

Alliance of Communities for Sustainable Fisheries
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May 20, 2014

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 to connect 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, Morro Bay 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, 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 community members, have asked about our experiences with the Monterey Sanctuary, and to a lesser degree the other California Sanctuaries.

The ACSF supports the broad goals of the NMS Program. There are Sanctuary educational and water quality programs, among others, which are of value to our communities. However, our experience is such that we feel that both Congress (in re-authorized National Marine Sanctuary Act (NMSA), and the Magnuson-Stevens Fishery Conservation and Management Act (MSA)), and the NMS 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. In the case of Monterey Sanctuary, it used

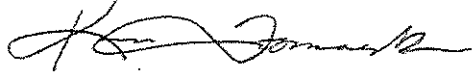
its prestige in California's Marine Life Protection Act process to lead the effort to create 29 marine reserves or marine conservation areas in the Central Coast of California, while rejecting a fishermen's proposal for a network that took into account socioeconomic needs.

- 2) Scholarly studies of the history and evolution of the NMSA indicate that Congress intends for the Sanctuary Program to balance resource protections, 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 its intent even clearer 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 equivalent 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" (SACs). While these SACs 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 majority of representation of the SAC, and its agenda. (Perhaps the PFMC recalls recent controversy over the appointment of a fishing representative on the SAC.) These SACs 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 instructed to support 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 and advice 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.
- 6) The Sanctuary Program should explain why expansions, some quite large, do not violate Congressional intent, in as much as there is a prohibition on new sanctuary designations, found in the NMSA, until such time as the Sanctuary Programs shows that it is meeting its goals within its budget.

Fishermen have had at times, a difficult and disappointing relationship with Sanctuaries. For the Monterey Sanctuary, we have had a noteworthy recent improvement with a truly collaborative effort to create recommendations for groundfish essential fish habitat (EFH) boundary adjustments. We very much appreciate this improvement in our relationship, and hope this collaboration continues. The comments made above reflect our overall 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