

**Alliance of Communities for Sustainable Fisheries**  
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November 18, 2008

Bill Douros, Regional Director  
Western Region National Marine Sanctuaries  
99 Pacific Street, Bldg 200, Suite K  
Monterey, CA 93943

Dear Bill:

We are writing to express our concern regarding your letter of October 29, 2008 to the Pacific Fishery Management Council. In that letter you announce that the National Marine Sanctuary Program (NMSP) is "interested in working with the PFMC to reduce or eliminate trawling within sanctuaries because of its impact on benthic communities and bycatch levels, while also promoting the expansion of ecologically sustainable gear types for economically sustainable fisheries in Sanctuary waters."

It appears that your letter represents a decision on the part of the NMSP to use the authority and influence of this federal agency to "eliminate or reduce" trawling in at least west coast sanctuaries, including the MBNMS. It also expresses a view of "economically sustainable" fisheries which is not based on fisheries expertise that exists within the National Marine Sanctuary Program or on any discussions with local fishing leaders.

Groundfish delivered via the trawl fishery is one of the cornerstones supporting the fishing infrastructure in this region. It delivers low to moderate cost seafood to the public and creates both direct and indirect employment. We have been working hard to preserve the fishing infrastructure of communities within the Sanctuary region. As you well know, Alliance representatives have committed significant time over the years to inform and constructively engage the MBNMS in the hope that MBNMS's decisions would be grounded in reality. However your decision has now cast a new shadow of regulatory uncertainty over our and other regions.

Alliance members are particularly surprised regarding this decision about the elimination of trawling, considering that the just-adopted MBNMS Management Plan does not make this recommendation. In fact, it provides for a process to review the effects of trawling that include compiling new databases, evaluating the regulatory environment, and conducting additional scientific assessments. Considering that none of this work has been done, there have been no public comment opportunities, (which precludes our efforts to communicate constructively) nor has there been any socio-economic analysis done on the affects of this on fishermen and their communities, we wonder on what legal basis the National Marine Sanctuary Program can decide that it will advocate for the "elimination or reduction" of trawling within our region?

We are also aware that the MBNMS has partnered with the Nature Conservancy to conduct a study on the effects of bottom trawling on the soft-bottom. Since this study is not complete, how is it that you can offer a conclusion of harm to the environment? Does your conclusion mean that, no matter what the study concludes, the NMSP will continue to advocate for the elimination or reduction in trawling within the MBNMS?

It also must be pointed out that Monterey Sanctuary Regulations (15CFR, Chapter IX, Subchapter A and B, and Part 944) calls for a consultation to occur between the PFMC and the National Marine Fisheries Service, as well as the fishing industry, to determine an appropriate course of action if problems arise that might be caused by fishing activities. However, no consultation on issues of substance occurred with the three listed entities before this decision was made to advocate for the elimination or reduction of trawling in the Sanctuaries, and it appears that the NMSP has violated the MBNMS's own regulations. Again, the opportunity for the NMSP to constructively work with fishermen (Industry) has been missed.

We believe strongly that the NMSP would have benefited from such a consultation. You would have learned that nearly two-thirds of the MBNMS is already off limits to trawling, including the huge Essential Fish Habitat area and all of state waters. You would have learned also that roller gear has been banned for years, that fishermen stay above rocky structures or risk damaging their nets. You would have learned that the ITQ program just adopted will likely reduce bycatch. And you would have learned that local trawl fishermen have used the same areas for over 50-years—and they have remained highly productive. This is hardly evidence of serious habitat damage.

The Sanctuary Program has received criticism in the past as being an agency that sometimes appears to make its decision first, and then selects some science and a public to support the decision. This charge has been heard frequently regarding the Sanctuary's Marine Protected Areas decision and process. Fishermen also observed how the MBNMS disregarded its own MPA Management Plan Recommendations during the State Marine Life Protection Act process. It appears that this may be happening again with the Sanctuary's decision about bottom trawling. We also can't help but wonder if your decision doesn't reflect a previously unstated goal of the MBNMS MPA process, to eliminate trawl fishing from the MBNMS by zoning it out of its productive areas.

Finally, as you well know, fishermen were promised that, in exchange for their support for the proposed MBNMS, they would not have to fear the new Sanctuary as an agency that would try to regulate them or otherwise put them out of business. Then Congressman Leon Panetta is quoted regarding this promise, in the San Jose Mercury News (3/16/03):

"I think the reason we were able to get such a large consensus was that I made it clear the sanctuary wasn't going to represent a whole new bureaucracy imposing regulations on fishermen."

And Congressman Farr is quoted in a letter to you (1/31/02):

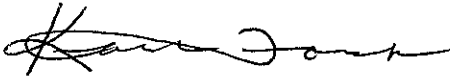
"In the process of building support for the designation of the sanctuary, a clear commitment was made to the fishing community that the sanctuary would not impose any regulations directed at fishing activities or fishing vessels."

While we understand that this NMSP decision to advocate for the reduction or elimination of trawling in National Marine Sanctuaries is not itself a regulation, the fact


that this occurred outside any public or science-based process makes us believe that this commitment is being violated.

We request an explanation as to why the NMSP bypassed its own MBNMS management plan strategies and regulations in making this decision. We remain open to constructive dialogue on fishery issues, but this needs to occur before decisions are made.

Sincerely,



Kathy Fosmark  
Co-Chair, ACSF



Frank Emerson  
Co-Chair, ACSF

**Supporting Associations & Organizations**

Pacific Coast Federation of Fishermen's Association  
Ventura County Commercial Fishermen's Association  
Port San Luis Commercial Fishermen's Association  
Morro Bay Commercial Fishermen's Association  
Monterey Commercial Fishermen's Association  
Fishermen's Association of Moss Landing  
Fishermen's Marketing Association  
Santa Cruz Commercial Fishermen's Marketing Association  
Half Moon Bay Fishermen's Marketing Association  
Western Fishboat Owners Association  
West Coast Seafood Processors Association  
Federation of Independent Seafood Harvesters  
Golden Gate Fishermen's Association  
California Fisheries Coalition  
California Wetfish Producers Association  
Recreational Fishing Alliance  
Carmel River Steelhead Association  
Port San Luis Harbor District  
City of Morro Bay Harbor  
City of Monterey Harbor  
Moss Landing Harbor District  
Santa Cruz Port District  
Pillar Pt. Harbor, San Mateo County Harbor District

C: Representative Sam Farr  
Jack Dunnigan, NOS  
Dan Basta, ONMS  
Paul Michel, MBNMS  
Don Hansen, PFMC