October 23, 2006

Dr. Don McIsaac, Executive Director  
Mr. Don Hansen, Chair  
Members of the Pacific Fishery Management Council  
7700 NE Ambassador Place #101  
Portland, OR 97220-1384

RE: Agenda  H.1.c. Fishing Regulations within CINMS

Dear Dr. McIsaac, Chairman Hansen and Council members,

These comments reiterate and expand on our February 23 and September 8, 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 extend grateful thanks to Dr. McIsaac and the Council for the comprehensive letter submitted October 10, 2006 to CINMS, highlighting concerns expressed both by Council members, advisory bodies and industry groups including CWPA. As we have expressed in previous statements, we believe strongly that management of fishery resources is best achieved through the Magnuson-Stevens Act (MSA) and Council forum, with its broad scientific expertise and extensive public process.

As discussed at the Council’s September meeting and noted in our September 8 letter, 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 CWPA supports.

In further discussion on this issue at the CPS Advisory Subpanel meeting on October 19, we learned that the Council will consider several avenues to adopt fishing regulations under MSA authority in designated CINMS MPAs, including the option to create an overarching California Current System Fishery Management Plan, which could address biodiversity concepts and advance ecosystem-based management under the MSA venue in the Channel Islands and beyond.

One advantage that we foresee as emerging from a California Current Ecosystem FMP is the ability to integrate existing fishery management science with MPA theory in an objective process.
Agenda Item H.1.c

peer-reviewed by the SSC. As active participants in California’s Marine Life Protection Act process, whose goals of biodiversity and maintenance of ecosystem function largely parallel those of the Sanctuaries, we note that to date MLPA science advice has not integrated the ecosystem benefits of existing fishery management, much to our dismay. Another benefit of a California Current Ecosystem FMP is its obvious linkage to improved ocean monitoring systems such as PaCOOS.

We 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, under either, or possibly both, of the proposed scenarios. In our view, these options are not mutually exclusive: perhaps the integration of state regulations could be accomplished by regulatory amendment to an existing FMP as an interim step, allowing for development of a California Current Ecosystem FMP over the normal time required for a full FMP process. However, if the Council ultimately must approve one alternative over the other to minimize workload and budgetary requirements, we suggest that you set wheels in motion expeditiously to create the California Current Ecosystem FMP, as we believe this movement toward ecosystem-based fishery management will provide the Council with clear fishery management authority over the long term.

We urge the Council to take decisive action at the November meeting. As part of this request, we ask that you continue to pursue actively the modification of the proposed rule for the Channel Islands to provide an automatic sunset for any fishery regulations adopted under the National Marine Sanctuaries Act, and any interim change to the designation document, at the time regulations are promulgated under MSA. Please also continue to request the other recommendations itemized in the Council’s October 10 letter to the CINMS Superintendent. Thank you very much for your consideration.

Best regards,

Diane Pleschner-Steele
Executive Director

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