being more prominent.

Jan Freiwald, PhD
Director, Reef Check California



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November 24, 2014

John Laird, Secretary for Natural Resources
Chair, California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Support for adoption of the "The California Collaborative Approach: Marine Protected Areas Partnership Plan"

Dear Mr. Laird

The Northcoast Environmental Center is a 43-year-old nonprofit organization dedicated to promoting understanding of the relations between people and the biosphere and to conserve, protect and celebrate terrestrial, aquatic and marine ecosystems of northern California and southern Oregon. As part of that mission, we are deeply involved in and committed to marine protected area outreach, education and enforcement, we support the "The California Collaborative Approach: Marine Protected Areas Partnership Plan" (Partnership Plan) and its accompanying resolution.

On the North Coast, the additional support provided by the ongoing MPA Collaborative Implementation Project has been critical in supporting MPA network management and continuing to ensure participation of our tribal representatives with regards to both MPAs and the greater issue of overall ocean health. We have been pleased to see the integration of traditional ecological knowledge incorporated into baseline monitoring studies, and believe the Partnership Plan will help continue that inclusion as well as emphasize the role of science in decision-making.

Given the distance and remoteness of the North Coast, the Partnership Plan importantly further serves to connect local efforts to state management in a way that keeps local stakeholders intrinsic to the larger process.

While the North Coast unified proposal did much to alleviate concern about the initial design and implementation of our MPAs, much work remains to be done. We are committed to working with fishermen, tribal representatives, academic researchers, conservation colleagues, agency staff and other stakeholders in a supportive and collaborative approach, and consider the Partnership Plan key to success in our area.

We hope to see a similarly focused commitment to a partnership-focused approach in the Ocean Protection Council's adoption of "The California Collaborative Approach: Marine Protected Areas Partnership Plan."

Sincerely,

Jennifer Savage
Coastal Programs Director, Northcoast Environmental Center

Cc: Cat Kuhlman, California Ocean Protection Council
California Natural Resources Agency
1416 Ninth street, suite 1311
Sacramento, CA 95814



John Laird, Secretary for Natural Resources
Chair, California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

November 24, 2014

Dear Ocean Protection Council,

The Santa Cruz Collaborative is an active consortium of local, state and federal partners working in Santa Cruz County to increase awareness and stewardship in support of the California network of marine protected areas (MPAs). Representative organizations include the Monterey Bay National Marine Sanctuary, Save Our Shores, California State Parks, Santa Cruz Harbor District, Bureau of Land Management, PISCO, County of Santa Cruz, Santa Cruz Children's Museum of Discovery, ReefCheck, California Marine Sanctuary Foundation and others. Many of these organizations have successfully promoted education and outreach, research and monitoring and compliance and enforcement of federal and state MPAs for many years. These groups have developed an impressive assortment of products and programs that promote stewardship of Monterey Bay, particularly in the areas of citizen monitoring, scientific research and education materials for a diversity of audiences.

We fully support the Ocean Protection Council's partnership-based approach for the newly designated statewide network of MPAs. The partnership based approach will both recognize and incentivize the efforts of local, state and federal agencies, tribes and tribal communities, academic institutions, NGOs, citizen scientists and other entities involved in MPA implementation and stewardship. The adoption of the MPA Partnership Plan will help facilitate this bold new collaborative approach. We look forward to our continued involvement with the MPA Partnership Plan process.

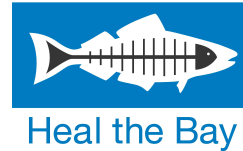
Sincerely,

Co-Chairs of Santa Cruz Collaborative:

Lisa Uttal, Sanctuary Exploration Center Director, Monterey Bay
National Marine Sanctuary

Rikki Dunsmore, Ph.D., Director CMSF MPA Program

Cc: Cat Kuhlman, Ocean Protection Council



Humboldt BAYKEEPER
Klamath RIVERKEEPER
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Delivered by electronic mail to: COPCpublic@resources.ca.gov

November 24, 2014

California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Support for Adoption of the Final Draft California Collaborative Approach: Marine Protected Areas Partnership Plan

Dear California MPA Leadership Team:

Our organizations - Ocean Conservancy, the Natural Resources Defense Council, California Coastkeeper Alliance, Surfrider Foundation and Heal the Bay – enthusiastically support adoption of the *Final Draft California Collaborative Approach: Marine Protected Areas Partnership Plan* (the Plan). Together, we participated in all four regional stakeholder groups during the statewide Marine Life Protection Act (MLPA) planning process and we continue to engage in the monitoring and implementation of our marine protected areas (MPAs) today. Thus, like the Ocean Protection Council (OPC) and its partner agencies, we have a sincere interest in the success of MPAs.

The Final Draft Plan provides important guidance for collaborative partnerships and helps establish a collective vision for ongoing MPA management and implementation among agencies, researchers, environmental groups, tribes, and local communities. We provide the following comments for your consideration as details of the MPA Leadership Team's work plans are further developed.

On July 14, 2014, we submitted comments on the draft Plan and are pleased to see that the majority of our recommendations have been incorporated into the Final Draft. We understand that OPC views the Plan as a guidance document and intends to address most of our remaining unincorporated comments through inclusion in agency work plans or other documents. While we appreciate the high-level nature of the Plan, we believe that specific details regarding next steps for MPA management and implementation are critical to ensuring successful execution of the Plan's vision. As such, we would like to reiterate several points that we believe are of high priority but have not been included in the Final Draft plan. These points are focused mainly on

issues that seem likely to be addressed in the MPA Statewide Leadership Team's work plans.

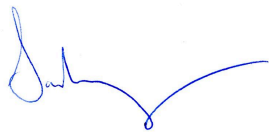
The Final Plan states that: "the MPA Statewide Leadership Team has developed, and will continue to develop, an integrated work plan that includes milestones for achieving long-term management goals." However, the Plan does not include any discussion of the content or key milestones of this work plan(s). Because specific details are critical to understanding how integrated MPA implementation and management will be successfully achieved, we encourage OPC to include goals, timelines and milestones for interagency collaboration and MPA guidance in these work plans.

Furthermore, we suggest that the following recommendations, which we provided on the Draft but were not addressed in the Final Plan, be integrated into the agency work plans:

- the establishment of mechanisms to ensure accountability of agencies and partners;
- the creation of a timeline to identify appropriate funding streams;
- the development of a budget to fund monitoring, enforcement, community collaboratives, and tribal engagement; and
- the establishment of specific management review frequency (beyond "regular intervals").

We would like to thank staff and the Council for the development of a thorough Plan that recognizes the value of California's diverse ocean constituency and the power of our collective partnership and stewardship in support of the state's MPA network. We appreciate the opportunity to provide feedback and urge the OPC to adopt the Partnership Plan, which provides guidance for leveraging resources and effective collaboration – essential components of the long-term durability of the state's MPA network. We look forward to continued work together to ensure successful implementation of the Plan.

Sincerely,



Samantha Murray
Pacific Program Director
Ocean Conservancy



Karen Garrison
Co-Director, Oceans Program
Natural Resources Defense Council



Sarah Abramson Sikich
Vice President
Heal the Bay



Sara Aminzadeh
Executive Director
California Coastkeeper Alliance



Stefanie Sekich-Quinn
California Policy Manager
Surfrider Foundation



November 24, 2014

Catherine Kuhlman, Deputy Secretary
California Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814

VIA email: no original to follow

SUBJECT: DRAFT MPA Partnership Plan

Dear Secretary Kuhlman:

The California Sportfishing League (CSL) submitted comments on the proposed Marine Protected Area Partnership Plan (the "Plan") in July of this year. While we are pleased that some of our concerns were addressed in the latest iteration of the Plan released on November 18, we are disappointed that the Plan continues to contemplate the Fish and Game Preservation Fund as a potential funding source for MPA management.

There is a statutory prohibition in Fish and Game Code § 711(a)(1) regarding the use of the Fish and Game Preservation Fund for nongame programs:

"711. (a) It is the intent of the Legislature to ensure adequate funding from appropriate sources for the department. To this end, the Legislature finds and declares that:

(1) The costs of nongame fish and wildlife programs shall be provided annually in the Budget Act by appropriating money from the General Fund, through nongame user fees, and sources other than the Fish and Game Preservation Fund to the department for these purposes."

The administrative record of the implementation of the Marine Life Protection Act clearly shows that the primary purpose for Marine Protected Areas is nongame and not about fishery management.

Furthermore, the DFW's own Fund Reference Manual states:

"The costs of nongame fish and wildlife programs ... shall be provided annually in the Budget Act by appropriating money from the General Fund and sources other than the [Fish and Game Preservation Fund] to the Department for these purposes."

During the implementation of the MLPA, MPAs were touted as ecosystem protection. It is now inappropriate to argue that MPA management is anything but a nongame program and,

therefore, Fish and Game Preservation Fund monies are not available for MPA management. The OPC's Partnership Plan must be amended accordingly.

If you have any questions on our positions, please do not hesitate to contact our Legislative Advocate George Osborn at 916.446.7752.

Thank you.

A handwritten signature in black ink, appearing to read 'Marko Mlikotin', with a long horizontal stroke extending to the right.

Marko Mlikotin
Executive Director

cc: California Fish and Game Commission