

**Alliance of Communities for Sustainable Fisheries**  
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July 25, 2001

Stephanie Harlan, Chair  
Monterey Bay National Marine Sanctuary  
299 Foam Street  
Monterey, CA 93940

Dear Chairperson Harlan and SAC Members:

We are writing to express our profound disappointment in the response letter sent by the Sanctuary Superintendent to Paul Reilly of the State Department of Fish and Game regarding the Marine Life Protection Act's proposed Marine Protected Areas.

Up until now, the Alliance of Communities for Sustainable Fisheries ("Alliance") has been working with the understanding that the efforts of our Marine Reserves study group would lead to the Sanctuary Advisory Council's ability to make an informed set of recommendations to the Sanctuary Superintendent and the State on the State's proposed MPA's. We are disappointed in the Superintendent's response to the State for several reasons.

First, the Alliance of Communities for Sustainable Fisheries has acted in good faith in providing a method for the Sanctuary to explore these fishing issues without overtly breaking the promise that we fishermen so clearly remember was made to our industry, before the Sanctuary was designated, that the Sanctuary would not regulate fishing or threaten our livelihoods.

We acknowledge and appreciate the fact that the Superintendent included items in his letter that we strongly support, such as the call for a thorough socio-economic analysis of the impact of new MPA's and the stated desire to work with the fishing community to evaluate these issues.

We also acknowledge and appreciate that the Superintendent presented his views as "initial comments", although we believe that this initial comment period will be the most decisive one in the State MLPA process.

Although the Superintendent's letter refers often to working with the Alliance, his letter also calls for even larger and more severe restrictions on fishing than the State has proposed and flies in the face of the cooperative effort which the Alliance was undertaking.

Secondly, as a related point, the reference to the Management Plan, which was cited by the Superintendent as justification, apparently, for the Sanctuary advocating fishing bans, is in our opinion taken out of context. There are far more references in the Management Plan and the accompanying Final Environmental Impact Statement that repeatedly state that the Sanctuary will not be a fishery regulatory entity. As this is an extremely important point for the SAC to understand, we quote at length:

*"No fishing regulations are proposed. Fisheries management will remain under the existing jurisdiction of the State of California, National Marine Fisheries Service (NMFS) and Pacific Fisheries Management Council (PFMC). In the case of the Monterey Bay*

*area fish resources are already extensively managed by existing authorities. Sanctuary prohibitions that may indirectly affect fishing activities have been written to explicitly exempt traditional fishing activities, mariculture and kelp harvesting.”*

Final EIS, Vol. 1 (I-24)

*“The proposed designation should have no negative effects on the fishing industry. The net effect of preserving habitat and water quality by controlling pollutants and disturbance of the seabed should be very positive for maintaining healthy and productive fish stocks. No regulations are proposed governing fishing activities.”*

Final EIS, Vol. 1 (I-25)

And finally, we quote the section cited by the Superintendent in its entirety:

*“Fishing is not being regulated as part of the Sanctuary regime and is not included in the Designation Document as an activity subject to future regulation. Fisheries management will remain under the existing jurisdiction of the State of California, NMFS and PFMC. Sanctuary prohibitions that may indirectly affect fishing activities have been written to explicitly exempt aquaculture, kelp harvesting and traditional fishing activities.*

*Existing fishery management agencies are primarily concerned with the regulation and management of fish stocks for a healthy fishery. In contrast, the Sanctuary program has a different and broader mandate under the MPRSA to protect all Sanctuary resources on an ecosystem wide basis. Thus, while fishery agencies may be concerned about certain fishing efforts and techniques in relation to fish stock abundance and distribution the Sanctuary program is also concerned about the potential incidental impacts of specific fishery technique on all Sanctuary resources including benthic habitats or marine mammals as well as the role the target species plays in the health of the ecosystem. In the case of the Monterey Bay area fish resources are already extensively managed by existing authorities.*

*Should problems arise in the future NOAA would consult with the State, PFMC and NMFS as well as the industry to determine an appropriate course of action.”*

Final EIS, Vol. II (B-24)

“Should problems arise...” is the key to understanding this section. What problems? Fisheries within the Sanctuary are in remarkably good health, except perhaps for some species of near-shore groundfish – which now have their own aggressive management plan in place.

We wish to reiterate that the Alliance was specifically formed to bring to bear the expertise of the Monterey Bay National Marine Sanctuary’s staff, the experience and knowledge of the Alliance’s members, and the knowledge and community input of constituent and conservation representatives on the Sanctuary Advisory Council. We believe that until the Alliance has a chance to finish its work, the comments referenced above by the Superintendent are premature.

Much has been said, and accurately, about the crucial and decisive role of the fishing community, whose support was a prerequisite to the creation of the Sanctuary in 1992. The fishing community understood that the Sanctuary would provide crucial protection for water quality, protection against oil spills and a prohibition on offshore oil drilling. The fishing community supported the Sanctuary with the promise that its purpose would not include the creation or advocacy of fishing restrictions in addition to those that existed at the time of designation.

Had the fishing community been aware that the language quoted by the Superintendent would be used as a justification for large, no-fishing zones in our area's most prime fishing grounds their original and vital support of the Sanctuary would not exist. It is important to note that this recommendation by the Superintendent only includes state waters, we certainly wonder what will come out of the Federal process. We think it is obvious that the fishermen would never have supported this language, and feel that this language is being taken out of context greatly to our detriment.

Thirdly, on what scientific basis, does the Sanctuary Superintendent make his recommendations to the State? We do not believe that there is any, and the State's own team of scientists obviously concurred with us by the nature of their recommendations. Also, is there scientific test data to show that prevention of fishing for pelagic species has any provable effect on the overall success of a benthic community and biodiversity in a given area? Certainly the Superintendent does not yet have the benefit of advice from the Alliance members who have extensive knowledge about this topic. This is because we have not finished our deliberations; nor has the Superintendent received the report commissioned by the Sanctuary itself on the State of Sanctuary-wide fisheries to be performed by Rick Starr of Sea Grant.

Fourth, the SAC needs to know that the Superintendent's letter calling for larger and more restrictive Reserves will make it much harder for the Alliance leadership to convince its members that we are working cooperatively with the Sanctuary Program, and that Reserves of any size are needed. The Alliance leadership is working hard to build trust. We hope that the SAC can support our efforts by clarifying its views on the Superintendent's letter to Paul Reilly. This is extremely important in view of questions we will receive from our membership.

Lastly, and perhaps most importantly members of the Sanctuary Advisory Council were not consulted in this recommendation, despite the fact there was adequate time by the August 4<sup>th</sup> SAC meeting for SAC to provide guidance to the Superintendent on this important and extremely sensitive topic. In advance of the MLPA hearing, Alliance members questioned Sanctuary Management as to the role of the SAC in drafting a response to the State, and we heard of none. We, who are so affected by this issue should have had input into the Superintendent's response, and we believe that SAC should have as well. The SAC's role and contribution is to represent community interest to the Sanctuary Program. No matter whether the inclinations of any particular SAC member are for larger reserves or no reserves, it is very important, in fact vital, that the SAC debate the significant policy issues raised by the Superintendent's letter.

When questioned directly by Alliance members, Sanctuary Management refused to make an advance copy of the letter to Fish & Game available to Alliance members for their comment and reaction. We should point out that our request was in no way meant to exercise editorial control and this was well understood. We were simply asking for the courtesy of being able to

share our reactions with the position of the Sanctuary on this important topic so that the Superintendent could have those thoughts in mind as the letter was finalized.

In closing, we want to reiterate our disappointment at the Superintendent's comments to Paul Reilly, which we believe has a direct impact on the promise made to the fishing community when the Sanctuary was designated.

We would like to quote from the insight and guidance provided by US Representatives Anna Eshoo and Sam Farr in their letter of March 16, 2001 to Dan Basta, Director, National Marine Sanctuary Program: *"Were it not for the input and support of local fishermen, the NMS would never have been born. Fishermen need to be included in the review process in more than just an advisory role. ...The review of the Monterey National Marine Sanctuary must be a legitimate and measured process. It needs to have the input and support of all participants in the Sanctuary. This is a long and important procedure, and it would be a tragedy if we were to miss a step or turn a deaf ear to a knowledgeable voice. The outcome of the review process needs to be acceptable to all stakeholders in the Sanctuary Program."*

We wish to ask the Sanctuary Advisory Council to work to ensure the full participation of the Alliance and the SAC when it comes to the MLPA, and to work with the Sanctuary Superintendent to provide clarification of his remarks to Paul Reilly.

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: Bill Douros, MBNMS Superintendent  
Dan Basta, Director, Office of National Marine Sanctuaries  
Sam Farr, Member of Congress  
Anna Eshoo, Member of Congress  
Fred Keeley, State Assemblyman  
Paul Reilly, CA Dept. of Fish & Game  
Alliance members