FISHING VESSEL OWNERS' ASSOCIATION
INCORPORATED

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SEATTLE, WASHINGTON 98199-1290
PHONE (206) 284-4720 • FAX (206) 283-3341

SINCE 1914

December 13, 2010

Ms. Jean McGovern
National Science Foundation
4201 Wilson Boulevard
Arlington, Virginia 22230

Dear Ms. McGovern:

I am writing to you on behalf of the members of the Fishing Vessel Owners' Association regarding your Grays Harbor "Endurance Array" of global observations. I attended your November 2010 meeting in Westport, Washington, regarding the three moorages in Grays Harbor Canyon area that you are recommending. Our members are concerned with the deepest moorage proposed in 219 to 339 fathoms.

Our members fish sablefish with hook and line gear in the Grays Harbor Canyon area. The current area identified as a potential moorage point for your underwater observation is in the middle of an important fishing area for both pot and hook and line gear. Your current deepwater site is found on the north side of the canyon. We ask that you place the site on the south side of the canyon. At the meeting in Westport, your representative encouraged us to put forward alternative moorages. Your representative asked that we take into consideration the no trawl "essential fish habitat" area to additionally eliminate commercial fishing activity around the moorage sites.

With regard to the deeper moorage site, I am forwarding you two small charts that you provided us with. We would like you to consider the following areas for moorage sites.

(1) At 1000 fathoms, neither trawl nor pot or hook and line gear would interfere with your moorage site. It would provide a better deep water analysis of up well chemistry. I am aware this lies well to the west of your current proposed sites.

(2) Within your current circle there are two areas that lie inside 100 fathoms on the south side of the canyon. Areas inside of 100 fathoms are closed to commercial fixed gear. I have colored these areas orange on the attached charts for your consideration. These orange areas would be colored to hook and line, pot and trawl gear.

(3) For an area between 200 and 300 fathoms, I have colored the chart on the south side of the area in hashed green for possible sites. This site would be south of where fixed gear operations are conducted and protected from trawl gear.

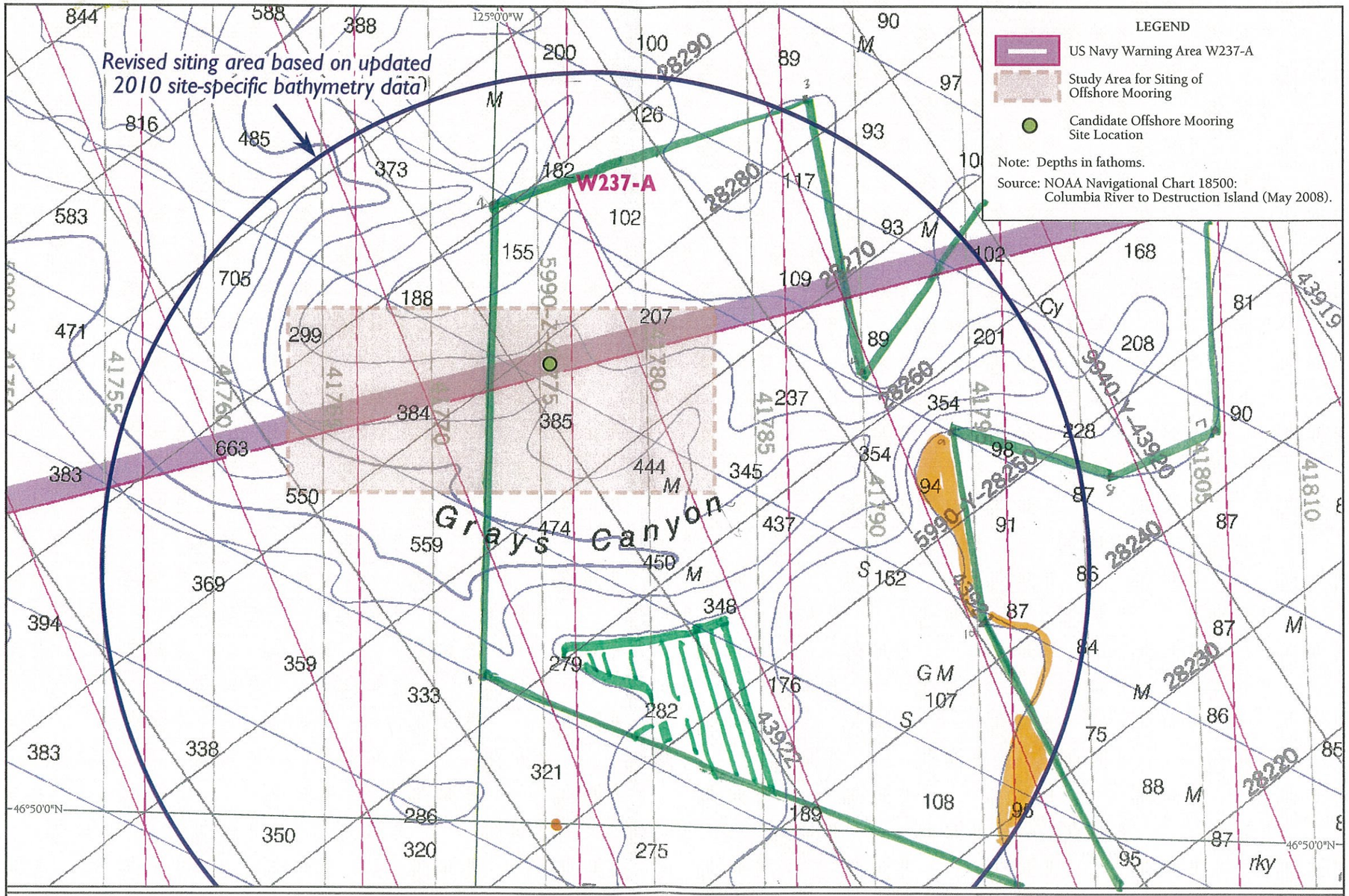
In summary, the fixed gear members that FVOA represents, request that you not choose the site you have published which is on the north side of Grays Harbor Canyon. The north side of the canyon is heavily fished by fixed gear. We request that you consider a depth less than 100 fathoms or an area in your preferred depth range of 200 to 300 fathoms on the south side of the canyon. Additionally, we would like you to consider a site at 1000 fathoms.

Sincerely,

Robert D. Alverson
Manager

RDA:cmb

Enclosures



Endurance Array (Grays Harbor Line) Candidate Offshore Mooring Site and Study Area for Potential Offshore Mooring

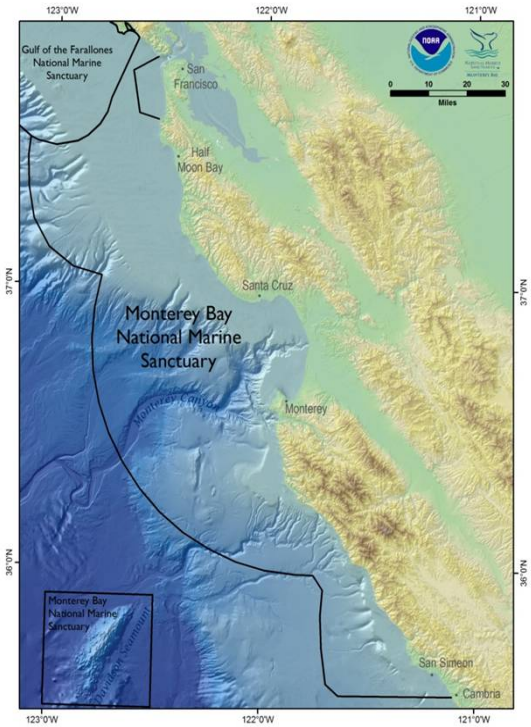
Ecosystem-Based Management Initiative

Issue

As demands and impacts on the marine ecosystem rise, concerns about the health of Monterey Bay National Marine Sanctuary (MBNMS) are being raised. By working collaboratively with partner agencies and stakeholders, information will be gathered and evaluated to identify and implement actions to improve ecosystem-based management and marine spatial planning in the Sanctuary.

Goal

Enhance ecosystem-based management and marine spatial planning in the MBNMS by applying best available science and integrating and coordinating with partner agencies.



Map: MBNMS

Objectives

The MBNMS has embarked on a new Initiative to:

- Maintain/restore marine ecosystem health and function;
- Ensure protection of unique and rare features of the ecosystem;
- Facilitate research to differentiate between natural variation and human impacts;
- Facilitate ecologically and economically sustainable uses, including fisheries.

Background

Human activities on land and in the ocean are changing coastal and marine ecosystems and threatening their ability to provide important benefits to society, such as abundant seafood, clean beaches, abundance and diversity of healthy marine life, and protection from storms and flooding. Ecosystem-Based Management (EBM) is an innovative management approach to address these challenges. It considers the whole ecosystem, including humans and the environment, rather than managing one issue or resource in isolation. EBM relies on:

- Best available information and science;
- Coordination across partner agencies;
- Integration of ecological, social, and economic factors;
- Stakeholder involvement in planning processes.

Ecosystem-based management will help to improve long-term protection of marine resources, while allowing multiple uses that are compatible with resource protection.

Photo Credit: Chad King/MBNMS

Sometimes referred to as "the Serengeti of the Sea," the Monterey Bay National Marine Sanctuary is known both nationally and internationally as a "hot spot" for viewing marine wildlife.

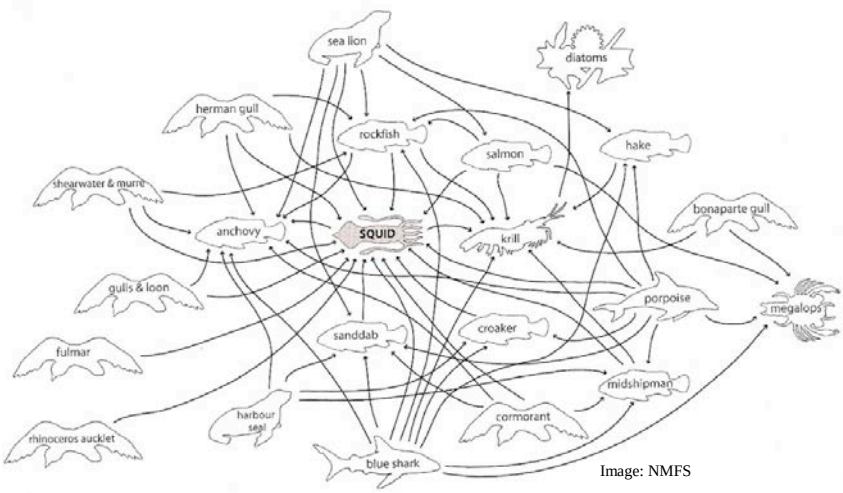


Image: NMFS

Connected by a diversity of marine life, marine food webs in the California Current are complex, every-changing and key to the immense productivity of the Central Coast.

Photo Credit: Lisa Ulrich/MBNMS

Thriving working waterfronts are vital to the economic well-being of the Central California Coast.

Sanctuary Strategy

The MBNMS will use a transparent, collaborative approach that draws on the principles of ecosystem-based management and marine spatial planning to improve ocean health. Our strategy will include these important steps:

1) Information Gathering and Analyses through scientific assessments and workshops;

2) Evaluating, proposing, and implementing strategies, policies, and actions with partners;

3) Monitoring, assessing, and adapting management actions.

Stakeholders will be asked to provide input and to generate creative ideas and actions for consideration by the Sanctuary. The MBNMS will also work closely with partner agencies to integrate with and inform various planning processes and management decisions influencing or affecting the Sanctuary.

A key informational piece for the EBM Initiative is an ***Integrated Ecosystem Assessment (IEA),*** which is being conducted by NOAA Fisheries and focusing specifically on MBNMS. IEAs provide critical science support to synthesize and analyze information across a wide range of ecological, environmental and human factors. This IEA will provide status reports on ecosystem health and evaluate current management strategies. The IEA will also help inform potential decisions by considering the trade-offs between different management strategies.

Linking to National Ocean Policy & Marine Spatial Planning

In July 2010, President Obama signed an Executive Order implementing the recommendations of the Interagency Ocean Policy Task Force, which established a national framework for effective coastal and marine spatial planning.

The MBNMS, as the nation's largest marine sanctuary and recognized leader in marine research, education and resource protection, is uniquely poised to serve as a national model for EBM, marine spatial planning, and effective implementation of the new ocean policy. The Initiative will focus on partnering with local, state and federal agencies to help support and complement California's ocean agenda, the West Coast Governor's Agreement, and the Regional Planning Bodies for National marine spatial planning.

Get Involved!

Public workshops to gather information on the EBM Initiative objectives will begin in October, 2010 and continue through 2012. There will be many opportunities to participate and provide input and feedback. This Initiative seeks local, state, federal, and NGO partners. Please visit the website below for more information.

http://montereybay.noaa.gov/ebmi

CITY OF MONTEREY

HARBOR/MARINA DIVISION

Paul Michel, Superintendent
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

Dear Paul:

At the February, 2002 Sanctuary Advisory Council (SAC) meeting , former Congressman Leon Panetta made remarks to the SAC, telling members that citizens of our region must work to make the Monterey Bay National Marine Sanctuary (MBNMS) the kind of Sanctuary that we want it to be. The MBNMS has now announced a new initiative, in part to reframe its interest in creating Marine Protected Areas (MPAs) in the Sanctuary's offshore waters, but more broadly to engage in an ecosystem- based approach to the management of Sanctuary resources. This new effort is called the Enhanced Ecosystem-Based Management Initiative ("Initiative"). The City welcomes an ecosystem-based management (EBM) approach, while noting that the results of the Initiative could have significant consequences on public agencies and stakeholders (not just fishermen); therefore, it must be well founded. It is impossible to tell, however, from the information provided whether it is actually founded on the principles of ecosystem-based management as defined by NOAA[1], whether or not it will lead to further restrictions on sustainable uses of sanctuary resources, and generally what the outcomes might be.

To help the MBNMS establish a foundation for its Initiative, and in the spirit of Mr. Panetta's remarks, the City of Monterey offers recommendations on how the MBNMS can adopt an ecosystem- based management approach to resource issues, and otherwise clarify the Initiative process.

Use the NOAA definition of EBM (attached) – the MBNMS provides no definition of EBM, even though it asserts its Initiative will provide "Enhanced" EBM. A literature search reveals no universally accepted definition. NOAA (parent agency to the MBNMS) has a definition of EBM that is holistic, adaptive, inclusive of human needs, and should be used for potential management measures that affect fisheries and other living resources, including humans. Although the term "Ecosystem-based management" is used by the MBNMS and in this letter, please be aware that NOAA has actually adopted the phrase "Ecosystem Approach to Management" (EAM) as being more accurate to the process.

Use the appropriate NOAA-delineated ecosystem – NOAA has defined and delineated large marine ecosystems for use in developing ecosystem-based management in the report cited above. The relevant ecosystem encompassing MBNMS is the California Current Ecosystem as depicted by the map on p. 10 of the Report. Thus, it is possible, even likely, that this entire EBM Initiative should be framed across all West Coast Sanctuaries, not simply MBNMS, for appropriate consideration of ecosystem components, drivers and human influences. The MBNMS boundary was set for political reasons, and does not

[1] NOAA. 2004. Report on the delineation of regional ecosystems. NOAA Regional Ecosystem Delineation Workgroup.

represent an ecosystem. Verbal information provided by the MBNMS also indicates that only part of the Sanctuary will be included in the Initiative, thereby undermining further its ability to do EBM.

Identify areas and activities that are within or outside the scope of the Initiative. Will activities such as desalinization, beach nourishment, State Marine Protected Areas (MPAs), agricultural practices, fishing, diver and recreational impacts, the West Coast Governors Agreement (under development), etc, be in or out of this Initiative? It is especially important to know if the MBNMS will include the State MPAs in the Initiative effort. Since the State failed to use EBM principles when it developed its MPA network (by its failure to integrate benefits to the ecosystem of other relevant State and Federal fisheries and marine protection regulations, or conduct adequate socioeconomic analysis) it would be a significant problem in the credibility of its EBM Initiative if the MBNMS fails to include the State MPAs. In fact, the National Marine Sanctuaries Act is explicit in directing sanctuaries to provide for "comprehensive and coordinated management among local, state, and other federal agencies".

Define "Protection", as in the context of the often repeated MBNMS statement: "The primary mandate of the MBNMS is resource protection." The MBNMS states the goal of EBM for the MBNMS is to have a plan that "optimizes resource protection with sustainable uses." How the MBNMS defines "protection" and the guidance provided as to how much protection is enough will define what human uses are allowed, and what are not. Given the example of the Sanctuary's near complete ban on certain watercraft use, it appears that the MBNMS has an unstated but strict standard for what constitutes enough protection. In the February and April, 2008 MBNMS MPA process letters, which the new Initiative is "building on", there is a clear implication that protection means no human impact. How will impacts from desalinization, Ag practices, etc, be balanced and integrated with the protection of resources? Recommendations: Define "protection" and disconnect the new Initiative from the past MBNMS MPA processes.

Clarify: Preservation or Conservation? Related to the above protection discussion, the degree to which the MBNMS embraces preservationist limits on human caused effects is the same degree that it is unlikely that it can ever do EBM. This is because EBM includes human needs and actions, including food production, cultural, recreational, and economic considerations, all of which can change the natural world. "Protection" or "Preservation" and EBM are not equivalent. EBM inherently seeks to balance protection with use and is more aligned with the goals of conservation and sustainable use.

Clarify the goal. There are several goal-like statements in the letters describing the Initiative, plus a set of "Objectives". Is the goal to identify and implement an ecosystem approach to management problems? Or, is the MBNMS saying that realizing one or more stated Objectives means that it has done EBM?

Clarify the origin and purpose of the four MBNMS "Objectives". Management Objectives might emerge from an ecosystem approach to management. However, the MBNMS has asserted four "main" Objectives (are there others?) at the outset of this Initiative. These objectives have not come from a community discussion, as would be expected from an EBM process, but appear to be directly related to the MBNMS's MPA process, which failed for lack of key stakeholder support, and which was not supported by scientific analysis. NOAA EBM guidelines are clear that important decisions such as creating objectives come out of a collaborative approach. Recommendation: Reframe the Objectives as questions, apply an ecosystem approach, and let recommendations for actions develop out of the collaborative process.

Avoid redundancy. The Pacific Fishery Management Council (PFMC) has already started an "Ecosystem-based Fishery Management Plan" planning process, with participation from West Coast Sanctuaries. An EBM approach to fisheries will include such things as seabird and marine mammal interactions, food webs, and predator/prey relationships...all items of interest to the MBNMS. The Initiative should not create a redundant and fiscally wasteful federal process, as specifically singled out in President Obama's recent State of the Union comments. It will be important for the MBNMS to define what it means by a "sustainable fishery", and if the MBNMS definition differs from what is achieved for fisheries though the Magnuson Act and the PFMC process. If it does not differ, then the MBNMS effort will be duplicative. If it does differ, significant confusion will result as many fishermen and living marine resources are highly mobile and are already subject to complex regulations. Overall, the MBNMS does not have the authority, the scientific capability, or the public processes to create regulations that affect fishing, but the PFMC does. Recommendation: the MBNMS should participate in, but defer to, the PFMC process, for issues that affect fisheries.

EBM takes into account human needs and social contracts. The "redundancy" comment above relates to the potential for the MBNMS to make regulations or recommendations that affect fishing activities. If the MBNMS considers zones that affect fishing, or other fishing-related recommendations, EBM will require that it fully take into account the important agreement made during the creation of the Sanctuary, that it would not create rules that affect fishermen or fishing operations. This constitutes a "social contract" within the meaning of EBM, is well-documented, remembered still by civic leaders, and is supported by the public. Recommendations: respect this social contract and avoid claiming that zones created for research or for complete habitat preservation are not fishery management actions, as they clearly affect fisheries.

The Integrated Ecosystem Assessment (IEA) is a helpful, but not a complete tool. Consistent with NOAA's stated intentions, this process must be adaptive, iterative, evolutionary (not revolutionary) and conducted collaboratively in a joint strategy planning manner with stakeholders, based on NOAA's 10 regional ecosystems[2].The IEA modeling exercise, led by NOAA Fisheries, is only as good as the information that is put into it, and is further constrained by the fact that the MBNMS is not an ecosystem. The lack of socioeconomic baseline data will also limit the IEA output. Public participation and transparency in the IEA process are needed, and robust peer review of its findings. Recommendation: Make the IEA findings available for public discussion before the MBNMS embarks on defining its "Objectives", as the IEA results are meant to stimulate adaptive management.

Transparency and Science. The MBNMS states that a high degree of transparency and the use of science to inform decision making represent its core values. The MBNMS does not describe how it will acquire, interpret, or manage data, or how scientific conclusions will be subject to credible peer review. While pointing out that important MBNMS decisions have not been transparent or based on science in the past, the City will welcome such a process. The MBNMS needs to provide specifics to show how its stated commitment to these core values will occur.

Public participation and buy-in. The MBNMS must involve stakeholders and agencies at every step of the Initiative. This is NOAA's own recommended process as noted in the referenced ecosystem delineation report. Support for ultimate Initiative actions must occur from affected groups. Because the

[2] http://celebration200years.noaa.gov/magazine/chesapeake_fish_mgmt/side1.html

Sanctuary Advisory Council's organizational structure permits hands-on involvement in SAC affairs, it has a tendency to diminish public confidence that there is truly a sanctuary-independent mechanism for community input. Therefore, the MBNMS, and the public, must not rely solely on SAC advice.

Seek advice from the PFMC on the Initiative process. The MBNMS would be wise to brief the PFMC and ask for a review of the proposed Initiative process by the PFMC's Science and Statistical Committee.

In conclusion, the MBNMS has announced an ambitious Initiative to take an ecosystem-based approach to the management of the Sanctuary. Significant questions arise from the documents put forth describing this new Initiative, including whether the Initiative actually represents an EBM approach. There are also questions as to whether the MBNMS is adequately resourced to undertake such a project. The City has raised questions and made recommendations, and requests a written response to these questions and comments. Recognizing that the MBNMS's EBM approach, coupled with its Federal authority, may well affect desalinization projects, Ag practices, coastal erosion, storm water runoff, extractive and recreational uses of sanctuary resources, and more, public agencies and stakeholders will want a credible and truly joint and collaborative MBNMS process, and for the Sanctuary to be, in Mr. Panetta's words, the kind of Sanctuary its citizens want it to be. The City of Monterey welcomes the opportunity to work with the MBNMS to implement an ecosystem-base approach to the management of Sanctuary resources.

Thank you for considering these comments. I look forward to your written response.

Sincerely,

Steve Scheiblauer

Steve Scheiblauer
Harbormaster
City of Monterey

C: Mayor and City Council
City Manager
Donald McIsaac, Executive Director, PFMC
Stephany Aguilar, President, AMBAG

National Marine Sanctuaries
National Oceanic and Atmospheric Administration

MONTEREY BAY NATIONAL MARINE SANCTUARY

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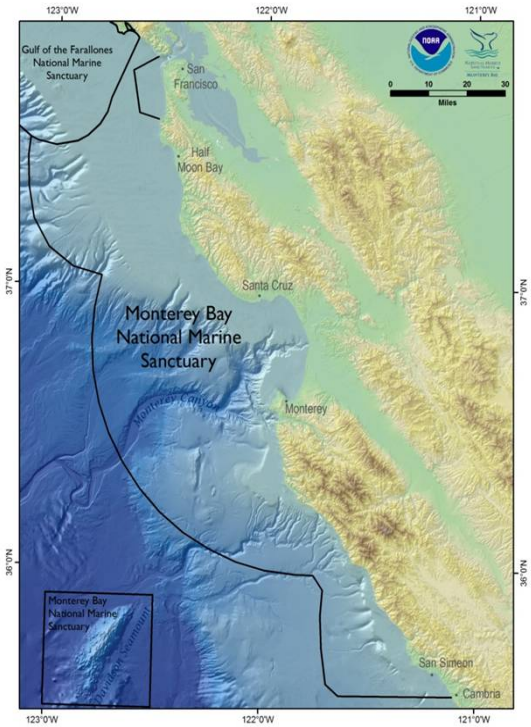

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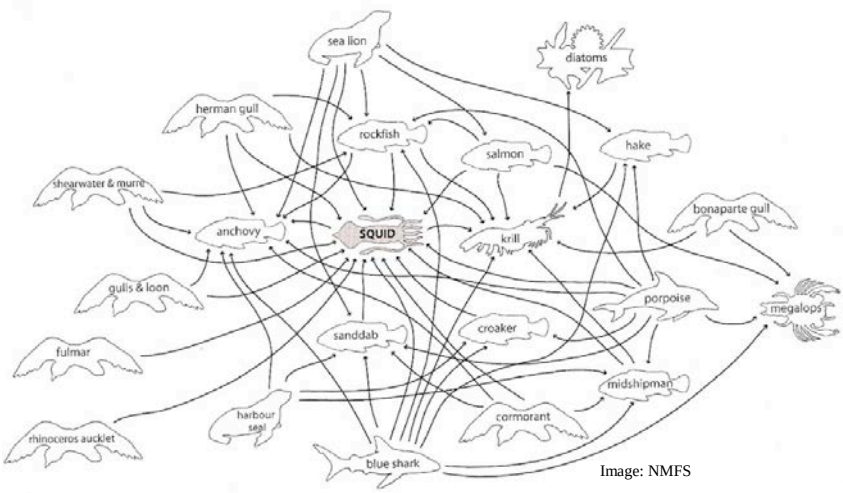

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