

Alliance of Communities for Sustainable Fisheries
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Brad Pettinger, Chair
Pacific Fishery Management Council
Sent electronically

September 3, 2023

RE: Questions and Comments on the Draft Management Plan (DMP) and other Documents for the proposed Chumash Heritage National Marine Sanctuary (CHNMS).

Dear Chair Pettinger and Councilmembers,

The Alliance of Communities for Sustainable Fisheries (ACSF) is a 22-year-old 501(c)(3) not-for-profit educational organization, founded for the purposes of connecting fishermen with their communities, and to represent fishing interests in state and federal processes. The ACSF is a regional organization, with commercial fishing leader representatives from Monterey, Moss Landing, Santa Cruz, Morro Bay, and Pillar Point harbors, and Port San Luis, on our Board of Directors. Port communities, Coastal Pelagic fisheries, 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. Our members have extensive experience with California's national marine sanctuaries. The term "fisherman" is used inclusive of both our fishing women and men.

The CHNMS federal register notice contains a list of threats that the proposed sanctuary designation will reduce or curtail. Among them:

“...many threatened or endangered species, such as blue whales, snowy plovers, black abalone, white sharks, and sea turtles, rely on habitats, physical features, or prey found in the proposed sanctuary.”

And,

“Several key threats to these natural, cultural, and historical resources include: various levels of human development and activity from offshore energy development, decommissioning and removal of coastal and offshore industrial facilities, sound discharges and whale strikes from vessel traffic, plastics, marine debris and pollutants from coastal runoff, and most of all, acute and cumulative impacts of climate change.”

We note that nearly all of these “threats” are already addressed by existing law, such as the Magnuson-Stevens Fishery and Conservation Management Act, the Clean Water Act, the Endangered Species Act, the Marine Mammal Protection Act, and the Native American Cultural Preservation Act. In-regard to climate change, the ACSF fails to see how sanctuary designation and management will mitigate or prevent the effects of climate change. Regarding offshore wind energy development, it appears that sanctuary designation will not protect the region from its industrial impacts, as the federal register makes clear the new sanctuary will accommodate this development. We hope council members will question sanctuary officials on these points.

The ACSF notes that the language on fishing in the CHNMS draft documents is the same as written into the Monterey Bay NMS designation documents:

“Fishing in the Sanctuary may be regulated by other Federal or State authorities of competent jurisdiction and designation of the Sanctuary shall have no effect on any fishery management regulation, permit, or license issues thereunder.”

An exception to this appears to exist if a fishing activity “disturbs cultural or historic resources”.

The ACSF does not find the above language to be reassuring. Based on experience with the sanctuary program, our direct and painful experience tells us that if a sanctuary wants something protected (regardless of the scientific justification or lack of) it will find a way through other authorities to get its way. An acute example are the MBNMS's leadership in California's Marine Life Protection Act process, which closed 45% of the quality hard-bottom habitat in the Central Coast to fishing. There are many other examples. We request that the council question sanctuary officials as to whether or not they intend on taking actions, even if indirect, that will lead to fishery closures or restrictions. Or, will it respect fishing assurances in the spirit they were first given?

Last, the ACSF requests further clarity as to what "co-management" with the tribes, both federally recognized and other tribal organizations, means. How will this co-management relate to the needs of stakeholders in the region? How will outcomes of tribal co-management relate to the legal responsibilities of the PFMC, NMFS, California's Department of Fish and Wildlife, and the Fish and Game Commission?

Thank you for considering comments and requested questions from the Alliance of Communities for Sustainable Fisheries.



Alan Alward

Co-Chair

CC

ACSF Board of Directors