

GROUND FISH ADVISORY SUBPANEL REPORT ON CHUMASH HERITAGE NATIONAL MARINE SANCTUARY DESIGNATION

The Groundfish Advisory Subpanel (GAP) received an overview of this agenda item from Mr. Kerry Griffin, Pacific Fishery Management Council staff officer, and offers the following comments/suggestions.

The GAP does not recommend any new fishing regulations for the area of the proposed Chumash National Marine Sanctuary, outside of those otherwise promulgated under the Council's coastwide concerns supporting coastal communities and productive, sustainable fisheries.

To be clear, the GAP supports a clear delineation of regulatory authority between the National Marine Fisheries Service (NMFS) and the Office of National Marine Sanctuaries (Sanctuaries). Sanctuaries must not modify fishing regulations within their boundaries nor promulgate regulatory actions which limit State and NMFS-managed fishing activity otherwise authorized.

On its face, Sanctuary designation promises considerable benefits to traditional uses like fishing, promising protection from competing industrialization and protections of ecosystem values wild stocks depend on like water quality. However, over time, Sanctuaries have lost significant support from the fishing community.

This has occurred because Sanctuaries have established a track record of being an even greater threat to public access for fishing than for providing fishery protections. In particular, Sanctuaries have successfully spearheaded efforts to close extensive areas to fishing directly as well as through ancillary regulations. Pollution discharge regulations, for example, have been implemented, which limit some standard fishing practices like chumming.

As another example of perceived overreach by sanctuaries, some sanctuaries have claimed authority to regulate fishing gear possession within designated Marine Protected Areas, beyond those already codified within state and other fisheries regulations.

The loss of a vessel and risk of life is as serious a deterrent to lax seamanship as there is – as strong of an incentive for accident avoidance as there can possibly be. Yet Sanctuaries have added the specter of civil penalties for groundings or sinkings within Sanctuary waters. While existing shipwrecks are cherished components of Sanctuary resources, the owners of vessels lost within Sanctuary waters face heavy fines and are being forced to recover vessels lost, at any cost. Issues such as these have, over time, caused the loss of support for Sanctuaries in general.

GAP members also note there is opportunity for protection of Sanctuary resources within many sanctuaries from potential negative impacts of industrial development by offshore wind developments. Furthermore, sanctuaries have the opportunity to promote studies of offshore wind development effects on the California Current Large Marine Ecosystem. We encourage the Sanctuary program to consider potential impacts and take steps to assure Sanctuary resources do not come under risk.

In particular, we are concerned about the unknown impact to local ecosystem function via the potential for substantially reduced upwelling dynamics and knock-on effects. This potential needs to be assessed and quantified, as well as the potential impacts of power cables through Sanctuary waters.

In summary, Sanctuaries in general should implement an actual hands-off policy with respect to fisheries, fisheries management and regulations that target fishing practices. No new fisheries regulations need be considered by the Council, due to designation of waters as National Marine Sanctuaries. However, the GAP encourages Sanctuaries to protect their waters from the effects of major terrestrial sources of water pollution and industrial development that compete for space with traditional fisheries and navigation.

PFMC
11/05/22