

REVIEW PROCESS FOR CHANNEL ISLANDS NATIONAL MARINE SANCTUARY AND UPDATE ON OTHER MARINE RESERVES PROCESSES

Situation: The following is a summary of the current status of consideration of marine reserves within the boundaries of national marine sanctuaries off the West Coast. California is requesting the Council establish a committee to review its proposals for establishing marine reserves in state waters of the Channel Islands National Marine Sanctuary (CINMS) and make a recommendation for Council action at the June 2002 Council meeting.

CINMS

State Process

California is proceeding with its consideration of marine reserves for the CINMS. The state's current schedule calls for the California Fish and Game Commission (CFGC) to take final action at the August 2002 commission meeting. The June 2002 Council meeting will be the last opportunity for the Council to provide meaningful comment for the state process. The Council is waiting to receive the California Environmental Quality Act (CEQA) "Equivalent Environmental Document" before reviewing the proposals. The CEQA document provides the state's impact analysis for the proposed action. This document is expected to be available by, or soon after, the April Council meeting.

The volume of the state document is expected to be substantial. The California principal state official on the Council has suggested the Council convene a review committee with the following membership:

- One or two Council members from each state (a maximum of 6)
- Scientific and management expertise
 - Fishery economics (2 members of the Scientific and Statistical Committee [SSC])
 - Marine reserves (1 member of the SSC)
 - Rebuilding plans (1 member of the SSC)
 - Groundfish biology and management (2 members of the Groundfish Management Team)
 - Coastal pelagic species biology and management (1 member of the Coastal Pelagic Species Management Team)
 - Highly migratory species biology and management (1 member of the Highly Migratory Species Plan Development Team)
- NOAA General Counsel
 - NMFS (1 representative)
 - National Ocean Service (1 representative)
- NMFS (1 or 2 representatives)

The suggested composition would result in a maximum committee size of 17-18 members. Participation of one or two Council staff have also been recommended to add expertise to the committee and provide normal staffing functions.

If a special committee is appointed, the Council should consider a specific charge for the committee. For example: "Develop, for Council consideration, draft comments and recommendations to the CFGC regarding proposals to establish marine protected areas in the CINMS area."

Given the volume of documents to be reviewed and depending on the controversy of the proposals within the Council, two meetings might be needed to complete the draft document. In anticipation of the possibility that two meetings may be needed and that both meetings would need to occur in advance of the May 29 deadline for the June 2002 briefing book, the Council staff has published a *Federal Register* notice announcing a meeting of this committee for April 25. If the Council decides not to convene a committee along the lines that California has recommended, the notice will be rescinded. If necessary, a second meeting would likely be scheduled for sometime between May 21 and May 23. CINMS and California Department of Fish and Game staffs will make presentations at the first meeting.

Federal Process

Depending on action taken in state waters, there may be an expectation for complementary action in federal waters within and beyond the boundaries of the CINMS. 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. In November 2001, the CINMS sanctuary staff indicated to the Council the CINMS intent to proceed with amendment of its designation documents. However, they have not taken action to date and now indicate they intend to await the outcome of the state process. The CINMS staff has stated they intend to consult with the Council in making the changes needed to implement marine reserves, and they intend to provide the Council an opportunity to draft regulations, as required by the National Marine Sanctuaries Act.

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. 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. The Council staff will track this process and keep the Council apprized of proposals for marine reserves that arise during the joint review.

Olympic Coast National Marine Sanctuary

The Olympic Coast National Marine Sanctuary (OCNMS) intends to review its sanctuary management plan, however, the OCNMS staff indicates their review will lag the California sanctuary processes by a few years.

Council Action:

1. Provide Direction for Review of State Proposal for Marine Reserves in CINMS.

Reference Materials: None.

Agenda Order:

- a. Agendum Overview
- b. Agency Reports and Comments
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Provide Direction for Review of CINMS Proposal

Jim Seger

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."