

STATUS OF NATIONAL MARINE SANCTUARY PROCESSES PERTAINING TO MARINE RESERVES

Situation: The paragraphs below provide a summary of the current status of consideration of marine reserves within the boundaries of national marine sanctuaries off the coast of California. As of the drafting of this summary, no Council action is anticipated at the March meeting. The next Council action on marine reserves for the Channel Islands National Marine Sanctuary (CINMS) is expected to occur when either state analytical documents are released for public review or the CINMS program initiates amendment of its designation documents to allow it to regulate fishing (regulations would be established only after proper consultation with the Council as required under the National Marine Sanctuaries Act). State analytical documents may be released prior to the April 2002 Council meeting.

National Marine Sanctuaries off central and northern California are initiating a joint review of their sanctuary management plans that may lead to consideration of marine reserves for these areas (Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries, Exhibit D.1.a, Attachment 1). The Council staff will track this process and notify the Council if marine reserves come under consideration during the joint review.

CINMS

State Process

In accordance with Council direction at its November 2001 meeting, a letter was sent to the California Fish and Game Commission (CFGF) stating the Council would like a meaningful opportunity for comment on proposals to create marine reserves within the state waters of CINMS. A reply was received from the Commission indicating that it would provide the Council with the requested opportunity (Exhibit D.1.b, CFGF Letter).

On December 17, 2001, California Department of Fish and Game (CDFG) provided notice of its intent to develop a California Environmental Quality Act (CEQA) "Equivalent Environmental Document" on marine protected areas for state waters of the CINMS. This notice initiated a 30-day public comment period on the scope and content of the environmental information that should be considered in the document. The state has also requested comment on the regulations that have been drafted to implement each of the marine reserve options under consideration (see "Initial Statement of Reason", Exhibit D.1.b, CDFG Notice). The comment period on the draft regulations will remain open until the CFGF takes final action. Based on direction from the Council in the fall of 2001, the staff will continue to track this process and provide updates, but does not expect to bring the state options before the Council for full consideration and comment until state analytical documents have been completed.

Federal Process

The National Marine Sanctuary Program process for creating marine reserves within the CINMS area will involve amendment of the CINMS designation document ("sanctuary charter"), the sanctuary management plan, and management regulations. At its November 2001 meeting, the Council heard that during the California process for considering marine reserves for the state waters of the CINMS, the sanctuary intends to proceed with modification of its designation documents to allow the creation of marine reserves. After the state process is completed, the sanctuary would then proceed with the National Environmental Policy Act (NEPA) process to amend its sanctuary management plan, as necessary, and draft regulations to create marine reserves in CINMS federal waters. The CINMS plans to consult with the Council in each of these steps and provide the Council an opportunity to draft regulations as required by the National Marine Sanctuaries Act. As of mid-February, the CINMS has not initiated the process for amending its designation documents. On a separate track, the CINMS will likely be developing NEPA documents this spring to consider other amendments to its sanctuary management plan.

National Marine Sanctuaries Joint Management Plan Review for Northern and Central California

The National Marine Sanctuary Program is undertaking a joint review of the sanctuary management plans for Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries (Exhibit D.1.a, Attachment 1). The review will include evaluation of sanctuary regulations and boundaries. Scoping meetings have been held to identify issues and management problems. The scoping process concluded January 31, 2002. The next steps are for the sanctuaries to summarize the scoping comments, seek advice from the sanctuary advisory councils, and use work groups to develop "action plans". Action plans will provide the basis for developing draft amendments to the sanctuary management plans. Changes to allow the creation of marine reserves would require amendment of the sanctuary designation documents to allow the regulation of fisheries.

Council Task: 1. Discussion and Guidance.

Reference Materials:

1. Letter from Monterey Bay National Marine Sanctuary on National Marine Sanctuaries Joint Management Plan Review, dated November 20, 2001 (Exhibit D.1.a, Attachment 1).
2. Letter from the California Fish and Game Commission dated January 3, 2002 (Exhibit D.1.b, CFGC Letter).
3. Notice of Preparation and Initial Statement of Reasons for Regulatory Action from California (Exhibit D.1.b, CDFG Notice)
4. Exhibit D.1.d, Public Comment 1.

Agenda Order:

- a. Agendum Overview
- b. Agency Reports and Comments
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Task: Discussion and Guidance

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Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP calls for the Council to "use marine reserves as a fishery management tool that contributes to groundfish conservation and management goals, has measurable effects, and is integrated with other fishery management approaches."