

Alliance of Communities for Sustainable Fisheries

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Remarks of Kathy Fosmark
MPA Meeting – December 13, 2007

The SAC is being asked to weigh in on the question – do we have enough protection for ecosystem health? This discussion is being steered by the Sanctuary towards additional MPAs as being the potential answer to the question.

Fishermen are very interested in this question of how much protection is enough. In the MLPA process, nobody ever asked that question. It never came before the Blue Ribbon Task Force, it never came before the Fish and Game Commission to decide when the law was met and when enough protection was in place. What it meant in the MLPA process was that any proposal that fishermen put on the table, no matter how comprehensive, and even if it met all the science guidelines, could be rejected as not providing “enough protection”. There was no standard for this. So, in the Sanctuary’s MPA process we are very concerned that there be a legitimate, science-based discussion about how much protection is in place, and how the protection address the legal requirements, and I stress **all** of the legal requirements, of the National Marine Sanctuary Act. Only then can you get at answering the question as to whether more protection is needed.

If more protection is needed, it also requires a discussion about what the right management tools are, and let me tell you, MPAs are not the only tool. MPAs may not be the best tool to manage any potential problems.

We just did not feel like there was ever going to be a thorough analysis of this question in the Sanctuary’s MPA Workgroup, which is why we commissioned an independent study by some of the nations top marine scientists, and others, to examine the “do we have enough protection” question.

I also think a fundamental problem here is that the public and perhaps you SAC members as well, simply do not understand how fishery management and ecosystem protection work particularly in the Fishery Management Council process. As you may know, I was nominated by Governor Schwarzenegger and approved by the U.S. Secretary of Commerce to represent California on the Pacific Fishery Management Council, although I’m not representing the Council today. I won’t go into all the Council’s methods, but I will point out two significant facts:

- First, the Councils and NOAA fisheries have been tasked to adopt ecosystem based management for our resource management. This came about over many

years from the scientists who work on these issues, understanding that there are broader biological relationships between species than just the life history of individual species. The NOAA Strategic Plan adopted a couple of years ago specifically directs **all** NOAA agencies to utilize ecosystem-based management. And lastly, the recent revision of the Magnuson-Stevens Fishery Conservation Act specifically directs ecosystem-based management to be done. So the Sanctuary is not the only agency charged with keeping an eye on the health of the ecosystem.

- The second major thing for you to know is that these fishery management councils, and in particular the Pacific Council, has a well-represented and competent science committee to advise on resource management. In fact, the newest re-authorization of the Magnuson Act **requires** Councils nation-wide to heed the advice of their science committees.

So, we have a situation where Congress, by unanimous vote, has just stated that personal opinions and interests are not enough in marine resource management, and that these decisions must be based on the best available and peer-reviewed science.

When it comes down to it, the fishing community, who is right in the middle of having to conform with all the existing management – closures and other kinds of rules – know that there is no need for additional protections. This area of the world is extensively protected, both on a species basis with such laws as the Marine Mammal Protection Act, and also on an ecosystem basis through the Magnuson Act and through the National Marine Sanctuary Act.

You also need to know that this region is in real risk of losing its fishing infrastructure. This is not to say that fishing will ever cease entirely, because I don't think that's true, both for recreational fishing and commercial fishing – there will always be some niches of fishing. But, if not enough volume can come across our docks, then the infrastructure, meaning the buyers, processors, ice facilities, hoist facilities, fuel piers, haul-out yards, etc., are in economic risk and they could be lost. Once these facilities are lost, the real estate dynamics are such that when other uses come in we will never get our fishing infrastructure back. Good socio-economic analysis aimed both at direct fishing costs and community wide costs would show this.

I remind the SAC that the National Marine Sanctuary Act also requires the wise and sustainable use of resources. It's not just about protection of resources, and the law must be taken as a whole, not just in pieces. So, it shouldn't surprise you to hear that the fishing community, based on both economic issues, but also good science and biological needs, does not feel that additional MPAs are needed.

I want to conclude my remarks now because I want to make sure there is plenty of time for Dr. Parrish's presentation and for questions of him. To conclude, I want to read a statement prepared by Dave Danbom. As many of you know Dave is a highly respected retired fisherman who worked directly with Leon Panetta during the formation of the Sanctuary and served on the Sanctuary Advisory Council for eight years. Dave has not been feeling well for sometime and asked that I read this statement to the SAC regarding the promise made to fishermen that the Sanctuary would not create regulations that would affect them. SAC members, I hope you can appreciate that this meeting, wherein fishermen would be here in front of a Sanctuary body, pleading for our ability to stay in business, is about the worst nightmare that we feared could come from Sanctuary designation. This is Dave's statement:

Concerns from the fishing industry about a Federal program that would call the Central Coast a "Sanctuary", leading to possible new regulations of fishing by this agency, mobilized fishermen to work against and defeat Sanctuary designation in the mid 1980's. Then a proposal for a Monterey Sanctuary surfaced again in the early 90's. At this time, as a leader in local and state fisheries, and a member of the Pacific Fishery Management Council (holding the obligatory seat for the State of California) I was asked by our Congressional Representative to assist him in bringing the commercial and recreational fishermen together in support of the proposed Sanctuary. Early on, fishermen were clearly promised that the new Sanctuary would not regulate fishermen or fishing activities. If the Sanctuary had any concerns, they would work with us for a mutually acceptable solution. This promise was made both by elected officials, and also NOAA representatives. It was unequivocal: we wouldn't have to worry about this new agency. We would get benefits, like the ban on oil development, a water quality program, and enhanced and collaborative research with us for better knowledge on fish populations. These are all things fishermen value. Fishermen had had a positive working relationship with Gulf of the Farallones National Marine Sanctuary Manager Ed Uber. With the promise in place, we anticipated that we would have that kind of relationship with the new Sanctuary. Now, the reality is frustrating and disappointing. Fishermen perceive the Sanctuary as working to find ways to break this promise, especially over the MPA issue. Fishermen were deeply angered to see the MBNMS go on record as wanting a State MPA network that was even more extreme than what the State wanted, and which had zero support from the fishing community. Because of my deep involvement in bringing the fishing industry, elected officials and NOAA together in reaching the agreement that led to the creation of the MBNMS, I feel personally responsible for any adverse consequences now facing the fishing industry. If this Sanctuary breaks its promise made to fishermen by changing the Designation Document to regulate fishing, I will go to my grave regretting my support of the new Sanctuary, and regret my role in getting other fishermen to go along.