



**CALIFORNIA WETFISH PRODUCERS
ASSOCIATION**

Representing California's Historic Fishery

October 24, 2005

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 Items I.1.d CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

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 relay our serious concerns regarding the scheduled Council action to adopt final recommendations for proposed fishing regulations under the National Marine Sanctuaries Act. We urge the Council to request further information before making a final decision.

Rather than deciding the management issue, the long-awaited NOAA review of Council proposals to regulate fisheries in the National Marine Sanctuaries, specifically in the Channel Islands, under Magnuson-Stevens Act (MSA) and State authorities, seems to have opened a new Pandora's box of unanswered questions. Moreover, the analysis appeared inconsistent and incomplete.

For example, the October 19, 2005 letter from V.Adm. Lautenbacher approved the Council's MSA approach prohibiting bottom contact gear around Cordell Bank Sanctuary, and further approved the proposal to prohibit fishing gear at depths below 500 fathoms, thus protecting the Davidson Seamount, which peaks at 670 fathoms. Yet regarding the Council's proposal to prohibit fishing in the marine reserves proposed for the Channel Islands to protect habitat of particular concern, NOAA approved only the prohibition on bottom-contact gear and questioned the regulation of fishing through the remainder of the water column, even though it approved protection of an additional 1,000 feet of water column in the Davidson Seamount decision.

The letter claimed “insufficient factual and scientific basis” to support the Council’s Channel Islands proposal, yet no analysis of this basis was offered, nor discussion of regulating fishing in the water column through other MSA fishery management plans, such as the Coastal Pelagic or Highly Migratory Species FMPs.

The letter also noted that California regulations were insufficient because California would have no jurisdiction over vessels from other states that fished in federal waters and landed the catch outside California. This statement is based on hypothetical circumstance; in reality, no factory trawlers or trans-boundary vessels fish in the Channel Islands. The catch is, in fact, landed at California ports.

The point is, 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. Indeed, there are many ways to address regulation of fisheries within existing MSA fishery management plans and State regulations. Yet these alternatives were not explored, in the apparent interest of expediting a new layer of bureaucracy for fishery management. It seems that, in light of persistent efforts of the Sanctuaries to achieve fishery management authority, in competition with the National Marine Fisheries Service, NOAA seems intent on “splitting the baby”.

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 also concur that the Sanctuaries have neither the scientific expertise nor the public decision-making process to implement 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.

Re: the Channel Islands - Existing protective authorities granted to NOAA Fisheries under the Magnuson Act have already been or can be applied to address the ecosystem protections outlined in the CINMS Staff Preliminary Working Draft document. 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. In fact, considering the budget deficit currently engulfing the federal government, we feel that Sanctuary efforts seeking to duplicate existing fishery management authorities, which would likely entail competition for funding for duplicative programs between the National Ocean Service and NOAA Fisheries, is not an efficient use of taxpayers’ dollars.

We note that the Council has already proposed to implement Alternative 2, the original proposed project in the CEQA document (CDFG 2002) through the Essential Fish Habitat requirements of the Pacific Groundfish FMP. Considering the inconsistent response and incomplete analysis provided by NOAA, and before proceeding down the potentially precedent-setting path of recommending fishery regulations under the National Marine Sanctuaries Act, which could have

major unintended consequences both in California and nationwide, we again urge the Council to request further information and fully explore all options to regulate fisheries under existing authorities before making a final decision.

Thank you very much for your consideration of these concerns.

Best regards,

Diane Pleschner-Steele
Executive Director