



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Olympic Coast National Marine Sanctuary
115 East Railroad Avenue, Suite 301
Port Angeles, WA 98362-2925

March 23, 2010

Mr. Ortmann, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97720-1384

Dear Mr. Ortmann,

This correspondence from the Olympic Coast National Marine Sanctuary (OCNMS) is part of a continuation of updates to the Pacific Fishery Management Council (PFMC) on the OCNMS management plan review (MPR) process to ensure appropriate coordination and collaboration on management issues of joint concern. We previously consulted and provided updates on the MPR process in April 2008, April 2009 and October 2009 covering the draft OCNMS Condition Report, a MPR process timeline, a list of priority management needs identified during scoping and a summary of working groups and workshops through which we would develop recommendations for future priority actions. At this juncture, OCNMS staff, in collaboration with its Advisory Council and the Olympic Coast Intergovernmental Policy Council, has completed public scoping, is now drafting action plans and supporting strategies, and will soon begin writing an environmental analysis to support the revised management plan. The revised management plan will consist of action plans to guide OCNMS's work from 2012 through 2016 (and possibly beyond).

In its current preliminary draft form, the revised management plan focuses on 20 action plans organized under these priority management needs:

1. Achieve Effective Collaborative and Coordinated Management – addresses key partnerships, community involvement, OCNMS operations;
2. Conduct Collaborative Research, Assessments and Monitoring to Inform Ecosystem Based Management – addresses habitat mapping, research priorities in oceanography, populations/communities/ecosystems, data management and sharing;
3. Improve Ocean Literacy – addresses K-12 education, higher education, visitor service, community outreach;
4. Conserve Natural Resources in the Sanctuary – addresses oil spill prevention/preparedness/response, climate change, marine debris, wildlife



disturbance, water quality protection, invasive species, habitat protection, marine spatial planning;

5. Understand the Sanctuary's Cultural, Historical and Socioeconomic Significance – addresses maritime heritage, local and customary knowledge, socioeconomic characterization.

Key Strategies and Activities in Preliminary Draft Action Plans

The following is a summary of strategies and activities in the preliminary draft action plans that 1) involve work OCNMS would like to undertake with the PFMC, or 2) may be of interest to the PFMC.

Collaborative and Coordinated Sanctuary Management Action Plan

- Work with NOAA Fisheries to ensure that the PFMC is updated about relevant work
- Work with NOAA Fisheries on issues of common interest within OCNMS boundaries

Habitat Mapping and Classification Action Plan

- Work with partners to maximize and leverage resources for habitat mapping
- Map and classify marine habitats using uniform data collection/analysis standards
- Make mapping data available for multiple uses, including fisheries management

Physical and Chemical Oceanography Action Plan

- Work collaboratively on ocean acidification research, including research relating to impacts on habitat-forming organisms

Populations, Communities and Ecosystems Action Plan

- Participate in water column, intertidal, subtidal, benthic, marine bird and marine mammal monitoring efforts
- Collaborate to improve characterization of spatial and temporal distribution, abundance and habitat use by fish
- Evaluate indicator species used historically and develop recommendations for future monitoring of indicator species in the Sanctuary
- Summarize removal histories and biological metrics for indicator species

Data Management, Sharing and Reporting Action Plan

- Improve data availability (including timeliness), consistency of data standards, and using data to make adaptive management decisions
- Publish OCNMS Condition Report on regular basis (5 year cycle)

Climate Change Action Plan

- Work with NOAA to support OCNMS as a sentinel site for climate change monitoring



Marine Debris Action Plan

- Encourage reporting of derelict fishing gear and maintenance of derelict gear database
- Support regional efforts for marine debris removal

Habitat Protection Action Plan

- Conduct a threat assessment for habitat vulnerability and disturbance; collaborate in development of management responses to threats
- Continue participation in the PFMC's EFH Review Committee; work collaboratively to develop and evaluate potential recommendations for EFH and HAPC areas
- Monitor habitat recovery rates from known disturbances

Marine Spatial Planning Action Plan

- Develop plan for integrating OCNMS into regional marine spatial planning efforts
- Collect spatial data on marine resources and human uses of marine resources in the Sanctuary to support marine spatial planning efforts

Socioeconomic Values of Resources in the Sanctuary Action Plan

- Disseminate existing socioeconomic information relevant to the Sanctuary
- Form working group to prioritize socioeconomic data needs
- Initiate projects in the Sanctuary recommended by working group

Potential Changes to OCNMS Regulations

OCNMS is considering some changes to its regulations, which would be made during the management plan review process. Most of these changes are technical in nature and are primarily focused on clarifying existing regulations and providing language that is consistent with other national marine sanctuary regulation language, as appropriate without changing the intent of the original regulations. Other changes are based on the public scoping process and recommendations provided by Advisory Council working groups. Potential changes that may interest the PFMC include:

1. Modify discharge regulation to prohibit cruise ship discharges, and
2. Replace the term "traditional" fishing with "lawful" fishing.

The term "traditional fishing" is defined in the OCNMS regulations as "using a fishing method that has been used in the Sanctuary before the effective date of sanctuary designation (July 22, 1994), including the retrieval of fishing gear." We are concerned that the term "traditional" may be incorrectly interpreted as referring to tribal fishing using techniques that pre-date modern developments. The contexts in which this term is used in OCNMS regulations are:



- Discharging of any material or other matter is prohibited in OCNMS, except that discharge of fish, fish parts, chumming materials or bait used in or resulting from traditional fishing is specifically allowed. Other specific exceptions are biodegradable effluent, water generated by routine vessel operations, engine exhaust, and dredge spoils used for beach nourishment.
- OCNMS regulations prohibit 1) moving, removing, or injuring an historical resource and 2) altering the seabed and abandoning material on the seabed. Traditional fishing operations, and impacts incidentally resulting from such practices, are specifically noted as exceptions to these prohibitions. In other words, OCNMS regulations acknowledge that fishing practices may inadvertently result in abandoned gear, injure historical resources, or alter the seabed, but these regulations do not prohibit or limit fishing practices other than to qualify that they must be “traditional” fishing practices. In this context, “traditional” is ambiguous legal terminology.

With this proposed wording change, OCNMS is not attempting to define what fishing practices are or are not lawful, nor does this change OCNMS’s regulatory authority. The term “traditional” does not connote legality one way or the other. Any fishing techniques/practices deemed legal and allowable by the state, tribal and federal agencies that regulate fishing would be deemed “lawful” under this regulatory change. OCNMS supports use of small hydraulic pumps to remove crab gear that is sanded in, particularly as it prevents loss or abandonment of gear. Because this is not a fishing regulation, consultation pursuant to section 304(a)(5) of the National Marine Sanctuaries Act (NMSA) is not necessary.

We look forward to your comments on this update of the OCNMS MPR process and working with the PFMC ‘family’ and NOAA Fisheries on further developing and implementing those Action Plan strategies that have a nexus with fishery science and management. All management plan review materials, including all 20 Preliminary Draft Action Plans, can be found on the OCNMS MPR website at:
http://olympiccoast.noaa.gov/protection/mpr/mpr_bgdocs.html

We anticipate having a draft management plan and associated environmental analysis document available for public comment in January 2011. In the meantime, questions and comments can be directed to George Galasso, Assistant Superintendent and Management Plan Review Coordinator, at george.galasso@noaa.gov.

Sincerely,



Carol Bernthal
OCNMS Superintendent

