



## CALIFORNIA WETFISH PRODUCERS ASSOCIATION

Representing California's Historic Fishery

September 8, 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 F.1.c. Fishing Regulations within CINMS  
F.2.c. Review of CINMS DEIS re: fishing closures

Dear Dr. McIsaac, Chairman Hansen and Council members,

These comments reiterate and expand on our February 23, 2006 comments 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 further on Council options to regulate fisheries within the Channel Islands Marine Sanctuary.

We concur with the statements submitted by the CPS Advisory Subpanel on both agenda items F.1 and F.2.

**Re: F.1, fishing regulations within CINMS**, we urge the Council to give high priority to pursuing fishery regulations in the water column MPAs proposed for federal waters of the CINMS through your authorities conferred in the Magnuson Act. As discussed in the situation summary attachments, the MSA authorizes the Council to incorporate relevant state actions in Federal law. The rationale, including the use of MPAs as reference reserves to improve knowledge of fishery resources, is a valid approach that we strongly support.

Supplemental materials provided to the Council provide information on research opportunities in these unfished reference sites to advance knowledge of Council managed fisheries. One example given is a research proposal that CWPA recently submitted to the Montrose Settlement Fund to study market squid. CWPA has mounted a cooperative research program for squid, with start-up funding provided in part by the Southwest Fisheries Science Center. To enhance our research capabilities, CWPA purchased a Biosonics scientific echosounder that has demonstrated success in mapping and quantifying localized squid concentrations. Our research project proposes, in part, to map and measure the variability of squid concentrations inside and outside MPAs, and track movement from deep water MPAs to the shallow water spawning

grounds, with emphasis on the offshore bank at Santa Barbara Island, Gull Island at Santa Cruz Island, and the Santa Rosa Flats and Carrington Point areas at Santa Rosa Island. Fishermen have observed market squid "staging" in these deep-water areas, and our intent is to document variability, if any, between unfished MPAs and nearby fished areas, and to evaluate the effectiveness of marine reserves as harvest replenishment zones.

Re: the broader question: who should manage marine resources in Sanctuary waters, we reiterate our prior testimony. In fact, 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, including protecting biodiversity.

**As we have stated in the past, we firmly believe that fishery management is most effectively and efficiently addressed through the ecosystem-based policies of the federal Magnuson-Stevens Act and the ecosystem-based policies of the State of California. To quote 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, we feel such duplication would be a misuse of taxpayer dollars.

We fully support and encourage the Council to rank as high priority the development of regulations under MSA to manage fisheries in the water column of federal waters MPAs of the Channel Islands Sanctuary, thus avoiding the alleged need for Sanctuaries to amend designation documents and prepare regulations under the National Marine Sanctuaries Act.

**Re: F.2.c. Review of CINMS DEIS re: fishing closures**

Again we must point out that the DEIS is incomplete and inaccurate on many counts as it only reveals half of the story. It incorrectly paints a gloomy picture of continued declines in sanctuary resources, overlooking the fact that most fishery resources are healthy and sustainable. There is no acknowledgement of the substantial progress made in recent years by precautionary state and federal fishery management policies. In fact, NMFS scientists have testified on several occasions that overfishing is not occurring in California, and the handful of stocks designated as overfished several years ago are recovering more rapidly than predicted.

In addition, the DEIS paints a glowing picture of the benefits of marine reserves, overlooking the fact that the jury is still out on theoretical MPA benefits in temperate waters for all but the most resident species. The California Current ecosystem is dominated by highly migratory and

coastal pelagic species, and there is wide acknowledgement in the broader scientific community that these dominant species will not benefit from site-specific marine reserves.

On a technical note, we call to the Council's attention the proposed rules developed by the Sanctuary to govern fisheries under the National Marine Sanctuaries Act. Specifically, Section 922.73 provides that regulations and prohibitions will be effective as of the date of the final rule. This implies a permanency that excludes future authority under the MSA and Council or NMFS to effect modifications, should science improve or other change be desired. This language appears to us as a backdoor attempt by the National Ocean Service to usurp regulatory control of resources in Sanctuary waters. We view the Channel Islands as a test case – the first domino, if you will.

We suggest that the Council seek clarification and detailed lines of authority re: future interaction between the Council,/NMFS and MSA vs. the NMSA and Sanctuary/NOS – hopefully specifying that MSA policies and processes take precedence – should regulations be finally adopted under the NMSA.

Ultimately, we hope that the Council and MSA will prevail, and we strongly urge the Council and National Marine Fisheries Service to do everything in your power to maintain management of fishery resources through the Magnuson Act and Council forum, with its broad scientific and fishery expertise and extensive public process.

Thank you very much for your consideration and action.

Best regards,

Diane Pleschner-Steele  
Executive Director

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