



CALIFORNIA WETFISH PRODUCERS ASSOCIATION

Representing California's Historic Fishery

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May 21, 2008

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

RE: Agenda Item I.1.c : Review of Rationale for MPAs in Monterey Bay National Marine Sanctuary

Dear Chairman Hansen, Dr. McIsaac and Council members,

The California Wetfish Producers Association (CWPA) represents the majority of wetfish processors and active wetfish fishermen from both Monterey and southern California. We have followed with interest, in fact grave concern, the redoubled efforts of the National Marine Sanctuary Program, with particular reference to the Monterey Bay National Marine Sanctuary (MBNMS), to rationalize the 'need' to establish more MPAs in federal waters of the MBNMS.

We strongly concur with and support the testimony and extensive documentation provided by the Alliance of Communities for Sustainable Fisheries (ACSF) and their expert witnesses, all questioning:

- the scientific justification and rationale for the 'need' for more MPAs;
- the accuracy of alleged public support for additional MPAs beyond the 29 recently established by the State in the MBNMS; as well as
- the legal authority to implement any regulatory action resulting in restrictions on fishing, without full compliance with the recently amended Magnuson-Stevens Act, which expanded the PFMC's authority to designate such zones. [16 U.S.C. &1853(b)(2)(A)].

According to a legal review provided to both NOAA and the PFMC by James P. Walsh Esq., Davis Wright Tremaine LLP dated May 8, 2008, "This recent specific Congressional authorization [see ref. above] trumps the more general authority provided under the National Marine Sanctuaries Act (NMSA).

Moreover, the MBNMS Designation Document prohibits regulating fishing activities, under a promise made when the Sanctuary was created to gain support from the fishing community. Regional governmental officials in the Monterey Bay Area (AMBAG), as well as regional Congressman Sam Farr, broadly support the fishing community, its economic and tourism value in this region. Both the Monterey City Council and AMBAG have resolved that the Sanctuary should uphold the 'fishermen's promise'. By unilaterally moving to designate MPAs without the support of

the fishing community and local government, however, the Sanctuary expressly contradicts this promise.

We call attention to the detailed scientific review of the 'need' question by internationally honored scientists Ray Hilborn and Carl Walters, and including analysis by respected scientists Drs. Richard Parrish, Doyle Hanan and Barbara Walker. This review was commissioned by ACSF and provided earlier to the Sanctuary and recently to the Council. Please also consider the further May 2008 comments submitted by Dr. Ray Hilborn, which state:

"...[the MBNMS objective] statement provides no basis for determining how much protection is appropriate. Implicit throughout the report is the assertion that the current levels of protection are not sufficient, but there is no basis for making any decisions on how much is enough."

Wetfish, i.e. sardines, anchovy and market squid, comprise the lion's share of landings in this region, representing as much as 96 percent of total volume of commercial fishery landings in the greater Monterey Bay area (2006) and 65 percent of ex-vessel value (2003). The historic wetfish industry has been the backbone of the fishing community in the Monterey Bay region, both economically and culturally, for more than a century. It is vitally important to maintain the economic base as well as the fishing culture of this community.

As ACSF testimony and support documents point out, the Monterey Sanctuary has not yet addressed fishing community concerns, nor apparently considered scientific expertise that contradicts its mission as stated in recent 'needs' rationales. We support the requests made by the Alliance to the Council, and urge the Council to consider and act on ACSF's recommendations, [in part] including a request that the MBNMS:

- withdraw its February 15 and April 15, 2008 'decision' letters and restructure the task of an MPA work group to evaluate the utility and socio-economic consequences of additional MPAs versus other protection measures
- include State waters [and the 29 recently implemented MPAs] in its review of protection...,
- acknowledge the socio-economic crisis now unfolding in fisheries and fishing communities on the central coast, and set as a goal of the MPA process that there be no further loss of economic opportunity

We further concur with the ACSF recommendation that this Sanctuary MPA process should occur as part of the PFMC process to develop and implement the California Current System Ecosystem Management Plan, perhaps funded in part by the MBNMS. Conducting an evaluation of the need for and siting of additional MPAs in the MBNMS region in the context of the PFMC process would be consistent with the legal opinion provided by Mr. James Walsh, who also notes the Sanctuary lacks specific authority in the National Marine Sanctuaries Act, absent significant change to the current MBNMS designation document, to create zones that regulate/restrict fishing.

Thank you very much for your consideration of our concerns.

Sincerely,



Diane Pleschner-Steele
Executive Director