

**Alliance of Communities for Sustainable Fisheries**  
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Maria Brown, Superintendent  
Gulf of the Farallones National Marine Sanctuary  
991 Marine Drive, The Presidio  
San Francisco, CA 94129

October 1, 2012

Federal rulemaking Portal,  
Docket Number NOAA-NOS-2012-0153

RE: Public Comment on the Expansion of the Monterey Bay National Marine Sanctuary; OPPOSE

Dear Superintendent Brown,

The Alliance of Communities for Sustainable Fisheries (ACSF) is a 501-c-3 not for profit organization founded in 2001 to represent fishing interests in the region from Point Conception to the Golden Gate. The mission statement of the ACSF is: "Connecting Fishermen with Their Communities". The ACSF is governed by a Board of Directors consisting of the leaders of the commercial fishing organizations of each of the six port areas in the region, plus representatives from recreational fishing organizations and port communities.

The ACSF supports the broad goals of the National Marine Sanctuary Program. Included in this support is our commitment to provide honest and constructive comments and advice as to the ways in which the Program can best obtain wide, unqualified public support, including from the commercial and recreational fishing communities. Regarding expanding the Monterey Bay National Marine Sanctuary (MBNMS) to include waters west of San Francisco, the Board of Directors must regrettably OPPOSE this action. While the National Marine Sanctuary Program, particularly in Monterey, has displayed noteworthy successes in some areas, it also has a number of prominent weaknesses that must be addressed. These include:

--- Confusion within the National Marine Sanctuary Program, and Congress, as to the roles of the National Marine Fisheries Service, the Pacific Fishery Management Council, and the Sanctuaries, for regulations that affect fishing. This has led to a sort of "mission creep" on the part of some sanctuaries, into areas that should be the domain of science-based fishery agencies. Congress needs to clarify that it is the States and the federal Magnuson-Stevens Act that governs fisheries inside NMS's. Additionally, in the case of the creation of the MBNMS, we were promised by federal officials that the new sanctuary would not regulate fisheries, or generally threaten our livelihoods. However, the Sanctuary has used its prestige to influence the actions of fishery management agencies, doing this too often without a foundation of peer reviewed science, and without the support of fishermen. While there are new efforts to work collaboratively and improve relationships with fishermen, we can not support expansion until federal law is clarified, per above, and a substantial history of good relations has been established.

---Despite claims that some of the issues that lead to the existing boundary having been solved, we question the wisdom of considering an area that has known industrial-type discharges (though highly regulated), and lies immediately next to an intensely urbanized coast, for the special qualities identified by Congress as needed for Sanctuary designation. In our experience, conflicts would soon develop between those who need to utilize these ocean waters and those who would seek to protect the ocean from all uses. We believe that the proposed expansion area does not have the qualities to warrant sanctuary designation.

---Many layers of protection and governance for the area in question already exist. In fact, the ocean off the west coast of the US is one of the most highly regulated areas in the world, already. While we recognized that sanctuary designation would create redundant layers of protection, we question what additional protections would occur, not already within the regulatory purview of other agencies. Certainly the national debate occurring over the size and cost of government is relevant to this expansion question.

--- There are significant governance issues surrounding the use of Sanctuary Advisory Councils (SAC). These SACs are supposed to be the community and stakeholders' voice in relationship to the Federal Sanctuary agency. The Sanctuaries, however, largely control the make-up of the Sanctuary Advisory Council members, including their selection, control the SAC's agendas, and only allow communication from the Council to Sanctuary Program managers. Further, their role is only one of advice-- that may be ignored. In the case of the Monterey Sanctuary, controversy over the composition of the SAC was such that its Management Plan, a result of seven years of effort, has been weakened for not knowing if it actually represents the will of the public. This control over the SAC structure and function also generally weakens the credibility of the Sanctuary's public decision-making process. This concern applies to all SACs.

---The Sanctuary Program is strapped for money. For example, the Monterey Sanctuary has had to abandon key programs such as its Spanish language outreach and its Ecosystem Based Management Initiative, among others. How can it consider expansion? At what expense to existing programs? We fishermen want the Sanctuary to be focused on collaborative research and water quality improvement. There are concerns about the Sanctuary Program's ability to meet its current goals given decreased funding. In fact, in the last reauthorization of the National Marine Sanctuaries Act, Congress prohibited the creation of new sanctuaries until the program could show that it's meeting current goals. It can not. Although the issue at hand is the expansion of an existing sanctuary, we believe that the intent and concern of Congress is being sidestepped.

---Local governments, including several cities, harbor and port districts, and more, have gone on record expressing concerns about some of these very issues to the Sanctuary Program, but with no constructive response.

---The MBNMS Advisory Council has not been asked for its view on expansion. Certainly the likelihood of an expansion diluting the effectiveness of existing programs, ie, competing for static or diminishing funding, would be heavily debated. In our opinion, a vote on this issue would be quite divided.

There have certainly been successes too, such as the recent opening of the new Sanctuary visitor center in Santa Cruz. The Sanctuary is at its best when it educates, creating a love for the ocean. As people who make our living from marine resources, we have a direct stake in the good management of these resources. However, because of the rough spots and weaknesses described above, we conclude that the Sanctuary Program would be best advised to work out mature solutions to these issues with its communities and stakeholders.

If an Environmental Impact Statement is produced regarding expansion, the ACSF requests that each of the points raised be evaluated.

Thank you for considering these comments.



Kathy Fosmark  
Co-Chair  
ACSF



Frank Emerson  
Co-Chair  
ACSF

Cc

The Honorable Diane Feinstein  
The Honorable Barbara Boxer  
The Honorable Sam Farr  
The Honorable Lynn Woolsy  
The Honorable Ana Eshoo  
Dan Basta, NMS Program Director  
Paul Michel, Superintendent, MBNMS  
Dave Bitts, President, PCFFA

Supporting Associations & Organizations:

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