

Chairman Sullivan and members of the Subcommittee,

My name is Jeremiah O'Brien, and my home port is Morro Bay, California. I am the vice-president of the Morro Bay Commercial Fishermen's Organization. I am on the board of directors of the Morro Bay Community Fund, and I am a member of the Harbor Advisory Board.

For the general public, who only see sanctuaries as helping to preserve ocean health, but who have little knowledge of sanctuary management actions, sanctuaries are a positive, and their support is high. To their credit, sanctuaries are good at inspiring care of the ocean, a worthwhile goal.

However, for those who are engaged directly with sanctuary managers over resource management, sanctuaries have a mixed scorecard, at best. By their actions Sanctuaries have created a difficult relationship with recreational and commercial fishermen, in particular.

Difficulties arise in part from a lack of clarity between the Magnuson-Stevens Conservation and Fisheries Management Act, and the National Marine Sanctuaries Act, both of which allow for the creation of fishing regulations. For sanctuaries, this power has emboldened them, particularly over habitat issues. For fishermen and fishery managers, the fact that sanctuaries can overrule the Regional Fishery Management Councils, with eight National Standards serving as the council's guide, is disconcerting, and not in the best interest of ocean health. Sanctuaries, on the other hand, have weak science capabilities, and a poor, self-serving public process. I wonder: On what basis will a sanctuary overrule the science-based management of a Regional Fisheries Council? I hope Congress will make it clear that the Magnuson-Stevens Act is the nation's law for fisheries and habitat management.

Another major problem are the interpretations, by Sanctuary program leaders, of the terms "sanctuary" and "protection"--interpreted to mean: steadily limiting human uses of the marine resources. One only needs to look to the charter for the sanctuaries' Advisory Councils, mandated for use by the Office of National Marine Sanctuaries, to see how the bent towards the preservation-- not

conservation--of resources, occurs. This lean towards preservation directly caused the Monterey and Channel Islands National Marine Sanctuaries to lead efforts to create no-fishing zones, taking the finest fishing grounds away from historic users. Sanctuary managers are so driven to limit human uses that they violated the principles of ecosystem-based management, as well as the Sanctuaries Act mandate to provide for comprehensive and coordinated management. They ignored our safety at sea concerns, the effects of displacing fishing efforts, and they refused to consider other fishing and habitat regulations, as the no-fishing zones were proposed.

Fisheries in California currently are managed by the Pacific Fishery Management Council, the National Marine Fisheries Service, and for state fisheries, our Department of Fish and Wildlife. It seems that many NGO's, with their own agendas, go around our normal fisheries management to the state legislature. If we add sanctuaries as yet another entity with regulatory powers to contend with, how will it be possible to do business or attract others in such an uncertain business environ? Sanctuaries only bring their values to the table, and not science.

In California we have four national marine sanctuaries, with two more being proposed. Despite their original Designation Documents, each one has areas closed to fishing because of sanctuary efforts. Commercial fishermen wonder, is it really the intention of Congress that over 12,000 square miles of the California coast, with another 5,000 proposed, be deemed of national importance? Is there a sanctuary goal in California? If so, how many thousand miles more may we expect?

Finally, there is the trust issue. Sanctuary managers have cast aside the good will of the recreational and commercial fishing communities by violating the promises made to us by NOAA officials and elected leaders, that sanctuaries will not threaten our livelihoods. Through years of cherry-picked science, a lack of transparency, and favoring a preservationist (and inaccurate) interpretation of the Sanctuaries Act, fishermen have rationally concluded that sanctuaries are not to be trusted. Sanctuary management actions have economically harmed the

commercial and recreational fishing industries. In my home-port area, the Monterey Sanctuary helped lead an effort that closed almost half of our best fishing areas in state waters. This is why proposals for new or expanded sanctuaries are being vigorously opposed by fishermen and anglers. The actions of the sanctuaries are not helping US Commerce Secretary Ross in meeting his goal of reducing the nation's dependence on imported seafood, which our industry whole heartedly supports.

Chairman Sullivan and members of the Subcommittee, my written testimony provides numerous examples of the concerns I express today. In addition to this written testimony, I can make available to the subcommittee documentation in support of the events I have described.

Thank you for considering my experiences with the National Marine Sanctuaries program.