

**Alliance of Communities for Sustainable Fisheries**

256 Figueroa Street #1, Monterey, CA 93940

(831) 373-5238

[www.alliancefisheries.com](http://www.alliancefisheries.com)

**Position Statement**

**Magnuson-Stevens Fishery Conservation Act  
versus  
National Marine Sanctuary Act**

Based on the experience of our members, we believe it is imperative to amend the Magnuson-Stevens Fishery Conservation Act during its reauthorization to include the concept that all federal fishing regulations which affect fishing operations, gear, and areas should be subject to the authority of the Magnuson-Stevens Act and its public and scientific review processes. There are several reasons for this.

1. Currently, the National Marine Sanctuary Program asserts authority superior to that of the Federal Fishery Management Councils and NOAA Fisheries. This is causing public and agency confusion. This confusion has negative economic and resource management consequences.
2. National Marine Sanctuary Program causes public skepticism when they claim that they are not creating fishery rules or doing fishery management, yet at the same time propose rules which place large areas of productive fishing grounds off-limits to fishing.
3. The Council structure has a strong scientific basis for its decision-making with recommendations coming from Science and Statistical Committees. The Sanctuary Program, to the contrary, has no science requirements for their decisions, and no process for scientific peer review.
4. The Council process includes credible opportunities for public input. On the contrary, the Sanctuary process largely represents the community by way of its Sanctuary Advisory Councils, which are appointed by Sanctuary Management. Proper public participation, therefore, is limited in the Sanctuary Program.
5. This nation must provide food to its people. The Sanctuary Program has no responsibility to provide food to this nation, and there are few ways in which the Sanctuary Program can be held accountable for its decisions.
6. Since the inception of the Sanctuary Program, the Magnuson-Stevens Fishery Conservation Act has been amended numerous times to now embrace the principals of ecosystem-based management. Therefore, the goals and objectives of the Sanctuary Act may be met through the Magnuson-Stevens Act, including the creation of complete marine reserves where no extractive activity at all is allowed, provided there is a scientific basis for this action.
7. The Sanctuary Program will be able to better meet its conservation goals if they have a constructive relationship with the fishing community. The lack of scientific review, weak public representation, and the Sanctuary's assertion of authority superior to the Federal Councils, have caused needless animosity between fishermen and the Sanctuary Program.
8. Recommendations found in both the PEW Oceans Commission Report and the US Oceans Commissions Report call for clear, strong, and unified management of our oceans. This split in regulatory authority inevitably leads to failure to do ecosystem-based management.