

**Alliance of Communities for Sustainable Fisheries**  
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February 11, 2008

Paul Michel, Superintendent  
Monterey Bay National Marine Sanctuary  
299 Foam Street  
Monterey CA 93940

Don Hansen, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220-1384

Subject: Independent scientific analysis of the question: Does the MBNMS need additional MPAs to meet its conservation goals and preserve ecosystem health?

Action Requested: Forward this Analysis to the PFMC's Science and Statistical Committee for their review and report their conclusions to the Council.

Dear Paul and Don,

This analysis of the need, if any, for additional Marine Protected Areas (MPAs) within the Federal waters portion of the Monterey Bay National Marine Sanctuary (MBNMS) is being conducted on behalf of the Alliance of Communities for Sustainable Fisheries (ACSF) to provide information to the MBNMS and to the Pacific Fishery Management Council that is unlikely to be developed in the MBNMS's MPA Workgroup (MPAWG), which is led by Sanctuary Staff. Its purpose is to bring some of the best fishery biology, socioeconomic and legal minds to bear on the question: Are more MPAs needed in the MBNMS to meet its conservation goals and to assure ecosystem health? The analysis of this question is appropriate for the Mission of the ACSF, a 501(c)(3) organization:

***The Alliance of Communities for Sustainable Fisheries advocates for the heritage and economic value of fishing to California Coastal Communities. To preserve and enhance that value, the Alliance offers a broadly representative educational and promotional voice for waterfront communities to work constructively with interested agencies, individuals, and other marine protection organizations in order to ascertain and guarantee that: (1) the best and most current oceanographic, socio-economic, and fisheries science is accurately compiled; (2) this science is readily available to the public for use in crafting and promoting public policy; (3) the linkage between healthy sustainable fisheries, marine conservation, and coastal communities is firmly established in the public mind.***

The Alliance of Communities for Sustainable Fisheries (ACSF) both as individual members participating in this MPA Workgroup, as well as from the viewpoint of outside observers, did not feel that the Sanctuary's MPAWG process was designed to create an impartial science based foundation to answer the question regarding the need for additional MPAs. The ACSF felt that the MPAWG process was unlikely to ever fully assess the full range of existing regulations and programs both for fisheries management and other conservation measures that are relevant. Further, there was little discussion about how the National Marine Sanctuary Act (NMSA) coordinates with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), or how the NOAA Strategic Plan relates to all NOAA programs. Concerns were expressed in the MPAWG about the methodology used and quality of work that could be expected from the MBNMS's contractor for socio-economic products. When ACSF members suggested that the culture and heritage of fishing in MBNMS-region coastal communities is an important resource to be protected by the MBNMS along with biological resources, this was rejected out of hand. Lastly, the ACSF felt that the emphasis of this workgroup was focused on reducing fishing opportunities, and was unlikely to fairly consider other management tools which may be equally, or even more effective, to preserve the ecosystem health of the Monterey Sanctuary, but with fewer costs to the fishing community.

In addition to the failure of the MBNMS to provide any scientific analysis of the "need" question, two other significant shortcomings have emerged from this MPA discussion. First, it appears that the Monterey Bay National Marine Sanctuary, and for that matter perhaps the National Marine Sanctuary Program as a whole, has no real method of measuring whether or not the policies and purposes of the National Marine Sanctuary Act are being met. When asked to provide a quantitative assessment of the degree to which MBNMS regulations and programs accomplish Program goals, Sanctuary Staff was unable to provide this. It also appears to be the case that the MBNMS can not provide any assessment as to the degree to which other state and federal regulations and programs also contribute to meeting the Sanctuary's conservation and ecosystem health goals. This would include programs such as those put in place by the Pacific Fishery Management Council, the State of California's new MPA network, and a wide variety of other regulations, such as the California Coastal Act, the Marine Mammal Protection Act, the Clean Water Act, and other programs. This inability to measure the degree to which its goals are already being met by regulations and programs inevitably leads to the question, "How can the Sanctuary know that it needs additional protection if it can't measure the effectiveness of programs and regulations that are in place already?" It is exactly on this point that this scientific analysis was commissioned, to try to put some of the best scientific minds to create measurements for such things as the health and functioning of the ecosystem.

The last, very significant shortcoming that has emerged from this discussion of additional MPAs is in regard to the MBNMS's failure to live up to its Congressional mandate to provide leadership for coordinated and comprehensive marine resource management amongst all other federal, state, and local agencies. The MBNMS failed to demand comprehensive and coordinated management during the State's MLPA

process to the detriment of regional fisheries and true ecosystem benefits. We believe that a well-coordinated MPA program that integrated the RCA, EFH areas, Davidson Seamount, and the specific legal requirements of the MLPA, with true stakeholder involvement, would have created a network that looked considerably different than from the approved plan, and offer true ecosystem benefits with less cost or displacement to fishermen. The Sanctuary Program cannot pretend to be doing ecosystem-based management unless it is willing to actually provide leadership for this kind of comprehensive and coordinated management. The importance of this failure cannot be overstated.

With this being said, the ACSF has enjoyed a constructive relationship with MBNMS staff in conducting the Alternative Analysis. The new Sanctuary Superintendent, Paul Michel, and Policy Advisor Huff McGonigal and GIS Analyst Sophie De Beukelaer, have all been most helpful. We hope that meaningful discussions will occur in the context of this Analysis between the MBNMS Staff, the PFMC, and the fishing community.

This Analysis is broken into several broad questions...

1. What is the legal relationship between the National Marine Sanctuary and the Magnuson-Stevens Acts? How do these Acts coordinate and compliment with each other? This analysis is done by Bud Walsh, an attorney for Davis Wright Tremaine LLP, San Francisco, and is attached as "Exhibit A".
2. What regulations, programs, and special closures affect sustainable fisheries and the health of the ecosystem in the MBNMS region? Can the conservation benefits of these programs be quantified? This section has been prepared by Dr. Richard Parrish, recently retired from NOAA Fisheries. MBNMS staff has also contributed to the section that describes the conservation benefits of the Sanctuary Program. Dr. Parrish is also the lead scientist for this Alternative Analysis, and wrote the "Introduction and Project Context Section".
3. What is the health of the ecosystem in the MBNMS region? How much protection is enough? Are more spatial closures or other types of conservation measures needed to satisfy the requirements of both the NMSA and the Magnuson-Stevens Act? This section is written by Dr. Ray Hilborn of the University of Washington School of Fishery Science and Dr. Carl Walters of the University of British Columbia. This section includes the use of modeling exercises to study the ecosystem consequences of existing and future spatial closures.
4. Are additional MPAs needed to satisfy pressing research needs about the status of the ecosystem within the Sanctuary region? Dr. Doyle Hanan, a retired fisheries biologist formerly with the California Department of Fish and Game, wrote this analysis.
5. If additional MPAs are needed, what types of socio-economic analysis must be done to avoid negative socio-economic and environmental consequences, enhance benefits, and meet the requirements of law? Dr. Barbara Walker of the Institute for Social, Behavioral, and Economic Research at the University of California, Santa Barbara, has written this section.

With the exception of the “Legal” chapter, each chapter of this report has been submitted for external peer review. As soon as those reviews are completed, they will be forwarded to the MBNMS and the PFMC, along with the final chapters, including changes warranted by the peer review.

The preliminary conclusion of this scientific Analysis is that the existing protections put into place by the State Fish & Game Commission and the Pacific Fishery Management Council, along with a wide range of other State and Federal regulations and programs, assure the healthy functioning of the ecosystem in the region of the MBNMS. No additional MPAs are needed for the MBNMS to meet its conservation or research goals. The ACSF requests that the PFMC’s science and statistical committee review this Analysis for accuracy. If this Analysis is correct, this is good news, and should be welcomed by resource managers, fishermen, and the general public. This analysis should be used by the MBNMS as a basis for deciding if it will continue to plan for MPAs. Any future MPA proposal that might come to the Council from the MBNMS or a NGO should be weighed against this scientific Analysis.

Thank you for your consideration of this request.

Sincerely,

Frank Emerson  
Co-Chair, ACSF

#### Supporting Associations & Organizations

- Pacific Coast Federation of 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
- Santa Cruz Commercial Fishermen’s Marketing Association
- Half Moon Bay Fishermen’s Marketing Association
- Fishermen’s Alliance
- Western Fishboat Owners Association
- Ventura County Commercial Fishermen’s Association
- Federation of Independent Seafood Harvesters
- Golden Gate Fishermen’s 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

cc:

Representative Sam Farr  
Representative Lois Capps  
Representative Anna Eshoo