February 1, 2005

Admiral Conrad Lautenbacher, USN (ret.)
Undersecretary for Oceans and Atmosphere
Department of Commerce
1401 Constitution Ave., N.W.
Washington, D.C. 20230

Re: What are the resources that the Sanctuary Program protects?

Dear Admiral Lautenbacher,

A number of members of the Alliance of Communities for Sustainable Fisheries participate in the Monterey Bay National Marine Sanctuary’s Special Marine Protected Area Working Group (SMPAWG). Two important questions have arisen within the group:

- Does the National Marine Sanctuary Act seek to balance protection with multiple uses?
- What are the resources that the National Marine Sanctuary Program is to protect?

We think that these questions are important issues not just within Monterey Bay, but are of national importance throughout the National Marine Sanctuary system. The questions are so important that we are attaching a letter written by Steve Scheiblauer, who represents “harbor communities” on the Board of Directors of our Association. He is also a member of the SMPA Workgroup. This letter explores both legislative intent, and the letter of the law of the National Marine Sanctuary Act, and Regulations, to seek answers to these questions.

Also, please find attached an unsigned “rebuttal” prepared by NMS Program Staff. Frankly, we do not think the rebuttal addresses the fundamental questions that Mr. Scheiblauer’s letter raises about the legislative intent and letter of the law of the NMS Act. The claim that the NMSA is clear, and therefore the intent of Congress when they passed and reauthorized the NMSA is unimportant, is especially puzzling to us.

The Monterey region’s historic fisheries are a precious cultural resource. Are they not to be valued, and protected under the National Marine Sanctuary Act, just as are ecological resources? We value our relationship with the MBNMS, and respect its Staff. To more resolve this question, our Association hopes that you will give this material a very careful consideration of its analysis, and, if you deem
it appropriate, that you request a legal opinion from outside the National Ocean Service.

Thank you for your attention to this matter. We look forward to hearing your view.

Sincerely,

Kathy Fosmark Co-Chair, ACSF
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

Attachments

C: Dr. William Hogarth, Assistant Administrator, NMFS
Dan Basta, Director, Office of National Marine Sanctuaries
Donald L. Evans, Secretary of Commerce, U S Dept. of Commerce
Donald McIsaac, Executive Director, PFMC
Don Hanson, Chair, PFMC
Ralph Rubio, President, AMBAG Board
Bill Douros, Superintendent, MBNMS
Monterey Bay NMS Sanctuary Advisory Council
Channel Islands NMS Sanctuary Advisory Council
Gulf of the Farallones NMS Sanctuary Advisory Council