

Alliance of Communities for Sustainable Fisheries
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January 4, 2002

Bill Douros, Superintendent
Stephanie Harlan, Chair, Sanctuary Advisory Council
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940

RE: Comments on the Management Plan Review for the Monterey Bay National
Marine Sanctuary

Please find attached a copy of a series of recommendations relating to the Sanctuary Programs Review of its Management Plan. You will note that these recommendations are similar to those adopted by the City of Monterey and a number of other agencies. In addition to that, they are nearly identical with recommendations adopted by the California Association of Harbor Masters and Port Captains, a fifty-four year old State professional organization of Harbor Managers which has long worked collaboratively with the fishing industry. The Alliance remains supportive of the primary goals of the Sanctuary Program, banning oil and gas development, preserving good water quality and in conducting education and research regarding Sanctuary Resources.

In addition to the attached recommendations and as a result of a full discussion by the Executive Board of the Alliance, we wish to elaborate on several points.

1. FISHING. We hope that by now the promises made to the fishing community during the original designation process, including the background to those promises and the spirit of which they were made, is well understood by Sanctuary officials. The Sanctuary Program was supported by our industry because we felt that shared goals would enable our industry, not disable it. We do not perceive that the Sanctuary Program is considering establishing direct fishery regulations, such as limitations on gear usage, seasons, or bag limits. However, the Sanctuary is empowered both in its management plan and also in the National Marine Sanctuaries Act to create special purpose zones within Sanctuary boundaries. We are certain that the Sanctuary Program is under enormous pressure from various individuals and NGO's to establish no-fishing zones (marine reserves) within the Sanctuary boundary. This could be done by either using the authority of the Sanctuary Program to influence a state process or by directly using the Sanctuary's own zoning

authority. You should be very clear that this type of action or advocacy would be considered a breach of the promise made to the fishing community unless such zones are the result of cooperative work with the fishing community and supported by the fishing community. The Sanctuary Program has more to lose than to gain by using/abusing its zoning authority for indirect fishery management. The Program has much to gain by developing a cooperative working relationship with our industry, something that we very much want to see occur. You have much to lose with the fishing community if it were forced to use all of its political, economic, and cultural influences to take to task a Sanctuary Program that violates an essential trust between it and one of its primary stakeholders. Knowledge of the promise made to us is not limited to those within our industry, but is remembered by many community leaders.

The last point to be made is that we hope that the Sanctuary Program will be as thorough in protecting our fishing heritage as it is in protecting the endangered species of the Sanctuary. We truly are an endangered species, at real risk of being lost to the culture and heritage of this area.

2. **WATER QUALITY.** We support the Sanctuary's efforts to work cooperatively with other agencies and industries to preserve and/or improve water quality in the Sanctuary waters. The biggest single threat on a daily basis to Sanctuary resources, however, remains multiple sources of non-point pollution, which enter the bay. Polluted watersheds can also effect our salmon fisheries and other endangered species. We encourage and recommend that the Sanctuary devote even more time, both through staff and volunteers, to working with agencies and NGO's in addressing this problem. We continue to support the ban on oil and gas development as activities that could harm water quality.
3. **HUMAN IMPACTS.** It is our opinion that the existing language of the Management Plan, as well as the National Marine Sanctuary's Act, which resolves any conflict between users and protection of resources in favor of protection, ultimately will lead to the gradual elimination of human uses of Sanctuary waters and resources. Such language as exists would be appropriate for a small and highly unique area that deserves ultimate protection from any impacts. The fishing community would support this type of application of this principle. However, the Monterey Bay National Marine Sanctuary is fifty-three hundred square miles of ocean waters that have long been in the public domain of use. This includes of course not just fishing but surfing, diving, kayaking--all forms of use that may create impacts on the environment. If you go into the detail of any one of these uses you will fairly quickly see how the use changes, if not impacts, the resources of the Sanctuary. We believe there is no exception to this. Take surfing as a hypothetical example: surfers share habitat (kelp forest) with the endangered sea otter. There could well be impacts to the sea otter from this human presence. Also, the fins on surfboards cut kelp so there is a secondary

impact to the Sanctuary resource. Therefore, in the logic of protectionism, perhaps there should be a ban on surfers from kelp areas. We believe that what is needed for the Sanctuary Program is new language that articulates as the goal a balance between the conservation (protection) and human uses of the Sanctuary resources. No one idea should dominate over the other.

4. **SANCTUARY BOUNDARY EXPANSION.** The Alliance specifically endorses the recommendation of the San Mateo County Harbor District and the County of San Mateo regarding the northern boundary of the Monterey Bay National Marine Sanctuary. The Alliance further recommends against any southern expansion of the Monterey Bay National Marine Sanctuary, at least at this time. We feel there are too many other issues with the Sanctuary Program and how it is managed to entertain the idea of increasing the size of a site.
5. **SANCTUARY ADVISORY COUNCIL FUNCTIONING.** It is in the interest of the fishing community to have a SAC that functions in its advisory role with all the freedoms and safeguards that individual citizens have in relating to the federal government. Specifically, the SAC should have freedom to set its own agendas, advocate its interests to the Program, to Congress, to any other agency, and to the media, as it feels is necessary and to have an appointment process that democratically chooses the representations of the communities. Specifically for our fishing seat, there exists a fishermen's Association, one for each of the four Sanctuary-area harbors. Additionally, the PCFFA, and our organization, the ACSF, represent fishing interests in Central California. A process should be formalized that enables these six organizations to collectively name their SAC representative. The approval of the Sanctuary Superintendent should not be required.

If the Sanctuary Program cannot provide this under federal law, then the functioning of the SAC should be removed from the federal program and created anew through some kind of local multi-agency agreement. Members of the SAC should also be required to complete a conflict of interest statement so that the general public is well aware of any such conflicts as voting issues arise. We feel that the general makeup of the SAC needs to be re-evaluated, particularly the number of public agency seats relative to communities of interest seats seems disproportionate. It could well be that some agency seats should become ex-officio. Lastly, we strongly recommend that an additional SAC seat be created to reflect that recreational fishing, which is so very different from commercial fishing, be represented on the SAC.

6. **HARBORS AND DREDGING.** It should be no surprise that fishers who probably have the highest degree of usage of sanctuary waters of any particular user group feel strongly that our harbors need to be supported in their operational and maintenance needs.

7. RESEARCH. We encourage the Sanctuary Program to utilize the working knowledge that the fishing industry has regarding Sanctuary Resources and other ocean phenomena.

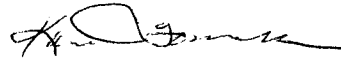
A petition, which articulates some of our recommendations, signed by nearly 1,000 primary stakeholders, will soon be forwarded to you. Please note that this petition is meant to capture the concerns of people who have a direct, fundamental stake in the welfare of our ocean.

Thank you for considering the recommendations of the Alliance of Communities for Sustainable Fisheries.

Sincerely,



Mike Ricketts
Co-Chair, ACSF



Kathy Fosmark
Co-Chair, ACSF

Supporting Associations & Organizations

Pacific Coast Federation of Fishermen's Association
Port San Luis Commercial Fishermen's Association
Morro Bay Commercial Fishermen's Association
Monterey Commercial Fishermen's Association
Fishermen's Association of Moss Landing
Santa Cruz Commercial Fishermen's Association
Pillar Point Commercial Fishermen's Association
Fishermen's Alliance
Western Fish Boat Owners Association
Ventura County Commercial Fishermen's Association
Federation of Independent Seafood Harvesters
Port San Luis
Morro Bay Harbor
Monterey Harbor
Moss Landing Harbor
Santa Cruz Harbor
Pillar Pt. Harbor

- C: The Honorable Sam Farr
The Honorable Lois Capps
The Honorable Anna Eshoo
Dan Basta, Director, National Marine Sanctuary Program
Donald L. Evans, Secretary of Commerce

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**Recommendations for the Management Plan Review of
California's National Marine Sanctuaries**

Harbors and Dredging: Promote the recognition that harbors are primary gateways to, and partners with, the Sanctuary. Revise plan language to articulate the positive benefits of well-functioning harbors and beneficial dredging operations, and clarify Sanctuary policy and procedure for dredging to make it no more restrictive than other directly responsible regulatory and permitting agencies. Work with local ports and harbors that are within Sanctuary boundaries to identify reasonable, prudent approaches to dredging that allow for the safe operation of those ports with minimal impacts to Sanctuary resources. Since the areas around harbors are subject to more intense vessel traffic, including commercial uses, recommend Sanctuary boundary buffer zones around harbors.

Fishing: Clarify that DFG (including the California Fish and Game Commission) and NMFS (including Pacific Fisheries Management Council) are the primary agencies responsible for fishing regulation and ensure that any zones or regulations proposed that affect fishing occur only out of a cooperative dialogue with fishing and/or aquaculture communities and are supported by them. Recognize, in writing, that Sanctuary policies affecting fishing may integrate with management tools promulgated by the state and federal governments, but are not intended to augment or supercede them.

Original Consensus-Building and Commitments: Acknowledge and review these commitments with the communities that originally supported Sanctuary's creation, and ensure that any changes proposed emerge with support from those communities.

Overlapping Jurisdictions and Boundaries: Plan Review should include analysis of jurisdictional issues and inter-governmental relationships, identification of solutions, including urban and/or harbor buffer zones, and clarifying and modifying Sanctuary boundaries for more effective administration, service delivery, and public support.

Sanctuary Program Accomplishments: Enhance program accomplishments through development of a Sanctuary public awareness

and "marketing" plan, and establish specific goals to work toward that can be measured. Increase the amount of education and research conducted in coordination with ocean users (especially fishermen) and increase the number of interactive weather kiosks at ports and harbors along the California coast, which will help promote a positive image of the Sanctuary Program to a large group of primary shareholders.

Water Quality: Improve coordination and cooperation with other concerned agencies and expand public information and awareness regarding both point and non-point pollution, sources, and solutions. Work to support, without complicating, efforts of local, state and other federal agencies on clean-water projects and programs.

Regulatory and Permit Authority: Emphasize working with the many other permit agencies and non-profit organizations to achieve program goals, streamline Sanctuaries' permit process and establish an appeals process. To maintain general public support, avoid having the Sanctuary become another layer of permit regulation.

Sanctuary Advisory Council Functioning: Amend Sanctuary Charter and Protocols to enable SAC freedom to set meeting agendas, draft and send correspondence, and authorize SAC appointments through a community process; or, alternatively, re-organize the SAC under State law, a joint powers agreement, or MOU to ensure independent advice and oversight. Generally, the voice of the communities in relationship to the Sanctuary Program must be strengthened.

Human Impacts: Articulate balance between conservation and human (public) uses in the language of the Management Plan and facilitate human uses if there are no significant, cumulative, or sustained adverse impacts on Sanctuary resources; and provide for consideration of socio-economic impacts of specific Sanctuary regulations on communities, businesses and recreational activities.

Sanctuary Boundary Expansion: None of California's National Marine Sanctuaries should be expanded in size, nor should new sanctuaries be created, unless the issues identified above are substantially resolved.