



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

September 8, 2008

Stephen B. Scheiblaue
Harbormaster - City of Monterey
Monterey, CA 93940

Dear Steve:

Thank you for your letter of August 22, 2008, requesting clarification of the Monterey Bay National Marine Sanctuary (MBNMS) decision on the need for marine protected areas (MPAs) in federal waters. I welcome the opportunity to provide clarity on this issue.

As you know, in February 2008, the MBNMS and Office of National Marine Sanctuaries (ONMS) concluded that there is a need for MPAs in the federal waters of the sanctuary. The need decision proposes MPAs to address broad ecosystem objectives as per the sanctuary's mission of ecosystem-based management that is derived from the National Marine Sanctuaries Act (NMSA). In April 2008, further explanation of the decision was provided (aka the "decision rationale document"). The need decision was made after six years of analysis with input from the public, an MPA Working Group, the MBNMS Advisory Council, partner agencies, and NOAA management. This decision did not include proposals for location, size, or number of future MPAs. Such specific proposals will be developed after careful consultation with all interested parties and stakeholders.

I realize that for many, the "need" decision is interpreted as meaning the ONMS has made a final decision on a network of future MPAs. However, such an interpretation is premature until a planning process is completed and any proposal(s) analyzed under the National Environment and Policy Act (NEPA). Moreover, depending upon the outcome of the planning process, it is also premature to speculate the authority under which any future action would be implemented (Magnuson-Stevenson Act or NMSA). The need decision was made with the intent that a serious planning process would ensue and that MPAs in federal waters are likely. Any new MPAs may be augmentations of existing management measures, including existing closures, or wholly new areas. The purpose of the planning process is to develop such specifics.

I apologize if there has been any confusion about the intent of the decision. This is a complicated issue, and one that obviously attracts attention to every written and spoken word. I have tried to be clear about the path forward, as well as reflect the good advice I have received from the MBNMS Advisory Council, the Pacific Fishery Management Council (PFMC), NOAA Fisheries, and the public. In explaining the proposed process forward, I have stated that the MPA planning process will include an evaluation of



existing management measures to determine how well these are meeting the sanctuary objectives of preservation, restoration, and research per the decision rationale. Any future NEPA review of proposed MPAs in federal waters of the MBNMS will include evaluation of a "no action alternative." I have also stated that evaluation criteria still need to be developed for future MPAs so we can determine how well they would meet the need rationale. These statements alone or taken out of context could be misinterpreted as backing away from the need decision.

Your request for clarification was put into the context of whether or not current management measures suffice in meeting the needs of the MBNMS. While existing measures are important parts of the current resource protection regime within the sanctuary, they were not designed to address the MBNMS's mission of ecosystem protection and preservation in deeper water habitats. For example, fishery management measures, such as Essential Fish Habitat (EFH) and Rockfish Conservation Areas (RCAs) are focused on sustainable fishery objectives, such as rebuilding target species to fishable levels. The ONMS's resource protection mandate is broader than this, as has been pointed out in the April 2008 decision rationale document.

You also asked if MPAs are the only tool being considered to meet the MBNMS needs. The selection of MPAs as a management tool to protect specific sites within the sanctuary is consistent with other zoning strategies that have been used in the MBNMS for the past 16 years, such as restriction zones for motorized personal watercraft and dredge spoil discharge, and prohibition zones for motorized flight and white shark attraction. The MPA planning process will focus on MPAs as a management tool to meet the three goals outlined in our April 2008 decision rationale.

The MBNMS has been working with the MBNMS Advisory Council, PFMC, and NOAA Fisheries to gain input on how best to proceed with the MPA planning process. We are encouraged by the feedback we have received from these groups and we look forward to a renewed MPA working group and planning process in the near future. I appreciate your engagement on this issue, as you have a wealth of knowledge and experience with the MBNMS and the maritime community on the central coast. I hope you will join with me to make this the best effort possible, one that is based on the common belief that fishing is an integral part of the sanctuary's culture and the economic vitality of the region, and that a healthy ecosystem can provide for healthy fisheries.

Sincerely,



Paul Michel
Superintendent

cc: City Manager, Monterey
Public Facilities Director, Monterey
MBNMS Sanctuary Advisory Council
Don McIsaac, PFMC