

**OPTIONS FOR COUNCIL ACTION UNDER AGENDA ITEM F1
(Matters 2 and 3 in the Situation Summary)**

Some Possible Council Actions for the November 2001 Council Meeting
(not necessarily mutually exclusive)

1. No action (no response at this time).

2. Respond to the California process.

Request final commission action not occur until the Council has an opportunity to review options and their impact analysis.

3. Decide whether or not the Council has an interest in pursuing consideration of the needed regulations using its authorities under the Magnuson-Stevens Act.

4. Respond to the National Marine Sanctuary process.

a. With respect to amendment of the Channel Islands National Marine Sanctuary (CINMS) designation document, request the Council have opportunity to comment on proposed amendments to the designation document.

b. With respect to implementing specific marine reserves in federal waters of the CINMS:

(1) Request the opportunity to review and recommend options to be evaluated in analytical documents.

(2) Request a preliminary draft environmental impact statement (DEIS) be available for the Council at the time the Council is asked to make its recommendation.

5. Recommend coordination of all.

Request the state and marine sanctuary participate with the Council in a memorandum of understanding pledging intent for timely consultation and coordination of the consideration of marine reserves for the Channel Islands National Marine Sanctuary

Possible Order of Decision

At this point, California has the leadership role in the consideration of marine reserves for state waters of the CINMS. Options for marine reserves within federal waters of the CINMS would likely be closely coordinated with the reserve areas set up in state waters. After state action is completed, there appear to be two main paths which may be followed for the consideration of no-take marine reserves for federal waters of the CINMS.

1. No-fishing restrictions implemented by NMFS/NOAA after development by the Council under the Council's Magnuson-Stevens Act authorities.
2. No-fishing restrictions implemented by National Ocean Service (NOS)/NOAA after development of recommendations by CINMS and the Council under the role established for the Council by the National Marine Sanctuaries Act.

Following the first path, the Council/NMFS/NOAA could implement fishing prohibitions to the maximum extent of its authority under existing FMPs. Council/NMFS authority to prohibit fishing might be extended to cover any fishing activity that might incidentally harvest an FMP species; for example, shrimp trawling. For fishing activities not covered under existing FMPs, California state authority could be used to prohibit California vessels from fishing in federal waters.

Following the second path, the Council would recommend, as appropriate, regulations prohibiting the take of fish in certain CINMS Exclusive Economic Zone (EEZ). NOS/NOAA would implement regulations creating marine reserves, after amending the CINMS designation document to allow for the regulation of fishing.

State Process	
Action	Possible Council Role
CFG Decision	Prior to decision comment to CFG on preferred options and analysis based on review of state regulatory package

Federal Process			
Path Under M-S Act Authority		Path Under Sanctuary Authority	
Action	Possible Council Role	Action	Possible Council Roles
Develop draft regulatory package.	Based on CFG decision, sanctuary goals, and other applicable law. Council specifies options for consideration and works with CINMS and NMFS to develop regulatory package.	CINMS moves to modify its designation document to allow the establishment of no-take reserves.	Council comments on amendments to the designation document. OR Forgoes comment opportunity.
Regulatory package sent out for public review and comment.	Council decides whether or not to recommend closures to NMFS.	CINMS develops options and analysis to establish specific no-take areas.	1. Council provides advice on options to be considered. 2. Council reviews and comments on adequacy of analysis. OR Forgoes review and comment opportunity.
NMFS publishes proposed rules and completes process for implementation of preferred alternatives.	Normally no Council role at this point.	CINMS completes preliminary draft of DSEIS, will specify a preferred alternative.	Council comments on preferred alternative and implementation and comments on analysis. OR Council defers to the Sanctuary Program.
		CINMS publishes DEIS, proposed rules and, as appropriate, completes process to implement preferred alternative.	Final opportunity for Council and public to comment (similar to what occurs when NMFS publishes proposed rule after Council final recommendation).

NOTE: For the path under Sanctuary Authority, the Council would have the opportunity at any time to defer to the CINMS, forgoing the role designated for the Council under the National Marine Sanctuaries Act.