

Alliance of Communities for Sustainable Fisheries

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Ms. Dorothy Lowman, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

RE: Expansion, or the Creation of New, National Marine Sanctuaries on the West Coast

Dear Chair Lowman and Council Members,

The Alliance of Communities for Sustainable Fisheries (ACSF) is a 12-year-old 501(c)(3) not-for-profit educational organization, founded for the purposes of connecting fishermen with their communities and to represent fishing interests in state and federal processes. The ACSF is a regional organization, with commercial fishing leader representatives from Monterey, Moss Landing, Santa Cruz, and Pillar Point harbors and Port San Luis on our Board of Directors. Port communities and several recreational fishing organizations 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. The ACSF was first formed, in part, to create a unified voice for fishing interests in response to the designation of the Monterey Bay as a National Marine Sanctuary (NMS). Thus, our organization has years of experience in working with a NMS.

Recently, several proposals have been put forward to either expand existing sanctuaries, or create new ones, along the West Coast. Many commercial and recreational fishermen, as well as other community members, have asked about our experiences with the Monterey Sanctuary, and to a lesser degree the other California sanctuaries.


While the ACSF is supportive of the broad goals of the NMS Program, our experience is such that we feel that both Congress (in re-authorized National Marine Sanctuary Act (NMSA) and/or the Magnuson-Stevens Fishery Conservation and Management Act (MSA)) and the Program itself, need to make certain changes or clarifications to the law and Program before it grows or expands. These include:

- 1) Clarify that the MSA is the dominate statute for any fishing- related management issues, including the creation of marine protected areas, inside sanctuaries and marine National Monuments. The existing language of the NMSA, which some have interpreted as providing sanctuaries with the ability to override the regional fishery management councils, combined with the repeated statements from the sanctuary leaders that their primary mandate is "resource protection," creates an atmosphere of intense unease among fishermen and other resource users.

- 2) It is clear from scholarly studies of the history and evolution of the NMSA that Congress intends the Sanctuary Program to balance resource protection when needed, with multiple use opportunities. This, however, does not appear to be the value of the Program, which appears to tilt toward preservationist management. Congress would do well to make their intent clear in a re-authorized NMSA.
- 3) Task the NMSP and individual sites to use robust, peer-reviewed science in management decisions. The sanctuaries have no version of the councils' Scientific and Statistical Committees (SSCs), nor any requirement to use the best available science in decision-making. Some Sanctuary science products are quite good; others appear to be advocacy pieces, which would benefit from an independent peer-review.
- 4) Fully comply with the Freedom of Information Act in content and in a timely manner.
- 5) The public in the sanctuary region must have a stronger, independent voice in sanctuary management decisions. Currently, the main public input to sanctuaries is through "Sanctuary Advisory Councils." While these councils give the appearance of public participation, and are certainly populated by sincere people who are concerned about the health of the ocean, sanctuary management controls the representation of the SAC and the agenda. (Perhaps the PFMC recalls recent controversy over the appointment of a fishing representative on the SAC.) These advisory councils also cannot communicate outside of the NMSP without management permission. Further, the SAC role is to provide advice, which can be accepted -- or ignored. The SAC's are controlled to benefit the goals of sanctuary management, not to represent the will of the communities. Considering also that the resources of the sanctuary are viewed by Program managers as national, not local resources, a loss of local control is created. Whether it is through changes in the NMSA, or internal Program changes, it is our experience that the Sanctuary Program will need to solve this problem before communities will want or accept a new level of federal management in areas of the coast so dear to them.

Fishermen have had, at times, a difficult and disappointing relationship with sanctuaries. For the Monterey Sanctuary, we have had a recent improvement with a truly collaborative effort to create recommendations for essential fish habitat (EFH) boundary adjustments. We appreciate this improvement in our relationship, and hope this type of collaboration continues. The comments made above reflect our experience and ways in which in our opinion the NMSP can be improved and be made more attractive to future communities. The ACSF does not believe sanctuaries should be expanded or new ones created until these issues are resolved.

Thank you for considering these comments.



Kathy Fosmark

Co-Chair



Frank Emerson

Co-Chair