

Alliance of Communities for Sustainable Fisheries
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June 9, 2004

Donna Oliveira, Chair
Monterey County Overall Economic Development Commission
230 Church Street, Building 3
Salinas, CA 93901

Dear Chair Oliveira and Members of the Commission,

We are writing to provide additional written testimony regarding the promise made to our fishing community, that the Sanctuary would not restrict fishing or regulate us in any way. Please find below a series of quotes from the Sanctuary's Management Plan and Designation Document, which represent the Sanctuary Program's commitment to us:

"No fishing regulations are proposed. Fisheries management will remain under the existing jurisdiction of the State of California, the National Marines Fishery Service, and the Pacific Fisheries Management Council. 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." (Sec I – 24), and,

"The proposed designation should have no negative effects on the fishing industry. Net effects of preserving habitat and water quality by controlling pollutants and disturbance of the sea bed should be very positive for maintaining healthy and productive fish stocks. No regulations are proposed governing fishing activities." (Sec I – 25), and,

"During consultation, NOAA requested that the PFMC determine if additional fishery regulations were necessary with Sanctuary designation in accordance with section 304(b)(5). PFMC responded that no additional regulations were necessary and that management responsibilities regarding fishing activities should remain with existing authorities." (Sec I - 31), and,

"Fishing in the Sanctuary will be regulated other than under the Sanctuary regulatory regime by Federal and State authorities of competent jurisdiction." ("Fishing regulation" means a regulation that is directed specifically at fishing activities or fishing vessels. This does not include a regulation that is applicable to all types of vessels or activities.) Under the status quo, (the preferred alternative) fishing would continue without any additional regulation under the Sanctuary regulatory regime. As a result of other Sanctuary regulations aimed at improving water quality and fish habitat, it is expected that the Sanctuary would have a positive impact on fishing activities.

The proposed final Sanctuary regulations include four regulations (if written without the exemption) that could potentially indirectly affect fishing activities. However, each of the four regulations specifically exempts traditional fishing activities from the scope of the prohibitions to the extent consistent with existing other State and Federal regulations."(Sec III - 79), and,

"There are many existing regulations and restrictions on fishing activities in the Monterey Bay area that are designed to protect the long-term health of the fisheries, as well as other resources and qualities of the Monterey Bay area. Therefore, NOAA does not believe it is necessary to promulgate any additional regulations." (Sec III - 80), and,

"In its evaluation of this issue, NOAA considered whether under the present regulatory structure sufficient protection for Sanctuary resources existed. NOAA has determined ...that fishing in the Sanctuary, including fishing for shellfish and invertebrates shall not be regulated as part of the Sanctuary management regime. Monterey Bay fish resources are already extensively managed by existing authorities and NOAA does not envision a fishery

management role for the Sanctuary at this time. Instead, the Sanctuary will provide research results and recommendations to existing fishery management agencies in order to enhance the protection of fishery and other Sanctuary resources.”(Sec III - 80), and,

“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.”

It is clear from these quotations, and when understood in the historical context, that the Sanctuary will not regulate fishing. The Sanctuary “mandates” to protect habitats and enhance biodiversity, and “balance the health of the Sanctuary ecosystem” are to be met not through restrictions on fishing, but through programs to enhance public education, research regarding Sanctuary resources, the ban on offshore oil and gas development, and most importantly, the water quality protection program. We believe that Sanctuary claims that their “mandates to enhance biodiversity, etc.” may require them to eventually restrict fishing in certain areas, is a misinterpretation of the Management Plan in the historical context in which it was developed.

Lastly, we wish to point out that the phrase, “Should problems arise...” is also sometimes used to justify potential Sanctuary actions to protect biodiversity, etc.; this is also being used out of context. The “problems” to which this refers are fishery problems. Thus far, no fishery problems have emerged that are not being adequately dealt with by the authorized fishery management agencies. There is a requirement in this section that “industry” be consulted to develop a solution to any potential fishery problem. Even though our organization has been working pro-actively with the Sanctuary, no formal consultation has occurred or been suggested by the Sanctuary Program. Thank you for considering this analysis.

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 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