CHANNEL ISLANDS NATIONAL MARINE SANCTUARY
MARINE PROTECTED AREAS

The Council has been coordinating with Channel Islands National Marine Sanctuary (CINMS) and the State of California since April 2001 in their development of proposed marine protected areas (MPAs) which include no-take marine reserves and limited-take marine conservation areas. With regard to fishery regulations, a network of such MPAs has been established in California State waters of the CINMS via State regulation and in the contiguous Federal waters via the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), with the exception of the water column areas. At the September Pacific Fishery Management Council (Council) meeting, the Council considered removing implementation of these MPAs in Federal waters as proposed under the authority of the National Marine Sanctuaries Act (NMSA).

The Council continues to hold the position that the regulation of fisheries is best done under the authority of the MSA. In an October 10, 2006 letter to the CINMS (Agenda Item H.1.a, Attachment 1), the Council informed the CINMS of its intent to move forward with MSA regulations and recommended that should implementation of NMSA fishing regulations and associated CINMS Designation Document changes occur, provisions should also be adopted for rescinding the regulations and the CINMS authority to regulate fishing activities at the time fishing regulations are adopted under the MSA.

At its September meeting, the Council reviewed the potential of utilizing existing MSA provisions for extending fishery regulations in State MPAs established under State authority into the proposed MPAs in Federal waters. Possible factual bases for such action include the rationale for the original State action, the link to the stated need for better scientific information on the ecology and status of stocks in at least three Council fishery management plans (FMPs), and the role MPAs can play as control sites in research and monitoring programs. Without eliminating these options, the Council directed Council staff to begin development of new alternatives for promulgating MSA and/or State fishing regulations for these areas.

Concepts for Council consideration at the November meeting include; (1) initiating a process for developing an ecosystem based fishery management plan, (2) identifying essential fish habitat needs within the water column of the proposed MPAs for one or more species under any of the Council’s four existing FMPs, (3) continuing work on extending State regulations into Federal waters, or (4) other mechanisms. One potential advantage of an ecosystem based fishery management plan could be providing the authority to regulate fishing for all species, on the water surface, the water column, and the benthos, including species in the existing FMPs and species not included in the current FMPs. Such an authority could extend to Federal waters in other National Marine Sanctuaries beyond the CINMS.
Several Regional Fishery Management Council’s have either implemented or are considering ecosystem based fishery management plans which include spatial management and area closures as regulatory mechanisms (for examples of policy guidance, see Agenda Item H.1.a, Attachment 1 and Attachment 2; for recent examples for other Regional Fishery Management Council approaches to Fishery Ecosystem Plans, see Agenda Item H.1.a, Attachment 3 and Attachment 4). Notably, the Council’s Scientific and Statistical Committee and Habitat Committee have begun considering ways to incorporate ecosystem status reports and ecosystem based fishery management concepts into Council decision making and will hold a joint session on Tuesday, November 14, 2006, to review progress and plan possible next steps.

The Council is anticipated to discuss relevant materials and options and provide guidance on a recommended course of action regarding fishing regulations for the water column in the Federal water portion of the proposed MPAs of the CINMS.

**Council Action:**

**Consider the Next Steps in Implementation of Fishing Regulations through the MSA.**

**Reference Materials:**

5. Agenda Item H.1.c, Public Comment.

**Agenda Order:**

a. Agenda Item Overview
b. Reports and Comments of Advisory Bodies
c. Public Comment
d. **Council Action:** Consider the Next Steps in Implementation of Fishing Regulations through the Magnuson-Stevens Act

PFMC
10/26/06