GROUNDFISH ADVISORY SUBPANEL REPORT ON
FISHERY REGULATIONS IN MPAs WITHIN THE CHANNEL ISLANDS NATIONAL
MARINE SANCTUARY THROUGH MAGNUSON-STEVEN'S ACT AND STATE
MANAGEMENT AUTHORITY

The Groundfish Advisory Subpanel (GAP) supports the November 2006 Council letter to the
Sanctuary Program (Agenda Item I.1.a, Attachment 5) recommending that Channel Islands
National Marine Sanctuary (CINMS) water column goals affecting fishing be accomplished
using Magnuson-Stevens Fishery Management and Conservation Act (MSA) authority to apply
state regulations to Federal waters—presented as extended Marine Protected Areas by the
Council. It is our understanding that the Council process can adopt state regulations for outside
state waters, as it has with drift gillnets permitted by the state.

The application of state regulations to Federal waters to achieve water column goals is preferred
for several reasons. It is consistent with MSA authority. It is easier. It can be applied to resolve
consistency situations, such as straightening marine protected area boundaries for enforcement
purposes. The responsibility for managing fisheries remains with the Council. The promise to
fishermen that the CINMS will not manage fisheries will remain in effect through the
designation document. Maintaining within the NMFS/Council system the authority to manage
CINMS fisheries is desired because the organizational structure, fishing knowledge, and
scientific knowledge to carry out this responsibility reside in that system.

The paper titled National Marine Sanctuaries Act Regulatory Process and flow chart (part of
Agenda Item I.1.a, Attachment 4) indicates the regulatory triggers that would lead to a scoping
process. Rather than the National Marine Sanctuary Program (Sanctuary) independently taking
the actions outlined in boxes 1 and 2, the GAP recommends the Sanctuary coordinate with the
Council and NMFS before generating ideas in a management plan review process or taking
fisheries proposals to the public for comment. The GAP recommends that at the earliest stage
steps be taken in the process to include Sanctuary/NMFS/Council consultation and involvement
in steps parallel to those listed in the process. We want to reiterate our position to the Council
that clarification on regulatory authority is needed.

PFMC
03/08/06