

PACIFIC FISHERY MANAGEMENT COUNCIL

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June XX, 2006

Mr. Chris Mobley
Superintendent
Channel Islands National Marine Sanctuary
113 Harbor Way, Suite 150
Santa Barbara, California 93109

Dear Mr. Mobley:

The Pacific Fishery Management Council (Council) appreciates the opportunity to review and comment on the Draft Revised Management Plan (DMP) and Draft Environmental Impact Statement (DEIS) prepared in response to the management plan review for the Channel Islands National Marine Sanctuary (CINMS or Sanctuary). The Council received the letter from Mr. Daniel Basta requesting Council comments and the DMP/DEIS documents on May 18, 2006. This letter, the proposed rule, and the DMP and DEIS were included in the June meeting briefing materials presented to the Council, its advisory bodies, and the public for the Council's June 12-16, 2006 meeting in Foster City, California and were specifically reviewed by the Council's Habitat Committee.

The Council considered the comments of the Habitat Committee and the public and wishes to provide specific comments on the list of Regulatory Alternatives as listed in Table 2.1-1 of the DEIS as follows:

- **Sanctuary Boundary.** The Council is supportive of the Proposed Action to clarify that submerged lands are part of the CINMS boundary. The Council notes the CINMS will be considering expansion of the existing Sanctuary boundary and establishment of marine reserves and marine conservation areas at a future date. The Council requests that the public review period for these actions encompass two Council meetings to allow full Council deliberation and comment development.
- **Prohibition 1 (Oil and Gas).** The Proposed Action Alternative is a revision of status quo that maintains current prohibitions on oil and gas development while removing outdated exemptions. The Council concurs with this change.
- **Prohibition 2 (Mineral Activities).** The Council concurs with the Proposed Action Alternative which further protects Sanctuary habitats by adding prohibitions mining activities within the Sanctuary.

- **Prohibition 3 (Discharging or Depositing).** The Council agrees with the additional provisions under the Proposed Action Alternative to further protect water quality in the Sanctuary and is supportive of the exemption for the discharge of fish, fish parts, or chumming materials resulting from lawful fishing activity. The Council notes there are minimal impacts associated with the additional discharge restrictions for any vessel of 300 gross registered tons or more under Alternative 1.
- **Prohibition 4 (Altering the Submerged Lands).** The Council supports the provisions under the Proposed Action Alternative which strengthens existing protections for fish habitat including the exemptions for legal fishing activities and vessel anchoring.
- **Prohibition 5 (Abandoning).** The Council supports the provisions of the Proposed Action Alternative which prohibits the abandoning of large debris and shipwrecks. It is unclear whether this regulation applies to fishing gear that is accidentally lost during the course of normal fishing activities. The Council would not support the proposed action if the intent of the regulation is to require fishermen who accidentally lose gear to make unreasonable efforts to recover it. The Council suggests the language be modified to the effect that lost gear should be recovered when physically and economically practicable, but not to prohibit the accidental loss of gear that cannot be reasonably recovered.
- **Prohibition 6 (Nearshore Operation of Vessels).** The Council supports the Proposed Action Alternative including expanded restrictions to prevent large non-fishing vessels from traveling nearshore within the Sanctuary. These prohibitions provide additional protection to nearshore habitats such as reefs. The proposed action and Alternative 1 contain language prohibiting large vessels such as tankers and cruise ships from approaching Sanctuary islands, but specifically exclude fishing vessels from the prohibition.
- **Prohibition 9 (Taking a Marine Mammal, Sea Turtle, or Seabird).** The Council is supportive of actions to further protect these species including the Proposed Action Alternative. The Council also recommends language in Section 4.1.9 of the DEIS which states “commercial fishing or certain research activities which may involve the occasional take of these species may lawfully operate as such under authorizations granted pursuant to the Marine Mammal Protection Act, Endangered Species Act, or Migratory Bird Treaty Act”, be included or referenced in the Proposed Action Alternative.
- **Prohibition 10 (Possessing a Marine Mammal, Sea Turtle, or Seabird).** The Council is supportive of the Proposed Action Alternative. As noted under Prohibition 9, the Council is also in support of exemptions for research and fishing activities which legally possess these species under the authority of the appropriate laws.
- **Prohibition 12 (Introducing or otherwise releasing an Introduced Species).** The Council continues to be supportive of efforts to prevent the release of introduced species in the Sanctuary, including the Proposed Action Alternative. The Council also supports the exemption under this prohibition for striped bass released during catch and release fishing.

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- **Prohibition 13 (Operation of Motorized Personal Watercraft).** Based on the definition of personal watercraft in the DEIS, it appears to the Council that the intent of this prohibition is to not regulate fishing. If this is the intent, the Council has no formal position on this prohibition as it does not directly affect fishing, fishing vessels, fish stocks, or fish habitat.
- **Prohibition 14 (Lightering).** The Council supports the efforts to further protect water quality under the Proposed Action Alternative which prohibits lightering, or non-emergency at-sea refueling.

The Council is not commenting on proposed actions which do not appear to have direct impacts to fish stocks, fishing, fishing vessels, or fish habitat including: Prohibition 7 (Disturbing of Seabirds or Marine Mammals by Aircraft Overflight), Prohibition 8 (Moving, Removing, Possessing, or Injuring a Sanctuary Historical Resource), or Prohibition 11 (Tampering with Signs).

The Council understands from the May 18, 2006, letter from Mr. Basta that marine reserve and marine conservation areas will be the subject of a future environmental review. The Council looks forward to working with the CINMS on this matter.

Thank you again for providing the Council an opportunity to provide comments on these important matters. If you or your staff have any questions about this letter, please contact me or Mr. Mike Burner, the lead Staff Officer on this matter at 503-820-2280.

Sincerely,

DRAFT

D. O. McIsaac, Ph.D.
Executive Director

c: Mr. Daniel Basta, Director, National Marine Sanctuary Program
Mr. William Dorous, Acting Regional Superintendent
Mr. Michael Murray, Management Plan Coordinator, CINMS
Council Members
Habitat Committee

PFMC
6/16/06