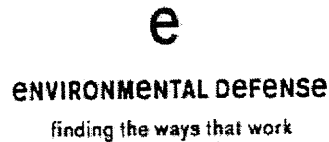
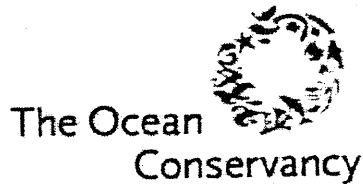


Agenda Item
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May 31, 2002

Donald O. Mclsaac
Executive Director
Pacific Fishery Management Council
770 NE Ambassador Place, Suite 200
Portland, OR 97220-1384
Sent Via Fax: (503) 326-6831

RE: State of California's Draft Regulations to Create Marine Reserves and MPAs
in State waters of the Channel Islands National Marine Sanctuary

Dear Dr. Mclsaac,

The Ocean Conservancy, Environmental Defense, and the Natural Resources Defense Council, on behalf of our combined membership of over 900,000 concerned citizens, are writing to comment on California's draft regulations and related California Environmental Quality Act (CEQA) document to create marine reserves in state waters of the Channel Islands National Marine Sanctuary. Our organizations participated, over the past 3 years, in the joint state-federal Marine Reserves Working Group (MRWG) process that resulted in the Preferred Alternative. We recommend that you support the state's Preferred Alternative because it is the alternative that will best protect biodiversity and help sustain fisheries while minimizing short-term socioeconomic impacts to fishermen and other users.

The Marine Reserves Working Group (MRWG) was comprised of commercial and sport fishermen, environmentalists, local government, public, and other constituency groups. This group met over 20 times to try to come to consensus on a plan. While we were unable to do so, we did agree by consensus to goals and objectives and a problem statement. The Socioeconomic and Science Panels provided support for the MRWG. This process utilized an unprecedented level of biological, economic, and ecological detail on the Channel Islands area. The Council's Scientific and Statistical Committee reviewed the MWRG Science Panel's methodology last year and concluded that "the SSC is generally supportive of their reserve size recommendation as it relates to the biodiversity and sustainable fisheries goals as defined in the specific context of CINMS." We concur.

The Channel Islands are a National Park, a National Marine Sanctuary, and a United Nations Biosphere Reserve, in recognition of and to protect the diverse fish and wildlife unique to this area. These designations provide statutory mandates to provide greater protection to the area than that of surrounding waters. California's proposal attempts to provide protections for a variety of underwater habitats for 119 species of fish, protected species, and plants (such as kelp, critical for healthy coastal fisheries). It attempts to meet all of these goals, the MRWG's Goals and Objectives, and the goals of the state's legal and policy mandates, such as the Marine Life Protection Act and Marine Managed Areas Improvement Act, among others.

The State's proposal also recognizes the importance of maintaining sustainable fisheries, and the reserves are designed as a network to help conserve, enhance and restore fisheries in the region. The MRWG's deliberations attempted to minimize impacts to fishermen by identifying areas that currently had less use, by attempting to share the burden on all fisheries more or less equally, and by proposing a plan that was less than the Science Panel's 30-50% recommendation – which the SSC 'generally supported' – in order to avoid "draconian" impacts to fishermen. The Preferred Alternative also re-opens a section of the current cowcod closure, an area that has historically been very important for the CPFV fleet, for bottomfish fishing (except for fishing for cowcod). It does so in exchange for a new reserve that scientists believe will provide protection for cowcod comparable to that in the area proposed to be re-opened.

Our organizations believe that the state's proposal is the minimum compromise necessary to achieve the project's goals. We strongly believe that the proposal, though not a panacea or a substitute for fishery management measures, will help achieve sustainable fisheries in state waters for the long term. The State's proposal affects a relatively small part of the range of Council-managed species, even as it provides great benefits for the goals and objectives it is intended to achieve. The proposal will provide important protections for state managed species and protected species. It will certainly have far less impact than difficult decisions the Council and NMFS currently face with respect to yelloweye, bocaccio, and other depleted groundfish stocks.

As the Council makes a recommendation on marine reserves in the Channel Islands, it must also make difficult choices on a whole suite of management issues for West Coast groundfish. We wish that such decisions did not have to be made, and we believe that steps like the state's proposal for marine reserves around the islands can help put a number of species of concern on the road to recovery more quickly than would otherwise occur, for the long-term benefit of sport and commercial fishermen and all of us. The severity of the current situation reinforces the need for precautionary approaches, like the State's proposal, that will provide insurance for

fisheries in state waters. Refusing to make unpopular decisions and to "delay the pain" will only make the pain worse for future generations of fishermen.

In light of the extensive public process and the biological, social, and economic information that supports this compromise, we urge the Council to demonstrate leadership and support California's Preferred Alternative for marine protected areas in state waters of the Channel Islands National Marine Sanctuary.

Thank you for consideration of our view. Please feel free to contact us if we can be of further assistance.

Sincerely,

Warner Chabot
The Ocean Conservancy

Karen Garrison
Natural Resources Defense Council

Dr. Rod Fujita
Environmental Defense

**COMMERCIAL FISHERMEN of SANTA BARBARA INC.
6 HARBOR WAY, BOX 155
SANTA BARBARA, CALIFORNIA 93109**

May 15, 2002

VADM Conrad C. Lautenbacher, Administrator
National Oceanic and Atmospheric Administration
HCHB Building, Room 5128
14th & Constitution Ave. NW
Washington, DC 20230-0001

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PFMC

Re: Management plan revision process for Channel Islands National Marine Sanctuary

Dear Admiral Lautenbacher:

Commercial Fishermen of Santa Barbara Inc (CFSB) has been representing the commercial fishing community in Santa Barbara since 1971. Our organization has a long history of being proactive on fishery management issues and protection of the resources we depend for our livelihoods. We supported the creation of the Channel Islands National Marine Sanctuary (CINMS) in 1982 with the understanding that the CINMS would protect our resources, fisheries and water quality from oil drilling and mineral extraction. Our organization also supported the creation of a Sanctuary Advisory Council and a community process to establish marine reserves in the CINMS.

For myself I was born and raised in Santa Barbara, my parents were avid recreational boaters so I was fortunate to spend a lot of time on the ocean and the Channel Islands while growing up and have been making a living fishing the Channel Islands and Salmon in Alaska since the age of 18. I have been representing our local port association for the last five years and I am the current fishing representative for the Channel Island Sanctuary Advisory Committee and the alternate fishing seat in a recently failed Marine Reserves Working Group (MRWG) process to consider marine reserves for the Channel Islands.

We are writing you to express our concerns and major problems the fishing community is currently having with the Sanctuary program. In the recent past we had a very good working relationship with the CINMS and supported the CINMS in 1999 to be neutral conveners in a community process to develop marine reserves for the Channel Islands. However mid way through this process the Presidential Executive Order for marine protected areas was given and a new Sanctuary manager came on board. The Sanctuary declared themselves as stakeholders in the community MRWG process by way of the Executive Order. The MRWG process failed to reach consensus for reserve alternatives, so the agencies (California Department of Fish and Game and CINMS) developed a preferred alternative and a range of reserve alternatives for consideration. The agencies failed to produce any acceptable alternatives for the fishing community.

In the midst of the reserve process the CINMS began working on its management plan revision and boundary expansion. We expressed our concerns that three ongoing processes's, reserves, boundary expansion and management plan revision were too much for the fishing community to deal with at once. Our concerns were brushed aside, in February 2001 Dan Basta made a visit to area and met personally with Advisory Council Members with the exception of the fishing representatives. It appears the Sanctuary program would have happily continued to move forward despite the fishing community concerns had it not been for a change of administration.

The CINMS is ready begin work again with its management plan again, the fishing community is ready to participate, however we no longer have trust or relationship we had only a few years ago and we have questions and concerns that we would like addressed by NOAA before we move forward with the CINMS management plan.

We would like clarification regarding the Sanctuary's role as a stakeholder in our community. Our fishing community had a good working relationship with the CINMS as a neutral convener and coordinator for stakeholders and agencies; this was an effective role for the Sanctuary to help the local community. Since declaring themselves stakeholders CINMS has essentially acted as an extension for the National Environmental NGO's rather than achieve balanced solutions that would benefit both the fishing and environmental community.

We would also like clarification from NOAA regarding the Sanctuary's role regarding resource management. Our understanding of the Sanctuaries Designation Document is the Sanctuary is not to be involved with fisheries management issues. The Sanctuary has taken a position in the past on the squid fishery without consulting the Sanctuary Advisory Council or the SAC fishing representative. We have requested that Sanctuary staff as a courtesy consult with the SAC fishing representative when commenting on fishing issues; however this request has so far been ignored as the Sanctuary commented on the preparation of the Market Squid Management Plan in February 2002 with out consulting the fishing community. It is crucial that the fishing community have a clear understanding of the Sanctuaries role regarding resource management.

We believe clear policies on the above issues will allow the fishing community to work successfully with the Sanctuary Program and NOAA in the future. We would like to thank you for your attention to these issues and we welcome the opportunity to discuss these or any resource issues in the future.

Sincerely,



Harry Liquornik

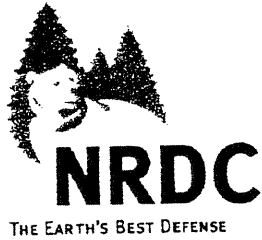
President

Commercial Fishermen of Santa Barbara Inc.

cc: Dan Basta, Director, NOAA National Marine Sanctuary Program
Dr. William T Hogarth, NOAA National Marine Fisheries
Margaret A Davidson, NOAA National Ocean Service
Dr. Donald O Mc Isaac, Pacific Fishery Management Council
Angela Corridore, U.S. Commission on Ocean Policy

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ENVIRONMENTAL DEFENSE
finding the ways that work



May 3, 2002

Mr. Robert Treanor, Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Channel Islands marine reserves schedule and PFMC

Dear Mr. Treanor and Members of the Commission;

We understand that the Pacific Fishery Management Council (Council) has asked for additional time to complete its review of the state's marine reserves proposal for the Channel Islands. The Natural Resources Defense Council, Environmental Defense and The Ocean Conservancy, representing about a million members, urge you to hold to your planned August 2nd decision date for that proposal. We do so in view of several considerations: that the proposal before the Commission involves only state waters not under the Council's purview, that the Council has been informed and consulted at every step in the process and has sufficient time to comment, and that all agencies should be held to the same timeline for reviewing the proposal.

To put in context whether a delay is warranted, it's useful to note the findings of the Council's Scientific and Statistical Committee (SSC) when it considered last month what review process the Council should adopt. The SSC rightly acknowledged that "it is the state's prerogative to make decisions about marine reserves in state waters," and that the California Environmental Quality Act (CEQA) document might not be fully reviewed in the Council process. It further observed that full Council review of the National Environmental Policy Act (NEPA) analysis of the effects of reserves in federal waters *would* be appropriate once the federal portion of the Channel Islands proposal moves forward. We concur. The SSC then supported California's proposal to the Council for a process that could have produced final Council comments at its June meeting, in time for the scheduled decision in August. The Council itself, however, does not appear to have taken account of the difference in its authority over the state vs. the federal portion of the reserves proposal. If it had, we believe there would be little problem completing a review in the time period provided.

As the federal portion of the marine reserves proposal moves forward over the next year, the Council will have the opportunity, consistent with provisions of the National Marine Sanctuaries Act, to draft fishery regulations in *federal* waters of the Channel Islands Sanctuary for species

under federal fishery management plans.. The Council will also have many months to review that portion of the proposal and the NEPA documents that accompany it, using standards that are clearly specified in the Sanctuary Act.

The Sanctuary and DFG first started a dialogue on this issue with Council staff in April 1999. Council staff noted that a National Marine Fisheries Service representative, Mark Helvey, was involved with the Channel Islands marine reserve process and the Council's Ad Hoc Marine Reserves Committee and could serve as a liaison to the Council. The Sanctuary consulted NMFS' Southwest office at the same time. Sanctuary staff have attended and briefed the Council and appropriate committees at *every meeting since September 2000*. The Council and its committees have received, reviewed and commented on a good portion of the materials and products developed during the Channel Islands reserves process.

In particular, the Council's SSC conducted a detailed review of the scientific basis for the marine reserve size recommendations made by the Channel Islands Science Advisory Panel. The SSC review concluded with general support for the Panel's advice, endorsed the use of marine reserves as a fishery management tool, and acknowledged their value as a potentially useful way to protect essential fish habitat and meet other Magnuson-Stevens Act requirements. The Commission, in turn, invited SSC members to make a presentation on its findings at a public Commission meeting, to ensure those results had a full hearing. In short, the state has made a serious effort to provide opportunities for review as the Channel Islands process developed. We're concerned that the Council has not made a similarly serious effort to respond to California's request for comments in time for the August meeting.

Evidence for this concern comes from the Council's conduct at its meeting last month. There, the Council's California delegate advised the Council that its June meeting would be the last opportunity to put together comments on the state's Channel Islands process in time for the Commission's August decision. California requested that the Council form an ad hoc committee to review the proposal and report back before June. This step could have allowed the Council to finalize comments at its June meeting, yet the Council failed to act on California's request.

The Council has been aware of the schedule and has had access for months to all the decision documents except the CEQA analysis. If the CEQA documents are finished by May 15 as planned, it will have over two months to evaluate those documents should it wish to do so. While we support the state's decision to consult the Council, we expect the same degree of respect from the Council in response. Instead, the Council has requested that the Commission conform to *the Council's* desired schedule for a decision over which it has no authority. Given those facts and the regular briefings, numerous opportunities for review, extensive background materials, and presentations by participants that the Sanctuary and California Department of Fish and Game (DFG) have taken pains to provide over the past three years, we see no reason why the Council should not be able to provide comments in a timely fashion.

In conclusion, you have provided ample time for agencies and the public to comment on the state's proposed regulations. Indeed, you have given the Council unprecedented opportunity to review a state decision. We see no compelling reason to treat the Council differently from all

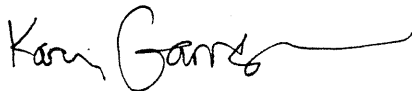
Mr. Robert Treanor

May 3, 2002

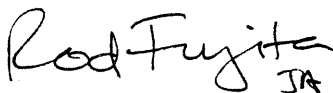
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other state and federal agencies. The Commission has worked on this initiative for over three years, and has been extremely patient through extensive public comment. We ask you to act in August and, we hope, make the preferred alternative a reality.

Sincerely,



Karen Garrison, Co-Director
NRDC Oceans Program



Rod Fujita, Marine Ecologist
Environmental Defense



Warner Chabot, Vice President for Regional Operations
The Ocean Conservancy

Cc: The Honorable Lois Capps
Dr. Don McIsaac, Executive Director, PMCC
Matt Pickett, Manager, Channel Islands Marine Sanctuary
Mary Nichols, CA Resources Secretary
Robert Hight, Executive Director, CA DFG
Patty Wolf, DFG Marine Region Director

