

**Alliance of Communities for Sustainable Fisheries**  
**P O Box 1309, Carmel Valley, CA 93924 (831) 659-2838**

February 1, 2005

Admiral Conrad Lautenbacher, USN (ret.)  
Undersecretary for Oceans and Atmosphere  
Department of Commerce  
1401 Constitution Ave., N.W.  
Washington, D.C. 20230

**Re: What are the resources that the Sanctuary Program protects?**

Dear Admiral Lautenbacher,

A number of members of the Alliance of Communities for Sustainable Fisheries participate in the Monterey Bay National Marine Sanctuary's Special Marine Protected Area Working Group (SMPAWG). Two important questions have arisen within the group:

**Does the National Marine Sanctuary Act seek to balance protection with multiple uses?  
and, What are the resources that the National Marine Sanctuary Program is to protect?**

We think that these questions are important issues not just within Monterey Bay, but are of national importance throughout the National Marine Sanctuary system. The questions are so important that we are attaching a letter written by Steve Scheiblauber, who represents "harbor communities" on the Board of Directors of our Association. He is also a member of the SMPA Workgroup. This letter explores both legislative intent, and the letter of the law of the National Marine Sanctuary Act, and Regulations, to seek answers to these questions.

Also, please find attached an unsigned "rebuttal" prepared by NMS Program Staff. Frankly, we do not think the rebuttal addresses the fundamental questions that Mr. Scheiblauber's letter raises about the legislative intent and letter of the law of the NMS Act. The claim that the NMSA is clear, and therefore the intent of Congress when they passed and reauthorized the NMSA is unimportant, is especially puzzling to us.

The Monterey region's historic fisheries are a precious cultural resource. Are they not to be valued, and protected under the National Marine Sanctuary Act, just as are ecological resources? We value our relationship with the MBNMS, and respect its Staff. To more resolve this question, our Association hopes that you will give this material a very careful consideration of its analysis, and, if you deem it appropriate, that you request a legal opinion from outside the National Ocean Service.

Thank you for your attention to this matter. We look forward to hearing your view.

Sincerely,

Kathy Fosmark, Co-Chair, ACSF

Frank Emerson, 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 Marketing Association  
Half Moon Bay Fishermen's Marketing Association  
Fishermen's Alliance  
Western Fishboat Owners Association  
Ventura County Commercial Fishermen's Association  
Federation of Independent Seafood Harvesters  
Golden Gate Fishermen's Association

Port San Luis Harbor District  
City of Morro Bay Harbor  
City of Monterey Harbor  
Moss Landing Harbor District  
Santa Cruz Port District  
Pillar Pt. Harbor, San Mateo County Harbor District

#### Attachments

C: Dr. William Hogarth, Assistant Administrator, NMFS  
Dan Basta, Director, Office of National Marine Sanctuaries  
Donald L. Evans, Secretary of Commerce, U S Dept. of Commerce  
Donald McIsaac, Executive Director, PFMC  
Don Hanson, Chair, PFMC  
Ralph Rubio, President, AMBAG Board  
Bill Douros, Superintendent, MBNMS  
Monterey Bay NMS Sanctuary Advisory Council  
Channel Islands NMS Sanctuary Advisory Council  
Gulf of the Farallones NMS Sanctuary Advisory Council