

American Sportfishing Association  
B.A.S.S. LLC  
Center for Coastal Conservation  
Coastal Conservation Association  
Congressional Sportsmen's Foundation  
International Game Fish Association  
National Marine Manufacturers Association  
The Billfish Foundation

January 6, 2012

Ms. Denise Ellis-Hibbett  
National Marine Protected Areas Center  
1305 East-West Highway, Rm. 11401  
Silver Spring, MD 20910

Dear Ms. Ellis-Hibbett:

The undersigned organizations within the recreational fishing and boating community composed the following comments for the MPA Center's Request for External Review. In this letter we address the questions presented by the MPA Center as well as concerns regarding the MPA FAC. As a coalition of recreational angling conservation organizations, we are deeply concerned with the current political climate surrounding our nation's waters. Recreational angling is a longstanding American tradition with numerous benefits to offer our nation. We hope that the MPA Center will consider our comments and incorporate changes to reflect our concerns about the MPA Center.

In the request for external review, you have asked for comments to assess how successfully the MPA Center addresses the requirements of Executive Order 13158. While we acknowledge that it is only natural for the MPA Center to look to its document of origin for guidance, Executive Order 13158 was handed down over ten years ago and over the last decade there have been dramatic changes in the issues impacting aquatic resources and the policies governing America's waters and the world's oceans. We feel that the MPA Center should expand its scope and look at subsequent Executive orders, legislation, and other policy initiatives, including the following:

1. Executive Order 12962 as amended by Executive Order 13474 which cites numerous statutes that cover all Federal ocean waters and mandates Federal agencies, in cooperation with the States, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities where practical and permissible by law by **“ensuring that recreational fishing shall be managed as a sustainable activity in national wildlife refuges, national parks, national monuments, national marine sanctuaries, marine protected areas, or any other relevant conservation or management areas or activities under any Federal authority, consistent with applicable law;”**
2. Executive Order 13547 which implemented the Final Recommendations of the Interagency Ocean Policy Task Force, of which some of the goals are to “support sustainable, safe, secure, efficient, and productive uses of the ocean” and “provide for and maintain public access to the ocean, coasts, and Great Lakes;”

3. Additional legislation, such as the 2006 Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, and
4. America's Great Outdoors Initiative.

All of these have contributed to the changing dynamic in ocean policy. The MPA Center should be working to incorporate all current ocean policy into its mission, and adjusting practices and products accordingly. We believe that all of these policies are compatible with Executive Order 13158, and hope that the future strategy of the MPA Center will incorporate additional objectives consistent with the aforementioned executive orders as the actions of the MPA Center could be defined as "relevant conservation or management...activities under any Federal authority." Specifically, this may include the rejection of MPAs from the National System if they are not in compliance with executive orders in reference to the directive that requires recreational fishing to be "managed as a sustainable activity in...marine protected areas." We are happy to provide examples of MPAs currently in the National System that are in non-compliance at your request.

One of the goals in Executive Order 13158 is for Federal agencies to "enhance or expand protection of existing MPAs and establish or recommend, as appropriate, new MPAs." As a community, we have always emphasized that MPAs are but one tool among a suite of other resources available for effective marine fisheries management. MPAs can be effective management tools in specific circumstances. However, they are not a one-size-fits-all strategy and should only be implemented where deemed necessary to conserve marine resources. It is counterintuitive to strengthen and expand a system if it is not required, especially when considering the current economic climate and limited availability of resources. The MPA Center should instead be allocating its resources to the assessment of the current system of MPAs. It is evident that more research is needed on MPA designations, including economic impact assessments, studies on their effectiveness at conserving marine resources, and maximizing stakeholder involvement and public access, among many others. We strongly urge the MPA Center to focus on research objectives and data collection before moving forward with expansion.

When considering public-private partnerships in terms of MPA designations, recreational anglers are skeptical due to the resounding impacts caused by the Marine Life Protection Act (MLPA) Initiative process. The MLPA process has caused countless anglers on the west coast to retire their fishing gear and has become the prime example in our community of the threat MPAs pose to the sport. One of the most troubling aspects for recreational fishermen of the MLPA process was the interjection of private funding into the designation process. Accepting private funding for MPA planning initiatives inherently creates bias, which is precisely what occurred for recreational fishermen in California. Excluding stakeholders from the planning process; creating biased plans based on input from private groups funding the project, and precautionary closures of vast expanses of water with no scientific justification are just a few of the effects private funding had on the planning process of the MLPA. The MPA Center should work to ensure all MPAs, where necessary, are developed using appropriate protocols to ensure the process is apolitical, transparent, fair, and balanced. Unfortunately, in the state of California, it was none of these.

A significant number of our concerns about the MPA Center arise from the products of the MPA FAC. While the MPA Center and MPA FAC are two different entities, the distinction is not always clear. While there will no doubt be overlap between the MPA Center and the FAC, the MPA Center should work to ensure the clear delineation of products from the MPA Center and the MPA FAC. The recreational angling community has been loudly voicing concerns about the products of the MPA FAC, which has chosen to publish recommendations that go beyond the scope of the MPA Center's subscribed

mission and reflects a biased view of ocean management with an emphasis on preservation that is not rooted in science. This is a step back from the multiple-use management strategy that has become the precedent for managing public resources in this country and is in conflict with the numerous policies governing marine resources including Executive Order 13547 which requires the “science-based identification and prioritization of natural and cultural resources” and “a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary” during MPA development. Because of the lack of differentiation, these products appear to be documents endorsed by the MPA Center. In order to achieve the goals outlined in the Executive Order, the MPA Center must differentiate itself from some of the ideologies in MPA FAC recommendations.

We are also concerned more specifically about the process associated with the MPA FAC as endorsed by the MPA Center. During the month of December, the MPA FAC released three sets of recommendations for MPAs. While it is important for the MPA FAC to release several products in a year and we support the full involvement of the MPA FAC on current issues related to the designation of MPAs, it is also prudent to consider the quality of work that can be produced by one body in a short period of time. After careful review of the three products, we found that the recommendations were not only inconsistent with past MPA documents but also with each other. We also took note of the frequency, or lack thereof, of meetings and conference calls for the MPA FAC during the time when these recommendations would have been produced. The only meeting of the full FAC was the three-day meeting in New Orleans, and there are no conference calls on record of the full FAC discussing the papers. One meeting to both discuss and vote on a document that can have a direct impact on economic, social, and cultural values is not only insufficient, but unacceptable in that members of the FAC who were not able to attend this meeting or perhaps had critical reviews of these documents would be intrinsically unable to contribute in a meaningful manner to the recommendations. Full inclusion of all resource representatives, consistency in recommendations, and a true effort to reach consensus must be promoted by the MPA Center over shows of quantity and artificial deadlines.

An external review process is only valuable if the critiques provided are assessed and incorporated to reflect a more direct route to goal achievement and mission fulfillment. We hope our comments will be thought provoking, and will impart a new view of the potential for the future of the National System of MPAs that includes meaningful stakeholder involvement, the endorsement of multiple-use management, and an initiative to delve deeper into the true costs and benefits of MPA designations in our nation’s waters.

Sincerely,

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American Sportfishing Association

Ellen Peel, President  
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