



Pacific Fishery Management Council

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Donald K. Hansen, Chairman Donald O. McIsaac, Executive Director

October 9, 2007

Senator Gordon H. Smith
404 Russell Building
Washington, DC 20510-3704

RE: PACIFIC FISHERY MANAGEMENT COUNCIL COMMENTS ON H.R. 1187

Dear Senator Smith:

Thank you for your continued interest in West Coast fishery issues and your request for Pacific Fishery Management Council (Pacific Council) comments on legislative matters of interest to the Pacific Council.

It has recently come to the Pacific Council's attention that H.R. 1187, the *Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act*, introduced in the U.S. House of Representatives on February 16, 2007 by Congresswoman Woolsey (D-CA), may be scheduled for review and revision in the near future. I would like to take this opportunity to convey the following comments of the Pacific Council on H.R. 1187.

- It is unclear why these proposed boundary expansions and protective measures were not adopted and implemented under the recently completed Joint Management Plan Review (JMPR) process for the Monterey Bay, Gulf of the Farallones, and Cordell Bank National Marine Sanctuaries. The Pacific Council believes some of the expansion alternatives and prohibitions may have been considered and rejected during the JMPR, and questions why these provisions are being proposed for implementation through legislation rather than the public JMPR process.
- Section 2 of H.R. 1187 finds the areas within these sanctuaries "include some of the Nation's richest fishing grounds" and that "Cordell Bank is at the nexus of an ocean upwelling system, which produces the highest biomass concentrations on the west coast of the United States." While the Pacific Council agrees these areas are productive and are likely to be ecologically important to the West Coast, these findings would benefit from independent verification.
- Section 3 of H.R. 1187 states that "nothing in this Act is intended to alter any existing authorities regarding the conduct and location of fishing activities in the Sanctuaries." The Pacific Council recommends this stated intent be accompanied by a statutory mandate that fishery management authority in federal waters of the Sanctuaries is retained by the Pacific Council and the National Marine Fisheries Service.

- Section 6 further clarifies that H.R. 1187 does not intend to prohibit the discharge of biodegradable effluents or the discharge of fish, fish parts, and chumming materials while legally fishing. The Pacific Council is concerned about the regulation of waste water discharges and would like to confirm that the United States Coast Guard retains its current level of authority on these matters.

Thank you again for providing the Pacific Council an opportunity to provide comments on H.R. 1187. If you or your staff have any questions about this letter, please contact me or Mr. Mike Burner, the lead Staff Officer on this matter at 503-820-2280.

MDB:ckm

Sincerely,



D.O. McIsaac, Ph.D.
Executive Director

- c: U.S. Congresswoman Lynn C. Woolsey, (D-CA)
U.S. Congressman Joe Baca, (D-CA)
U.S. Congresswoman Madeleine Z. Bordallo, (D-GU)
U.S. Congresswoman Lois Capps, (D-CA)
U.S. Congressman Jim Costa, (D-CA)
U.S. Congressman Peter A. DeFazio, (D-OR)
U.S. Congressman Elton Gallegly, (R-CA)
U.S. Congressman Jay Inslee, (D-WA)
U.S. Congressman George Miller, (D-CA)
U.S. Congresswoman Grace F. Napolitano, (D-CA)
U.S. Congressman Kevin McCarthy, (R-CA)
U.S. Congresswoman Cathy McMorris Rodgers, (R-WA)
U.S. Congressman Nick J. Rahall II, (D-WV)
U.S. Congressman Bill Sali, (R-ID)
U.S. Congresswoman Hilda L. Solis, (D-CA)
U.S. Senator Barbara Boxer, (D-CA)
U.S. Senator Maria Cantwell, (D-WA)
U.S. Senator Larry Craig (R-ID)
U.S. Senator Mike Crapo (R-ID)
U.S. Senator Dianne Feinstein, (D-CA)
U.S. Senator Patty Murray, (D-WA)
U.S. Senator Ron Wyden, (D-OR)
Pacific Fishery Management Council Members