

Honorable Maria Cantwell
Chair, Subcommittee on Oceans, Atmosphere,
Fisheries and Coast Guard
SH-425 Hart Building
Washington DC 20510

Dear Senator Cantwell:

Thank you for providing me with the opportunity to testify on behalf of the Alliance of Communities for Sustainable Fisheries regarding legislation to expand the boundaries of the Gulf of Farallones and Cordell Bank National Marine Sanctuaries.

During the hearing, you and Senator Boxer questioned why the Alliance had concerns with section 3 of HR 1187 which deals with the regulation of fishing in the Sanctuaries. Although I had an opportunity to speak briefly to Senator Boxer on this issue, I did not get a chance to reply to your concerns so I am doing so now.

Section 3 of HR 1187 expresses the intent to keep intact whatever authorities may currently exist. Unfortunately, those authorities are themselves vague, as there are disagreements regarding the applicability of the Magnuson-Stevens Fishery Conservation and Management Act versus the National Marine Sanctuaries Act. As currently interpreted by NOAA, if a Sanctuary decides to put a large area off-limits to fishing, all it need do is make the necessary changes in its regulations. In contrast, Council regulation is a transparent process involving public deliberation and peer-reviewed scientific substantiation. This is the sort of process we believe best serves the public's interest and provides sound conservation of our fisheries resources; further, it is a process that has been endorsed by the Congress since its creation in 1976. Thus, we think the changes we suggested in the testimony I presented are good ones and will improve the conservation and management of ocean resources.

Again, thank you for asking me to present our views. If I can answer any further questions, please do not hesitate to contact me.