



CALIFORNIA WETFISH PRODUCERS ASSOCIATION

Representing California's Historic Fishery

February 27, 2006

Dr. Don McIsaac, Executive Director
Mr. Don Hansen, Chair
Members of the Pacific Fishery Management Council
7700 NE Ambassador Place #200
Portland, OR 97220-1384

RE: Agenda Item I.1.f. CINMS MPA Fishing Regulations

Dear Dr. McIsaac, Chairman Hansen and Council members,

These comments are submitted on behalf of the California Wetfish Producers Association, which represents the majority of wetfish processors and fishermen in Monterey and southern California. We appreciate this opportunity to comment on Council action to adopt public review alternatives for area closures in CINMS.

We urge the Council to develop the administrative record supporting your November 2005 decision to pursue fishing regulations through existing Magnuson Act (MSA) and State authorities. As we commented at that meeting, the CINMS summary analysis of options provided to the Council in September 2005 acknowledged that the ecosystem protections of the MSA and ecosystem-based California statutes, e.g. Marine Life Management Act and Marine Life Protection Act, are consonant with Sanctuary goals. Several options addressing regulation of fisheries within existing MSA fishery management plans and State regulations were identified in the NOAA Discussion Paper included in Council briefing books for the March 2006 meeting.

We note that among the options, the Magnuson Act provides legal authority to the Council to incorporate relevant state regulations, such as extending the fishing prohibitions already implemented by the State into the water column of the federal water MPAs identified in the original joint State-Federal MPA proposal for CINMS, which areas are now designated as no-bottom contact HAPC sites under the Council's groundfish FMP. Such action would cover all water-column species managed under either State or Federal regulations.

As we have stated in the past, we firmly believe that fishery management is best addressed through the ecosystem-based policies of the federal Magnuson-Stevens Act and the ecosystem-based policies of the State of California. To reiterate our March 15, 2005 letter to the Council:

CWPA members ... concur that the Sanctuaries have neither the scientific expertise nor the public decision-making process to implement adaptive fishery management effectively, and by

this letter they register their agreement with the advice provided by the CPSAS and the Groundfish Advisory Panel, encouraging the Council to oppose the proposals advanced by the Sanctuaries to amend designation documents to authorize Sanctuary regulation of fisheries in Sanctuary waters.

There is no need for an additional, duplicative layer of authority to regulate fishing activities beyond the strict regulations already implemented by NOAA Fisheries and the State of California. As we've testified previously, considering the inadequacy of funding now available for needed research, we feel such duplication would be a misuse of taxpayer dollars.

We fully support and encourage the Council to continue pursuing the MSA-State regulatory approach in adopting public review alternatives for CINMS MPAs in federal waters.

Thank you very much for your consideration of our concerns.

Best regards,

Diane Pleschner-Steele
Executive Director

Cc: Mr. Mike Chrisman, Secretary for Resources
V.Adm. Conrad Lautenbacher, Undersecretary of Commerce for Oceans & Atmosphere

Subject: Agenda Item I. 1 CINMS MPA's/ designation document/ March council meeting
From: "Chris Miller" <cjmiller@dock.net>
Date: Mon, 27 Feb 2006 20:55:47 -0800
To: <PFMC.Comments@noaa.gov>
CC: <swordstuna@aol.com>, <Mark.Helvey@noaa.gov>, <rebecca.lent@noaa.gov>, <dplesch@earthlink.net>, <greg.haas@mail.house.gov>

Dear Council Members,

My name is Chris Miller I am the Vice President of the California Lobster and Trap Fisherman's assn. I also represented fishermen in the Channel Island process to consider MPA's in my fishing grounds at CINMS.

I would like my comments included in the briefing book for March and included in the administrative record for consideration of amending the Channel Islands designation document to allow for CINMS regulatory authority of fisheries in the federal waters in the water column.

1. California has an overarching policy for marine resource management that is ecosystem based and adaptive.
2. The Sanctuary DEIS Document change is not adaptive management
3. It technically eliminates adaptive management until CINMS revises its management plan again. CINMS has only done one management plan revision in twenty years. We cannot endorse this track record as a process for adaptive management.
4. This federal action being considered will affect state commercial fisheries and habitat protection planning in state FMP's and MPA planning.
5. Therefore we request that the PFMC endorse and recommend consistency review by the state Coastal Commission to determine if this action will conform with state policy for adaptive management.
6. We request that the PFMC and NOS create MOU that specifies procedures for adaptive management that defines data management budget for NOAA ecosystem monitoring of federal MPA's.
7. We request that CINMS maintain article six of the CINMS Sanctuary charter which specifies that amendments to its designation document will follow the same procedures which granted them authority in rulemaking.
8. We believe that this may require a separate DEIS and notification process for the specific scope of power amendment. We do not believe that Admiral Lautenbacher has the privilege to amend the process stipulated in article six of our existing through CINMS management planning. Article six predates any existing management plan.

Sincerely,

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