

July 4, 2007

The Honorable Sam Farr  
US House of Representatives  
1221 Longworth House Office Bldg.  
Washington DC 20515-0517

Dear Congressman Farr:

Please find below our comments regarding HR21. As an organization representing fishermen throughout the Central Coast, the Alliance of Communities for Sustainable Fisheries wants our marine resources and ecosystem managed to preserve long term ocean health and for sustainable resource use. There certainly are regions of the nation that have suffered from poor management decisions and a lack of coordinated efforts. However, we would say that these factors are not true for the West Coast, particularly not now. We believe that ecosystem based management is now being advanced substantially through the Magnuson-Stevens Sustainable Fishing Conservation Act. It should also be noted that Federal Fishery Management Councils throughout the nation are now required to follow the advice of their science committees. Lastly, it should be noted that coordination of national policies and the elevation of ocean issues as a national priority has been substantially accomplished through the President's executive order creating a committee on ocean policy which generally follows the recommendations of the U.S. Commission on Ocean Policy. In short, compared to twenty years ago, or even ten, ocean health is improving, except perhaps in the area of water quality.

Generally we have significant concerns that the language of this bill as currently written would create large new unfunded bureaucracies and create enormous confusion over fishery management decisions. It also only indirectly affects international fisheries, which is, in our opinion, where much of the true crisis in fisheries lies.

Our specific comments are as follows:

### Section 2 - Findings

First it should be noted that "by-catch" is not in itself a threat to ecosystem health. Every fishery in the world, no matter how clean, has some by-catch. It should be noted that the current Magnuson -Stevens Act now requires total catch accounting. This should lay the

foundation to solve one of the most pressing problems with by-catch. Therefore, the reference to “by-catch” in this section should be removed.

Importantly, the “findings” section fails to recognize the many improvements in resource management and in the condition of fish stocks that have occurred over the past ten years

### Title I - NATIONAL OCEANS POLICY

This Section is racked with problems centered around definitions of healthy ecosystems and “natural environments”. These definitions provide no flexibility to account for natural environmental change or changes that may result from actions occurring outside of our nations jurisdiction. Importantly, there is no accounting for predator-prey relationships and no recognition that by providing enhanced protection for marine mammals we are skewing population structures. As you well know this is a significant issue off the California coast with the California sealion population currently estimated at approximately 320,000 animals, each of which consume between 30-40 pounds of sea food a day. Compared with their “natural” population of about 50,000 animals, it’s hard not to believe that this many sealions aren’t affecting the health of the ecosystem. The definition of ecosystem health would also affect even populations at the microbial level. Changes in life at that level could also be cause for actions taken to protect healthy ecosystems.

HR21 also requires the use of the most cautious approach possible. Considering that there is much that is not known about the ocean, this could draw to a standstill virtually all human uses of the ocean, and also create a highly litigious climate. Further, this policy appears to affect not only federal actions but state and local governments as well, so that federal actions would apply to many activities currently regulated by states and localities. There is bound to be major disputes over this.

We also wonder about the federal bureaucracy created by this section in requiring that every action that falls under the category of National Ocean Policy is subjected to a federal review. In our experience, there’s not been a good track record of federal agencies being able to act in a timely manner on complex issues. It’s doubtful, therefore, that the timetable in this Title can be met.

### Title II – NOAA Organic Act

This title generally establishes into law the current structure of NOAA and that is a good thing. It does appear however, that one section of this title appears to require establishment of some sort of federal commercial fishing license. This is unclear and needs to be explained.

### Title III– NATIONAL OCEAN LEADERSHIP AND COORDINATION

It appears that since President Bush has already established a Committee on Ocean Policy, much of this Title may not be necessary. However, Section 303 speaks to the requirement to have a plan for “an ecosystem based management regime for activities in federal waters”. If this is truly meant to include such maritime activities as commercial cargo transportation, military operations, Coast Guard enforcement, and search and rescue, how are these activities going to fit in with ecosystem based management? What would you see changing in something like maritime transportation based on ecosystem concerns? Considering that California ports by themselves accommodate 40% of all of the imports to the United States and this occurs only through a small handful of ports, how would concerns over ecosystem based management possibly affect those activities?

### Title IV – REGIONAL COORDINATION AND ECOSYSTEM PLANNING

This section appears to establish a new level of federal bureaucracy. It does seem to include managing both state and federal fisheries, the conflicts will arise with State Fish and Game laws that may be on the books when the proposed regional partnerships establish mechanisms to manage state fisheries. We can see a lot of resistance from the states for this proposal.

HR21 also adds a third federal agency with authority to create fishing regulations, the first two being NOAA-Fisheries and the NOAA Sanctuaries Program. In our opinion, it should only be NOAA-Fisheries through the requirements of the Magnuson-Stevens Act that has the authority to regulate federally managed fisheries.

Generally these regional partnerships seem to be too large and unwieldy with real questions as to their true representativeness. For example, can the Mayor of Seattle represent the concerns of Moss Landing, or vice versa?

It should also be recognized that the recently reauthorized Magnuson-Stevens Act contains new authorities to establish community based allocation programs. It would seem that much of what is trying to be accomplished through HR21 might actually be accomplished by working through the Magnuson Act and/or refining that act.

### Title V – OCEAN TRUST FUND

The Bill proposes a \$1.3 billion trust fund; however, the revenue coming out of the sale of postage stamps in reality will probably be quite small. The rest would have to come out of appropriations. Considering that Congress has not been good about funding its existing fishery management agency to do needed science and other basic research work, why would we think that Congress will appropriate huge amounts of money for this new effort? It would seem that educating Congress to appropriate the needed money so that

fisheries can be managed in a science-based sustainable manner is the most direct and obvious course of action.

We appreciate the ability to comment on HR21. We can certainly see that its intent is to improve coordination in overall management of ocean ecosystems for their betterment. However, we think HR21 needs significant more work and that it should be recognized that existing law, in particular the recently authorized Magnuson-Stevens Act, may be a more appropriate venue to accomplish healthy ecosystem goals. In particular, we recommend that people knowledgeable in fishery management be consulted as this law is amended.

Please let myself or any other representatives of our organization know if we can provide any further information regarding our support of and/or concerns over the ideas contained within HR21.

Sincerely,

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

