

Alliance of Communities for Sustainable Fisheries
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Mr. Phil Anderson, Chair

February 22, 2018

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: Comments on National Marine Sanctuaries Coordination Report, Item C.3.a

Dear Chairman Anderson and Council members,

The Alliance of Communities for Sustainable Fisheries (ACSF) is a 16-year-old 501(c)(3) not-for-profit educational organization. Our Mission Statement is "*Connecting Fishermen with their Communities*". The ACSF represents fishing interests in both state and federal processes. The ACSF is a regional organization, with commercial fishing representatives from Monterey, Moss Landing, Santa Cruz, and Pillar Point Harbors, and Port San Luis, on our Board of Directors. Port communities and several recreational fishing organizations also have representatives on our Board. Thus, the ACSF represents a large cross-section of fishing and community interests for the Central Coast of California. The ACSF was first formed, in part, to create a unified voice for fishing interests in response to the 1992 designation of the Monterey Bay as a National Marine Sanctuary (NMS). Our organization has years of experience in working with a NMS.

We offer the following comments on the 2018 National Marine Sanctuaries Coordination Report, submitted to the Council:

- 1) There are a number of worthwhile NMS activities that deserve PFMC recognition and support, such as efforts to reduce ship strikes on whales, citizen science programs, marine debris prevention and reduction, habitat mapping, and whale disentanglement programs. There are also several efforts to work cooperatively with fishermen, a welcomed event.

- 2) With one significant caution, the updates of the West Coast Sanctuaries' Management Plans are needed exercises. However, NMS's still have not addressed the inherent problem in their public process, which is, the use of Advisory Councils as the sole form of official advice that the agency accepts. Since senior Sanctuary officials have complete control over the selection of stakeholder representatives, skepticism, based on experience, has arisen as to whether the AC's actually represent the voice of the community. In the case of the Monterey NMS, the Association of Monterey Bay Area Governments ("AMBAG", comprised of all elected officials) requested of the Sanctuary a public process to evaluate if the AC's could be organized separate from the NMS program. This request was immediately brushed aside, begging the question of who the NMS listens to if not twenty-two elected representatives across three counties. And so, the issue of stakeholder representation endures.
- 3) In the section on the Sanctuary nomination process, there is a statement that two nominations have been accepted for the NMS designation process. Missing from this statement is the fact that the NMS Act prohibits new NM's from being designated until certain conditions are met. These include being able to accomplish sanctuary site goals within existing budgets. This condition has not been met and it is unlikely that it can be.
- 4) The sections on the Chumash Heritage and Southern California Offshore Banks NMS nominations contain misinformation. The Chumash section purports the nomination has "community support from the public, elected officials, businesses, scientists, and environmental groups". Based on this claim of support, the Chumash nomination was placed on the Office of National Marine Sanctuaries' Site Evaluation List for further consideration of designation. Similar to the situation with AMBAG, the NMS's have a pattern of not listening to advice or comments they don't want to hear. Please find attached a letter to NMS Director John Armor that outlines widespread opposition to the Chumash nomination. This letter has been ignored, and as recently as this NMS Coordination Report, claims of community support, with no mention of large and organized opposition, continue to be made.

Regarding the Southern California Offshore Banks NMS nomination, the Coordination Report lists "sport fishing" as among the supporters. Sport and Commercial fishing interests continue to oppose such a NMS. We believe that the supposed support of sport fishing comes from a single organization comprised of a single member. Thus, fishing support is misrepresented.

- 5) A significant omission for the Council from the Coordination Report is the failure to point out the frustration many commercial and recreational fishermen expressed in the Opinion Editorial, attached. This editorial was in response to repeated and recent public claims from NMS leaders that they have never acted to economically harm fishermen. Those who signed the Op Ed all have first-hand experience to the contrary.
- 6) Regarding the Monterey and Greater Farallones NMS's proposals for EFH boundary modifications, the Monterey Bay NMS made a successful effort to gain support from the trawl fleet using that area; however, fixed gear fishermen remain unsupportive of the EFH proposal. For the Greater Farallones NMS, there does not appear to be support among fishermen for new no-trawl EFH areas in that NMS.

Fishermen want a healthy working relationship with our NMS's. Trust continues to be a central issue. We hope that NMS leadership will demonstrate a commitment to the accurate portrayal of information and events, which will build trust. We would also be remiss if we did not acknowledge that not all NMS's are managed in the same manner, that we recognize there are many good people working hard within the NMS program, and that the Advisory Councils are largely comprised of well-intended people volunteering their time to express their values for ocean resource issues.

Thank you for accepting these comments on behalf of the Alliance of Communities for Sustainable Fisheries.



Kathy Fosmark

Co-Chair



Frank Emerson

Co-Chair

2 ATTACHMENTS



December 16, 2016

Mr. John Armor, Director
NOAA Office of National Marine Sanctuaries
1305 East-West Highway, 11th Floor
Silver Spring, MD 20910
sanctuaries@noaa.gov

RE: Remove the Chumash NMS proposal from the Site Evaluation List

Dear Director Armor,

We are writing on behalf of the Our Protected Coast Coalition (OPCC), which was formed to provide a unified voice of **opposition** to the nomination of the Central Coast of California as a "Chumash Heritage National Marine Sanctuary".

On October 21, 2016, members of OPCC provided public testimony to the Monterey Bay National Marine Sanctuary's Advisory Council, detailing the strength of opposition to the Chumash Heritage NMS proposal. Speakers puzzled aloud how you could have claimed, as you did in your October 6, 2015 letter, that there is evidence of "broad community support" for the Chumash nomination. At minimum, you were misinformed on this point, or you chose to disregard the significant opposition. As you must know, our organization has submitted a Freedom of Information Act request for information about how the Office of National Marine Sanctuaries came to make such a flawed determination of "broad community support".

Along with several hundred local citizens and individual small businesses, the following elected officials, agencies, and organizations, have gone on record as opposing the Chumash NMS nomination:

Tribes:

- Santa Ynez Band of Chumash Indians—the federally-recognized Tribe
- Salinan Tribe of Monterey & San Luis Obispo Counties

Elected Officials:

- California State Assemblyman Katcho Achadjian
- Grover Beach Mayor John Shoals
- Pismo Beach Mayor Shelly Higginbotham
- Former Morro Bay Mayors Janice Peters, Bill Yates, and Rodger Anderson
- San Luis Obispo County Board of Supervisors Lynn Compton, Debbie Arnold, and Supervisor-Elect John Peschong
- Santa Barbara County Board of Supervisors Peter Adam and Steve Lavagnino



- Former Congresswoman Andrea Seastrand

Agencies:

- Port San Luis Harbor District, Resolution # 15-08
- City of Morro Bay, Resolution #'s 00-36; 01-15; 03-27; and 12-18
- Morro Bay Harbor Advisory Committee

Organizations:

- San Luis Obispo Chamber of Commerce
- Morro Bay Chamber of Commerce
- Coalition of Labor, Agriculture, and Business of San Luis Obispo County
- Coalition of Labor, Agriculture, and Business of Santa Barbara County
- Pacific Coast Federation of Fishermen's Associations—the largest commercial fishing organization on the west coast
- Recreational Fishing Alliance—the largest recreational fishing organization in the US
- Alliance of Communities for Sustainable Fisheries—a 501-c-3 organization representing commercial and recreational fishing for six Central Coast port communities
- Morro Bay Commercial Fishermen's Association
- Port San Luis Commercial Fishermen's Association
- Commercial Fishermen of Santa Barbara
- Southern California Trawler's Association
- Morro Bay Community Quota Fund
- California Salmon Council
- Arroyo Grande Sportsman's Club
- San Luis Obispo County Cattlemen's Association
- Forest Preservation Society
- California Marine Affairs and Navigation Conference—representing all CA ports, including the very largest
- California Association of Harbormasters and Port Captains—a 68 year old professional organization of mostly public agencies
- Republican Party of San Luis Obispo County

It is likely that this list will continue to grow.

As you will surely recognize, these officials, agencies, and organizations represent many thousands of supporters and constituents. Some on this list appreciate some of the benefits that may come with a NMS designation, while also calling for certain key changes in the sanctuary program before support can be lent. Some see this issue as divisive, with a much broader level of support needed. Most, including fishing people and other resource users, question the need for further federal oversight when so many federal and state laws protect and manage our



Our Protected Coast Coalition

FROM FARM TO HARBOR

ocean resources. Most also are unimpressed with NMS transparency and public involvement in management decisions.

Please realize, Mr. Armor, that your decision to disregard the public opposition to creating a new federal bureaucracy—a NMS—overseeing our precious coastal waters, constitutes the Central Coast's first taste of what sanctuary management will be like for local citizens.

Please remove the Chumash—or any other Central Coast of California—NMS proposal from the Site Evaluation List.

Sincerely,

Tom Hafer
President
Morro Bay Commercial Fishermen's Assn.

Butch Powers
President
Port San Luis Commercial Fishermen Org.

David Kirk
Chairman
Port San Luis Harbor Commission

Jeremiah O'Brien
Past President
Morro Bay Commercial Fishermen's Assn.

Has Our Sanctuary Kept its Promise to its Fishermen?

The answer is *no*; please let us explain.

Reflect back to 1992 when the Monterey Bay National Marine Sanctuary (“Sanctuary”) was proposed. While fishermen and most others agreed that it could help prevent offshore oil development, we had concerns about how Sanctuary authority might affect those of us who provide food from ocean resources.

There was also public discussion about how stakeholders would have a say in the new federal bureaucracy. Commercial fishermen and recreational anglers had killed two earlier sanctuary proposals over these concerns.

In response, fishermen heard that the new sanctuary would not threaten our livelihoods or create fishing regulations. It was a broad assurance, and repeated often by both elected and NOAA officials. We had nothing to worry about! Based on this, fishing leaders weren’t neutral, they supported it, even traveling to Washington DC.

This promise was never a free-pass from fishing regulations in general. Rather, it acknowledged that fishery laws, such as the Magnuson-Stevens Act (MSA), already provided science-based management. Under the MSA, considered by many to be the best fishery law in the world, overfishing has ended on the West Coast, and several thousands of square miles of quality habitat are protected. It also acknowledged that Sanctuaries are not intended to manage fisheries—a complex task.

The promise is written into the Sanctuary’s Designation Document. If any problem arose, the Sanctuary would work with us for a solution.

Did the promise work out for fishermen?

No. The Sanctuary repeatedly wiggled out from the promise, to our detriment. Beginning in the late 1990's, Sanctuary leaders proposed habitat protections, claiming they weren't *fishing* regulations, though the one rule would be "no fishing" in those areas. Later, we felt disillusioned and betrayed when Sanctuary leaders used their influence to lobby the state to close many of our best areas. The state adopted most of the Sanctuary's recommendations. The no-fishing zones cost fishermen dearly. Ironically, the Sanctuary's plan violated the science principles of ecosystem-based management, as it displaced fishing into less productive areas. Sanctuary leaders could have worked *with* fishermen to make recommendations, thereby keeping to the spirit of the promise, but they worked *against* us.

Sanctuary leaders now claim that they have not violated the promise made to us, because it wasn't a Sanctuary rule. Needless to say, we find this revision of history to be disingenuous. Many of us witnessed Sanctuary representatives pointing out areas on maps they wanted closed.

A summary of this issue (with supporting documents) is in the article "Bait and Switch? Fishermen's Difficult Relationship with the Monterey Bay National Marine Sanctuary". Please google that.

Both recreational and commercial fishermen have also had difficulty in placing knowledgeable spokespeople onto the Sanctuary's Advisory Council, as Sanctuary leaders decide these appointments. Not allowing our representatives at the table violates democratic principles and is another betrayal.

Monterey isn't the only Sanctuary to have these problems. Similar promises were made in the Channel Islands and Stellwagen Bank Sanctuaries. Fishermen in those areas also feel that Sanctuary management cannot be trusted. In the Channel Islands, despite

objections, that Sanctuary did create a no-fishing regulation. These experiences have caused fishermen across the nation to resist proposals for new Sanctuaries, which is unfortunate, considering other benefits which Sanctuaries might bring, and the fact that fishermen have a direct stake in ocean health.

Recently the Sanctuary worked constructively with certain fishermen on potential changes to trawl/non-trawl areas off the Central Coast. This is encouraging. However, it is frustrating to hear Sanctuary officials claim that because, technically, they have not created Sanctuary regulations, they have not broken the promise, or harmed our livelihoods. If the Sanctuary truly wants to better its relationship with us, it should start by acknowledging its responsibility for the ways the relationship has not gone well, and then keep to the promise in the spirit that it was made.

Commercial Fishing Leaders

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