

**Alliance of Communities for Sustainable Fisheries**  
**256 Figueroa Street #1, Monterey, CA 93940 (831) 373-5238**

May 8, 2008

Honorable Maria Cantwell  
Chair, Subcommittee on Oceans, Atmosphere,  
Fisheries and Coast Guard  
SH-425 Hart Building  
Washington DC 20510

Dear Senator Cantwell:

Thank you for providing me with the opportunity to testify on behalf of the Alliance of Communities for Sustainable Fisheries regarding legislation to expand the boundaries of the Gulf of Farallones and Cordell Bank National Marine Sanctuaries.

During the hearing, you and Senator Boxer questioned why the Alliance had concerns with section 3 of HR 1187 which deals with the regulation of fishing in the Sanctuaries. Although I had an opportunity to speak briefly to Senator Boxer on this issue, I did not get a chance to reply to your concerns so I am doing so now.

Section 3 of HR 1187 expresses the intent to keep intact whatever authorities may currently exist. Unfortunately, those authorities are themselves vague, as there are disagreements regarding the applicability of the Magnuson-Stevens Fishery Conservation and Management Act versus the National Marine Sanctuaries Act. As currently interpreted by NOAA, if a Sanctuary decides to put a large area off-limits to fishing, all it need do is make the necessary changes in its regulations. In contrast, Council regulation is a transparent process involving public deliberation and peer-reviewed scientific substantiation. This is the sort of process we believe best serves the public's interest and provides sound conservation of our fisheries resources; further, it is a process that has been endorsed by the Congress since its creation in 1976. Thus, we think the changes we suggested in the testimony I presented are good ones and will improve the conservation and management of ocean resources.

Again, thank you for asking me to present our views. If I can answer any further questions, please do not hesitate to contact me.

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