

Introduction of Martin Jones of Responsive Management

Chairman Ortman and Council Members, my name is Kathy Fosmark. As Co-Chair, I represent the Alliance of Communities for Sustainable Fisheries. Our organization seeks to connect fishermen with their communities and vice-versa, and aims to bring the best scientific and other information possible to ocean resource managers during decision making processes.

To that end the Alliance has commissioned a number of scientific studies and public opinion polls during the last four years.

What you are about to see is a compendium of four public opinion polls, one of which was a national poll. These polls sought to provide information about the relevant issues at hand facing our regional fishing community.

Many of the poll results you are about to see seem to us to be directly relevant to the Marine Protected Area movement that is taking place along all of the nation's coasts.

The ACSF has contracted with Responsive Management Inc. of Virginia, an internationally recognized polling firm specializing in resource management questions. For this poll the ACSF described to Responsive Management what question areas we wished to probe, and supplied a rough draft of questions. At that point Responsive Management had the final say in constructing the polling instrument to neutralize it for accuracy and objectivity. Even though today you are seeing only an abbreviation of all the polls, the ACSF has provided all the polling results to the public, and have withheld no questions or responses.

With this background, I would like to introduce Mr. Martin Jones who is a senior representative of Responsive Management who will give you some of the highlights of these polls.

Remarks on the Public Opinion Poll

Chairman Ortman, I am Mr. Scheiblauber. I am Harbormaster for the City of Monterey. I am also on the Board of Directors for the Alliance of Communities for Sustainable Fisheries.

First I would like to request of the Council that these public opinion polls in their entirety be forwarded to the SFC for a review and comments on the methodology used and for an assessment as to these polls relevancy in the Monterey Bay National Marine Sanctuary Marine Protected Area discussion.

As you know, my City has a strong interest in this MPA issue. I believe that these polling results contain information that is directly relevant to Sanctuary's claims that it is public opinion that is driving it to create additional Marine Protected Areas. The major finding of the poll that the public is far more interested that our resources be managed for sustainability and not be damaged and is very hesitant about closing off areas to specific or general human uses, if those areas can be used sustainably seems to be powerfully relevant to the MPA discussion. I will also point out that the slide that dealt with questions about the Sanctuary's

Advisory Council which gives, according to the Sanctuary, the body which is used to express community opinions to the Sanctuary, reveals some problem areas. Presently for the majority of SAC seats there is no method of accountability in place for most of the stakeholder seats. The public shows overwhelmingly that it is uncomfortable with the Sanctuary Superintendent having the unilateral power to select members to represent the general public. The City of Monterey has gone on record numerous times expressing the view that the Sanctuary Advisory Council, because nearly all of its functions are controlled by Sanctuary Management, cannot and does not represent the wishes of the community. Polling results therefore provide important information about the validity of the Sanctuary's public decision making process, and in particular the role that the Sanctuary Advisory Council plays.

On behalf of the City I ask that the Pacific Council forward these polls to the SSC for review and comment at a later Council meeting.

Kathy Fosmark's Remarks

Chairman Ortman and Council Members, my name is Kathy Fosmark. On behalf of the Alliance of Communities for Sustainable Fisheries, we have submitted a letter, which you have in your packet, outlining the four recommendations that we hope that the Council will adopt and make to the Monterey Bay National Marine Sanctuary, or with regard to this process. The letter also provides our reasons for making these recommendations in some detail. First let me tell you that we are hopeful that the new Sanctuary efforts to place their Marine Protected Area process into the context of the larger process such as the integrated ecosystem assessment seems to be a positive note. It is our perception that the Sanctuary has struggled with this issue and needs to get it back on a proper footing if it is to have any fisherman support, but more importantly any general public support.

Particularly problematic is the fact that the Sanctuary has made its assertion that it has an unmet need for additional MPAs without any scientific analysis of that question.

The ACSF has gone as far as to submit a Freedom of Information Act Request to the Sanctuary for information regarding the scientific analysis of justification that it has.

Although we have received some very raw data, such as a listing of habitat characteristics, no analysis has been brought forward. In our opinion the Sanctuary

would be wise to reconstruct this process to be one that is driven by data and analysis to help shape management options and not vice-versa.

I also want to make the Council aware that there is a strong level of community support for upholding the integrity of the agreement made between NOAA and the fishermen when the Sanctuary was created in 1992. That is, in exchange for our support for the designation of the Monterey Bay Area as a National Marine Sanctuary, the Sanctuary would not seek to regulate us. The City of Monterey, the Association of Monterey Bay Area Governments comprised of all elected officials representing seven hundred and fifty thousand people of the region, a very large Monterey Peninsula Chamber of Commerce, all have adopted motions that ask the Sanctuary not to change its designation document to give it the power to create a fishing regulation and that it must obtain the support of the fishing community for any zones or regulation proposals that it brings forward to the Pacific Fishery Management Council. Additionally, Congressman Sam Farr has stated in a recent letter of his expectation that all issues be looked at in the sense he had discussed them, but that the Sanctuary should not impose Marine Protected Areas upon us.

On behalf of the ACSF I want the Pacific Fisheries Management Council that we do not feel that this level of community support gives us license to act irresponsibly. Our members are in fact, and always have, engaged constructively in every step of this MPA process. In fact, as you have heard with regard to polling results and with regard

to the science products brought forward by Doctors Ray Hilborn, Carl Walters, Richard Parish, and others at last year's meeting, the ACSF has sought to constructively inform this process all along the way.

Thank you for your consideration of the ACSF requests.

Steve Scheiblauber's Remarks

Chairman Ortman and Council Members. My name is Steve Scheiblauber, representing the City of Monterey. We have received a letter from Mayor Chuck Dela Sala on this topic. In this letter Mayor Dela Sala briefly revisits comments made previously to the Monterey Sanctuary from the City on this subject.

- The Sanctuary should not change the designation document
- Must obtain the support of fishermen for whatever is proposed
- Must use the best reconciled science, including engage the ACSF in the best science authors to reconcile the differences between the Sanctuary's new statements and the results of its science efforts.
- The Sanctuary must follow its own regulations and consult with this Council, NOAA Fisheries and Industry before it makes decisions that affect the fishing community. As we know, this consultation did not occur before the Sanctuary made its February 15th Need decision.

Mayor Dela Sala and the City Council also have made three further requests of the Pacific Council. The first is to provide recommendations to the Council that the Sanctuary restructure its process much more broadly. It should reconsider its Unmet Need for MPAs statement as it has no way of knowing if this is true or not. Instead participating in a process like the Integrated Ecosystem Assessment or in the Council's Ecosystem Based Fishery Management Plan process would allow for key

management questions to be answered in that process. Presently the Sanctuary has no way of answering the question “How much protection is enough?” Secondly Mayor Dela Sala advises the Pacific Fishery Management Council and the Sanctuary that the City does not accept the Sanctuary’s assertion that the Sanctuaries Act requires it to create “Wilderness Areas” at least unless such areas are readily agreed to by the fishing community. The reason for this is that the statement that Wilderness Areas are required is 180 degrees out of sync with what fishermen heard in 1992 about the role of the Sanctuary. Had they heard that Wilderness Areas were going to be required, they would never have supported the Sanctuary. Further Mayor Dela Sala notes that in correspondence with the City National Marine Sanctuary Program Director Dan Basta stated “While it is my position that each management plan review will assess whether Ecological Reserves are appropriate, there is no policy that they must be established or that they must be a certain size.” Dan Basta is still the National Program Director. We wonder, has he changed his view? Has the law changed? Perhaps he is not aware that the interpretation that the Monterey Sanctuary is making with regard to the National Marine Sanctuaries Act. Because of these factors, the City cannot support this interpretation that somehow Wilderness Areas are required.

Mayor Dela Sala points out that overall, February 15th and April 15 2008 Sanctuaries decision rational letters continue to argue that sustainable fisheries are not good enough in National Marine Sanctuaries. The City asks the PFMC to provide some guidance about the validity of that claim.

On behalf of the City of Monterey thank you for hearing my comments.