

Alliance of Communities for Sustainable Fisheries
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August 26, 2009

David Ortmann, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland OR 97220-1384

Dear Chairman Ortmann:

When the Council takes action in September on agenda item C.2 (Monterey Bay National Marine Sanctuary (MBNMS) MPA Planning), the Alliance of Communities for Sustainable Fisheries asks that you consider including the following:

1. Recommend to the MBNMS that it reconsider its statement of an "Unmet Need" for additional or changed Marine Protected Areas within the Federal Waters of the Sanctuary, given more recent information that has been brought forward regarding the overall sound management of fisheries and overall health of the California Current large marine ecosystem (see Worm, Hilborn, et al; *Science*; 7/31/09).
2. Recommend that the MBNMS re-examine the need for marine protected areas in the context of an Integrated Ecosystem Assessment and encourage the Sanctuary to consider MPAs as one tool among many that may address any ecosystem needs that emerge from that assessment.
3. Refer the two Public Opinion Polls provided by our organization to the Scientific and Statistical Committee for a methodology review and assessment as to their relevance in this MPA discussion.
4. Request all agencies involved in the Integrated Ecosystem Assessment to give greater transparency to the assessment process through open public meetings.

Background

The Alliance of Communities for Sustainable Fisheries (ACSF), is a regional organization representing fishing communities from Port San Luis to Half Moon Bay, California. This is also roughly the region of the Monterey Bay National Marine Sanctuary. One of our main projects has been to represent the collective commercial and recreational fishing interests in this region in such processes as the Monterey Bay National Marine Sanctuary's Management Plan Review and subsequent Marine Protected Area working group. A letter signed by fifteen recreational and commercial fishing organizations who fish in the waters of the Monterey Bay National Marine Sanctuary is attached for your review. This letter indicates very strong support for the ACSF's leadership role in working constructively with the MBNMS on the MPA effort.

There is a long relationship between the Sanctuary and the fishing community. When Sanctuary designation was first considered, an agreement was struck between NOAA and the regional fishing community. In exchange for the fishermen's support of the new Sanctuary, the Sanctuary would not create regulations that affect the fishermen. This agreement is well summarized in Congressman Sam Farr's letter to the Sanctuary dated January 31, 2002: *"In the process of building support for the designation of the Sanctuary, a clear commitment was made to the*

fishing community that the Sanctuary would not impose any regulations directed at fishing activities or fishing vessels.” Congressman Farr’s letter also states, and the ACSF agrees, that the Sanctuary does have a role in communicating and coordinating management measures with the Pacific Council, the National Marine Fisheries Service (NMFS), and the fishing community in a constructive manner. The fishing community feels that it has kept up its end of that bargain. Attached is a letter from the late Dave Danbom (a former PFMC member), which describes this agreement.

No scientific analysis has occurred that would inform a “need MPAs” conclusion.

The Sanctuary’s interest in, and effort to create additional Marine Protected Areas during the last eight years, has not lead to the sort of communication we envisioned. This process culminated in the Sanctuary issuing two letters, one on February 15, 2008 and the second on April 15, 2008, asserting that the Sanctuary has an “unmet need” for MPAs within the federal waters of the MBNMS. The Sanctuary also purported to have conducted “scientific analysis” on this question of unmet needs in making their determination. Despite ACSF’s direct participation in all aspects of Sanctuary MPA discussions, we were not aware of any scientific analysis that occurred. In fact, a major complaint that the ACSF members brought to the Sanctuary about its process was “When are we going to have some science?”

Inquiries to the Sanctuary for its scientific analysis failed to produce anything, resulting in a Freedom of Information Act request made by the ACSF to the Sanctuary Program for this analysis and other related information. This FOIA request was made in early October, 2008. Approximately ten months later the ACSF received the first batch of information on the Sanctuary’s MPA decision. It is still evident, at least from the information obtained thus far, that no scientific analysis occurred when the Sanctuary made its MPA determination. The Sanctuary has not produced evidence that the Sanctuary resources are in ill health, that the ecosystem is not functioning as it should, that over-fishing is continuing, how the many MPAs that already exist within the Sanctuary satisfy MBNMS “needs”, or that fishing activities are any threat to the healthy functioning of the resources. Nor has the Sanctuary answered the fundamental question, “How much protection is enough?” Because of this, the ACSF concludes the Sanctuary cannot possibly know that it has an unmet need for additional spatial protections in the Sanctuary.

The assertion that the Sanctuary has an “unmet need” for MPAs means that the Sanctuary has determined that there will be additional MPAs or MPAs with different rules and configurations, quite possibly more restrictive.

Since the Sanctuary has not demonstrated any scientific analysis to substantiate the “unmet need” claim, the ACSF feels strongly that the MBNMS needs to reconsider that statement. If they do not, then there is the possibility that the Sanctuary’s “unmet need” statement will be the premise, or building block, from which additional MPAs spring. Therefore, MPAs could be built on a weak, or non-existent, foundation.

Importantly, it also appears that this is not the understanding that the PFMC had about how this process would go, based on prior testimony from the Sanctuary. In PFMC Executive Director Don McIsaac’s letter to the MBNMS Superintendent Paul Michel, dated July 29, 2008, Dr. 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 done by ACSF)

It seems that the PFMC also believes that the “need” question should still be open.

Changing course to an Integrated Ecosystem Assessment.

The MBNMS has announced its hope that it will participate in an Integrated Ecosystem Assessment process lead by NMFS. The ACSF is heartened by this turn of events, and hopes that this assessment will be a balanced, science-driven process that will determine whether additional protections are needed. Since we assume that this process will be driven by the data and analysis, we believe that the PFMC should support recommendations 1 and 2 provided above. The ACSF also requests that the staff level IEA meetings that relate to the MBNMS MPA issue be open to at least public observation (recommendation #4 above).

Refer public opinion polls to the Scientific and Statistical Committee

Time has been provided by the PFMC to hear the summary results of several public opinion polls which have been commissioned by the ACSF and conducted by Responsive Management Inc., of Virginia. We believe the results of a recently released national public opinion poll on the management of ocean resources, and a second poll of Monterey Bay area residents opinion’s on the management of the MBNMS, are directly relevant to the MBNMS’s Marine Protected Area process. These polls are meant to inform the decision makers as to the public’s opinions and core values on certain key items. These polls have been provided to the Council, and the ACSF requests that they be referred to the Scientific and Statistical Committee for comment on both the validity of methodology, and their relevance to the MBNMS MPA issue. The polls can be viewed in entirety at www.alliancefisheries.com

In conclusion

The ACSF is committed to constructively participating in the Integrated Ecosystem Assessment should this process come to realization. On behalf of the ACSF, and the approximately 900 fishing families that it represents, thank you for your consideration of these requests.

Sincerely,

Kathy Fosmark
Co-Chair, ACSF

Frank Emerson
Co-Chair, ACSF

Attachments

C: Representative Sam Farr
Paul Michel, Superintendent, Monterey Bay National Marine Sanctuary

Supporting Associations & Organizations

Ventura County Commercial 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
Fishermen’s Marketing Association
Santa Cruz Commercial Fishermen’s Marketing Association

Half Moon Bay Fishermen's Marketing Association
Western Fishboat Owners Association
West Coast Seafood Processors Association
Federation of Independent Seafood Harvesters
Golden Gate Fishermen's Association
California Fisheries Coalition
California Wetfish Producers Association
Recreational Fishing Alliance
Carmel River Steelhead Association
Pacific Coast Federation of 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