

PLANNING FOR FEDERAL WATERS PORTION OF THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Situation: On October 23, 2002, the California Fish and Game Commission (CFGF) voted to prohibit fishing in 132 square nautical miles (175 square miles) of state water areas within the Channel Islands National Marine Sanctuary (CINMS), creating a system composed of twelve separate no-take marine reserves. The next phase of this project is to consider expanding the network of reserves into federal waters--those lying beyond the three-mile boundary of state water that encircle each island. The full system of marine reserves would cover 322 nautical miles (426 square miles), based on existing boundaries of the CINMS.

Under the National Marine Sanctuaries Act (NMSA), expansion of the marine reserves into federal waters requires consultation with the Council, including provision of an opportunity for the Council to draft the needed regulations. Current federal fishery regulations that apply to federal waters of the CINMS are implemented under Magnuson-Stevens Fishery Conservation and Management Act authority (regulations implemented by NMFS) and apply only to species under the scope of an approved fishery management plan. The federal regulations which would create no-take marine reserves would be implemented under NMSA authority (regulations implemented by the National Ocean Service [NOS]) and apply to all marine species. Organizationally, the sanctuary programs are part of the NOS. Both NOS and NMFS are part of the Department of Commerce. If the Council were to choose to not participate in the process, not participate in a timely manner, or recommend regulations that are determined by the Secretary of Commerce to be inconsistent with the goals and objectives of the CINMS, the Secretary could then prepare the needed regulations.

We anticipate a letter from the CINMS staff outlining proposed steps for the consideration of marine reserves in federal waters of the CINMS. At the time of the briefing book deadline, the letter was still in the preparation stage. These reserves would be implemented within CINMS boundaries under the authorities of the National Marine Sanctuaries Act (NMSA). The Council will need to determine how it wishes to participate in this process.

The Council received a letter from Vice Admiral Lautenbacher, Under Secretary of Commerce for Oceans and Atmosphere responding to Council concerns about NOAA recommendations to CFGF regarding CFGF's then pending decision on marine reserves for the CINMS (Exhibit D.3.a, Attachment 1). The Council had expressed concerns, because NOAA comments appeared to pre-empt Council efforts to develop recommendations on the matter (Exhibit D.3.a, Attachment 2). In his response, the Under Secretary stated, "NOAA fully encourages meaningful participation by the Council as we begin the process to implement marine reserves in the federal waters portion of the Sanctuary."

Closely related to the designation of CINMS marine reserves is action the sanctuary is considering which would extend the boundaries of the sanctuary.

Council Action:

- 1. If appropriate, adopt process for consideration of marine reserves in federal waters in or near the CINMS.**

Reference Materials:

1. Letter from Vice Admiral Lautenbacher (Exhibit D.3.a, Attachment 1).
2. Letter to Vice Admiral Lautenbacher from Dr. Donald McIsaac (Exhibit D.3.a, Attachment 2).
3. Public Comment (Exhibit D.3.c, Public Comment).
4. Letter from the CINMS regarding a proposed process and schedule (Exhibit D.3.a, Supplemental Attachment 3).

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP calls for the Council to "use marine reserves as a fishery management tool that contributes to groundfish conservation and management goals, has measurable effects, and is integrated with other fishery management approaches."

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion
- e. **Council Action:** If appropriate, adopt process for consideration of marine reserves in federal waters in or near the CINMS

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