

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

October 11, 2011

Dr. Jane Lubchenco  
Under Secretary of Commerce for Oceans & Atmosphere,  
and NOAA Administrator  
Department of Commerce  
1401 Constitution Avenue, NW, Room 5810  
Washington, DC 20230

Ms. Eileen Sobeck  
Deputy Assistant Secretary for Fish, Wildlife and Parks  
Department of the Interior  
1849 C Street, NW, MIB-3156  
Washington, DC 20240

Dear Under Secretary Lubchenco and Deputy Assistant Secretary Sobeck:

The undersigned organizations within the recreational fishing community composed the following overview on our concerns regarding the document released on September 14, 2011 by the Marine Protected Areas Federal Advisory Committee (MPA FAC) entitled "*Committee Recommendations on the Coastal and Marine Spatial Planning Process*," which advocates that the National Ocean Council incorporate their recommendations into the Strategic Action Plans for Coastal and Marine Spatial Planning (CMSP). In this letter we address the following:

- The lack of recognition for the importance of recreational fishing to conservation efforts and the need to establish it as a national priority.
- The potential for the designation of large aquatic areas as MPAs that unjustifiably restrict or eliminate recreational fishing access.
- The need to define conservation as "the wise use of the Earth and its resources for the lasting good of men" to ensure that the reader understands that conservation is concurrently achieving the multiple objectives for sustained natural resource use.

The treatment of recreational fishing throughout this document is inconsistent with Executive Orders, the Recommendations of the Interagency Ocean Policy Task Force, and the past recommendations prescribed by the MPA FAC. We urge you to use caution when evaluating

these recommendations for incorporation during the development and implementation of the CMSP priority objective.

Our greatest concern with the CMSP process has been the potential for the designation of large aquatic areas as MPAs that unnecessarily restrict or eliminate recreational fishing access. We are more than willing to consider MPAs as one tool among many for marine fisheries management. However, recently there has been a move toward adopting MPAs without emphasis placed on science, data, economic impacts, and public access. This is a step back from the multiple-use management strategy that has become the precedent for managing public resources in this country. This movement is also in conflict with the current authorities on fisheries management, including the Magnuson-Stevens Act which requires marine closures to be based on the best available science, economic and social impact assessments, and that less restrictive alternatives be considered first and limited use designations reviewed periodically to determine their necessity. We hope that the Administration will see the validity and success of the multiple-use management strategy and will develop CMS Plans that prevent unnecessary limitations on recreational fishing activities.

The treatment of recreational fishing throughout the MPA FAC document troubles our community and reflects an apparent misconception about the importance of recreational fishing to conservation efforts. Recreational use of our public waters is compatible with – and in fact is essential to – sound conservation and natural resource stewardship, as is highlighted by contributions made to such successful conservation programs as the Sport Fish Restoration and Boating Trust Fund. Since 1950, recreational anglers and boaters have (through this unique user tax on motorboat fuel, fishing tackle, and other sportfishing equipment) generated more than \$5.7 billion in funding for fishery conservation and enhancement, habitat restoration, clean water programs and boating safety programs. In addition, fishing license sales generate nearly \$650 million in annual revenues for state conservation and education programs.

We continue to stress that as CMSP and National Ocean Policy (NOP) development moves forward, recreational fishing should be held as a national priority, and should not be unnecessarily excluded in areas of the ocean through the establishment of MPAs. Members of the public who choose to spend leisure time on the water fishing with family and friends are fundamentally different than commercial activities and their respective impact on the ocean environment. This point is clearly missed by the authors of the MPA FAC, who repeatedly use the term “fishers” in failing to differentiate the different types of fishing activities. The minimal environmental impact created from recreational fishing is far offset by the billions of dollars generated from the user-pay-user-benefit system of which a significant amount is used to conserve our aquatic ecosystems. In addition, recreational fishing is integral to the President’s America’s Great Outdoors initiative and plays an important role in providing outdoor recreation, exercise, and life skills. As Regional Fisheries Management Councils already have the authority to regulate the recreational fishing community, it is important for CMSP and NOP development to recognize these authorities and to draw the distinction between this use and other extractive behaviors. We hope that the Administration will recognize recreational users of coastal waters as having the presumption of access unless otherwise restricted based on sound scientific data, and limits placed on recreational activities will be the least restrictive means necessary.

Gifford Pinchot, who coined the term, defines conservation as the “wise use of the Earth and its resources for the lasting good of men.” We believe that a definition of conservation firmly rooted in Pinchot’s words is needed to ensure that the reader understands that wise natural resource management and sustainable use are concurrently achievable goals. While recreational anglers agree that some environmental areas require restrictive protection at times in order to achieve conservation goals, we disagree with how the use of “protection” is recommended in this document and feel that the role of protection in conservation efforts needs further clarification. Protection in many instances throughout this document is used interchangeably with the term conservation. The words are not synonyms. The recreational fishing community believes strongly in conservation as a driving principle in natural resource management, as our sport and the 1million jobs it supports depend on healthy and abundant resources now and for the future. It is important that MPA designations do not equate to the elimination of recreational uses in the name of preservation. We are concerned that the recommendations in this document could lead to draconian no-take MPA designations being instituted as precautionary measures when there are insufficient scientific data available, or in other circumstances. The Regional Fishery Management Council system was created specifically to design plans and implement management measures for fisheries and base the management of aquatic resources on sound scientific advice. It is important for CMSP to recognize the authority of these councils and to incorporate them in the NOP process. The National Ocean Council should make it clear through the Strategic Action Plans that MPAs are not a one-size-fits-all management tool, but rather should be just one tool among the suite of resources available for effective fisheries and ecosystem management. Instead, CMSP development should clarify what level of protection is appropriate in different circumstances and use the least restrictive alternative available with the presumption of access maintained unless proven to be the only necessary means to conserve the resource with sound scientific data. Given the local and regional focus of CMSP, there should not be a top-down mandate to set aside areas for protection.

The treatment of protection throughout this document is important considering the emphasis other official documents, such as the executive order that created the MPA FAC and the Final Recommendations of the Interagency Ocean Policy Task Force, have placed on sustainable use. The Final Recommendations list the following as one of the national goals of CMSP: to *“Protect, maintain, and restore the Nation’s ocean, costal, and Great Lakes resources and ensure resilient ecosystems and their ability to provide sustained delivery of ecosystem services.”* It also has the goal to *“Provide for and maintain public access to the ocean, coasts, and Great Lakes.”* These goals are not mutually exclusive. This concept is also supported by Executive Order 13474 which states that recreational fishing shall be managed as a sustainable activity in federal lands and waters. As referenced above, we believe that recreational fishing as a sustainable activity can be achieved in nearly all federal lands unless exempted based upon recommendations from the respective Regional Fisheries Management Councils.

On January 18, 2011, the President issued E.O. 13563 to reaffirm the importance of considering the cost of any regulation proposed by a federal agency. As we mentioned earlier in this letter, the user-pay-user-benefit system has generated more than \$5.7 billion in conservation funding. In just the last five years, these funds have restored 6,484 acres of coastal wetland habitat, provided fishery habitat assistance to 70,000 landowners, and educated 4.7 million students about aquatic resources. The funds generated from recreational fishing also indirectly benefit non-game species, and these benefits include land conservation, increased species biodiversity, and

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increased water quality to name a few. Since conservation funds generated from the excise tax and license sale revenues are protected by the Sport Fish and Wildlife Restoration acts, they must stay within fish and wildlife agencies. Recreational fishing also generates \$45 billion in retail sales and has a \$125 billion impact on the U.S. economy. The more than 1 million jobs supported by recreational fishing have salaries, wages, and business earnings of \$38.4 billion. Given the numerous economic benefits attributable to recreational fishing, as well as other aquatic uses, it would be prudent for CMSP and NOP to address this issue. The MPA FAC recommendations fail to adequately account for the economic, social, cultural, and conservation costs associated with no-take and restrictive use MPAs. Limiting or eliminating aquatic uses without the necessary scientific justification would place a causeless burden on coastal communities and businesses that rely on access to ocean resources, and reduce funding available to the states to meet conservation objectives.

The recreational fishing community has been engaged in the NOP process since the release of the initial report, and supports many of the goals of the President's policy. We are not against setting aside areas that limit some human activities. However, we believe allowing recreational fishing access in most, if not all, cases is inherently compatible with conservation goals. We have stressed since the beginning of this planning process the importance of allowing recreational activities to have continued access to the ocean. It has been our concern that this process, specifically CMSP, may be used as a means to close off areas of the ocean to the public, a concern reinforced by the recommendations provided by the MPA FAC. We feel it is critically important that the MPA FAC white paper be reviewed skeptically, and CMSP development accurately reflect our community's contributions to conservation and the importance of maintaining public access to the nation's natural resources.

Sincerely,

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