



August 22, 2008

HARBOR/MARINA DIVISION

Paul Michel, Superintendent
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940

Dear Paul:

A point of confusion still exists over what is meant by the statement, "*The Office of National Marine Sanctuaries has decided to move forward with a process to propose MPAs in the Sanctuary.*" My question, which I raised in part at the August 15th Sanctuary Advisory Council (SAC) meeting, is based on my hearing your interpretation of this statement at the Pacific Fishery Council meetings, the Sanctuary Advisory Council meetings, and the Monterey City Council meeting. Your statements, however, seem to differ from the February and April Sanctuary letters, and from what I heard from Sanctuary Staffperson Mike Eng at the August 15th SAC meeting. There is enough of a question that I am putting this in writing, and hope you'll provide a written response.

At the August 15th SAC Meeting, I asked if the need-for-additional-MPAs question was still an open question, i.e., the need for MPAs had not been established. You responded that it was a settled question, but then went on to explain that that statement did not mean that any additional, or even reconfigured, MPAs were required. This is generally consistent with what you have said to the Monterey City Council and to the Pacific Fishery Management Council. The understanding of the Pacific Council, based on your testimony, is reflected in the statement to you in its letter of July 29, 2008, wherein PFMC Executive Director Don McIsaac states:

"However, the Council was encouraged by your verbal testimony at the April Council Meeting during which you characterized the Sanctuary determination as a general decision to consider MPAs as a management tool, and with regard to specific MPA proposals, to evaluate the existing and proposed management measures and MPAs within the Sanctuary in coordination with the Council to ascertain if any modifications are necessary to meet the Sanctuary's goals and objectives... The Council is supportive of a collaborative review of the need for additional MPAs within the Sanctuary... Any determination of the need for additional MPAs should only be made following a comprehensive analysis of a sufficiently wide range of alternatives"
(underlining is mine)

It seems that the PFMC believes that the "need" question is still open.

When I hear your statements, and then also review the concurrence of those statements by the Pacific Council, I am encouraged that the MPA review process might be a general review of MPAs as one of many management tools available to the Sanctuary to meet its goals, and that the MPA process will

consist of an evaluative process of measuring the effectiveness of all existing management measures, identifying needs, and choosing the right tool to address those needs. Alternatively, I suppose that the MBNMS could decide that even if there are some needs identified during this process, the Sanctuary might not need to act on those.

However, at the August 15, 2008 SAC meeting, Sanctuary Resource Protection Specialist Mike Eng made a clear statement that the Sanctuary Program had determined that "*there is an unmet need for MPAs within the Sanctuary.*" This statement, I believe, is consistent with both the February 15th and April 15th letters from you and the Office of National Marine Sanctuaries. When I read those two letters, my overwhelming impression is that the Sanctuary has determined that it needs additional MPAs or MPAs with different rules, beyond what are already in place under the authority of other state and federal agencies. Why else would your letter say that the Sanctuary "*has decided to propose MPAs in the Sanctuary*"? When discussing existing spatial management, your letter also states "*However, while the existing spatial management measures in state and federal waters of the Sanctuary provide valuable protections from fishing impacts in certain habitats. (sic) Those habitats further offshore are either not adequately represented in existing MPAs, or not fully protected by the gear based restrictions associated with EFH or the temporary RCAs.*" The MPA workgroup process, in this scenario wherein the MBNMS asserts that what exists is not adequate, would be one of starting from a conclusion that there will be more or different MPAs, and the Work Group would only provide input as to the locations of new or reconfigured MPAs, and input about the rules associated with MPAs.

For the stakeholders and the science team to understand their tasks, four questions need to be clearly resolved. Is the MBNMS/ONMS asserting that:

1. there is a need for areas where the natural ecosystem components are maintained and/or restored that is not met by the variety of current management measures that exist?
2. there is a need for research areas to differentiate between natural variation versus human impacts to ecological processes and components that is not met by the variety of current management measures that exist?
3. there is a need to preserve some unique and rare areas in their natural state for the benefit of future generations that is not met by the variety of current management measures that exist?
4. MPAs are the only tool being considered to meet these needs that are not met by the variety of current management measures that exist?

I think you can appreciate that these questions need to be fully resolved or the MPA workgroup and process will be confounded at every step.

Thank you in advance for addressing this critical question.

Sincerely,



Stephen B. Scheiblauber
Harbormaster

C: City Manager
Public Facilities Director
Sanctuary Advisory Council
Don McIsaac, PFMC