

COASTAL PELAGIC SPECIES ADVISORY SUBCOMMITTEE  
REPORT ON LEGISLATIVE MATTERS

The Coastal Pelagic Species Advisory Subpanel (CPSAS) heard a report from Jennifer Gilden on legislative issues, including possible monument designation through Executive Order under the Antiquities Act, and HR 5747, the California Seamounts and Ridges Marine Conservation Area Designation and Management Act.

Ms. Gilden summarized key points of HR 5747, introduced by Congressman Sam Farr. Among the modifications to the original proposal, ostensibly included to appease fishery opposition, Tanner and Cortes Banks were removed from the proposal and commercial passenger “charter” boat fishing as well as commercial troll albacore fishery were added as exempt from prohibitions along with recreational fishing. The bill is silent on the fate of other sustainable fisheries, such as CPS, which is a cornerstone of Monterey’s fishing economy. This deliberate omission occurred, despite strong opposition from Farr’s constituents, including the Mayor of Monterey, Monterey Chamber of Commerce, fishing organizations and Monterey area fishermen. Due to fishing industry concerns, several California Congressional representatives have expressed opposition to HR 5747, which is not likely to be heard in the House absent unanimous support from the California delegation.

Although HR 5747 provides for consultation with the Pacific Fishery Management Council, it omits language accorded Tribal negotiation, providing for “mutually agreed upon plans for protection.” The CPSAS supports the Legislative Committee recommendations for strengthening Council letters responding to Congressmen Hunter and Farr, and suggests the specific inclusion of the “mutually agreed upon plans for protection” language in any Council consultation process.

Ms. Gilden also noted that the Council sent a letter to the President and Council on Environmental Quality (CEQ) about the potential for monument designation (Agenda item G.1, Supplemental Attachment 8). The CPSAS thanks the Council for its action, and fully supports the key points made, specifically the need for a science-based and public process under the Magnuson Act, not the Antiquities Act.

These points and more also were emphasized in another letter to the President and CEQ from a large coalition including harbor masters, chambers of commerce, seafood processors, fishermen, and West Coast fishing groups, both recreational and commercial, who adamantly oppose the creation of California offshore monuments under the Antiquities Act. This is because monument status is irreversible, and the Antiquities Act process involves no science review process, no public involvement, no transparency and no outreach to the parties who will be most impacted by this unilateral action.

In conclusion, the fishing coalition remains opposed to any use of the Executive Order under the Antiquities Act to preempt commercial fishing. The CPSAS strongly supports a Resolution of the Council Coordination Committee and endorsed by the PFMC, stating: “if any designations are made...under authorities such as the Antiquities Act of 1906 that fisheries management in the US EEZ waters continue to be developed, analyzed and implemented through the public process of the Magnuson-Stevens Fishery Conservation and Management Act.”