

UNITED STATES DEPARTMENT OF COMMERCE  
Office of the Assistant Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

AUG 29 2002

Mr. Robert C. Hight  
Director, California Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

Dear Mr. Hight:

This letter forwards the National Oceanic and Atmospheric Administration's (NOAA) comments on California's Draft 2002 Environmental Document for Marine Protected Areas in NOAA's Channel Islands National Marine Sanctuary. The rich oceanic environment within the Channel Islands National Marine Sanctuary (Sanctuary) is home to an unprecedented array of marine mammals, seabirds, fishes, invertebrates, marine plants, and habitats. This biodiversity is recognized locally, regionally, nationally and internationally and afforded protection at all levels of government. Additionally, many marine resources are important to both commercial and recreational user groups. The creation of Marine Protected Areas (MPAs) within State waters of the Sanctuary is especially important at this time given the recent emergency groundfish closure on the shelf by the National Marine Fisheries Service (NOAA Fisheries) in response to the Pacific Fishery Management Council's (Pacific Council) recommendation. Based on available information and the draft environmental document, and in order to ensure the long-term protection and biodiversity of Sanctuary resources, NOAA supports the jointly developed alternative, i.e., the State's proposed action, to establish a network of ten State Marine Reserves and two State Marine Conservation Areas in the State waters of the Sanctuary within which commercial and recreational take would be prohibited or limited.

The need for and benefits of a network of reserves in general was stated clearly by the community-based Marine Reserves Working Group Problem Statement:

*To protect, maintain, restore, and enhance living marine resources, it is necessary to develop new management strategies that encompass an ecosystem perspective and promote collaboration between competing interests. One strategy is to develop reserves where all harvest is prohibited. Reserves provide a precautionary measure against the possible impacts of an expanding human population and management uncertainties, offer education and research opportunities, and provide reference areas to measure non-harvesting impacts.*



An ecosystem management approach requires managers to protect the full spectrum of marine life and habitats that are essential components to a healthy marine ecosystem. Also important is consideration of the diversity of uses and values of all constituents, including, but not limited to commercial fishermen, recreational anglers, educators, researchers, wildlife viewers and environmentalists. Recognizing the importance of the Sanctuary to all Americans, NOAA views the State's proposed action as an important proactive measure for the long-term health of the Sanctuary and the economies dependent on this ecosystem.

In the multi-jurisdiction setting of the Sanctuary, open communication and collaboration among agencies and with the public is fundamental. The proposed action represents the culmination of more than two years of concentrated community-based discussions and deliberation among a variety of interest groups. The Channel Islands Marine Reserves Process has been one of the most exhaustive, intensive, data rich and comprehensive community, scientific, and economic processes undertaken. The foundation of the process has been the State and Federal agency partnership that brought the Department of Fish and Game (DFG), NOAA and Channel Islands National Park (CINP) staffs and budgets together. This same partnership will serve the public well in administering and implementing an effective MPA network in the Sanctuary.

#### ***Resource Management Concerns***

As you know, the West Coast groundfish fisheries are in a state of crisis. The emergency groundfish closure, mentioned above, closes groundfish fisheries in continental shelf waters between 20 and 150 fathoms deep to protect rockfish stocks. In 2003, the Pacific Council will consider whether to continue these restrictions or impose other measures. In addition, the State of California is considering constraints on other State-managed fisheries that take overfished rockfish. These measures may result in shifts of fishing effort to nearshore waters off California, including waters within the Sanctuary boundary. NOAA recommends that the final CEQA document acknowledge this change in fishery management so the impacts of the proposed action can be evaluated with full consideration of current management issues and conditions. This evaluation should include a discussion of how harvest management strategies and fishery management plans would address congestion issues should they arise due to groundfish closures or the State MPA designations. Another

specific issue is the need to consider whether the proposal to reopen a portion of the Cowcod Conservation Area in the northeast sector of Santa Barbara Island is consistent with the conservation and management measures being taken to protect rockfish (especially bocaccio) under the broader groundfish management program. Another resource management concern is the Endangered Species Act-listed and candidate species and rare species of marine birds that utilize the Sanctuary for breeding, roosting and feeding, notably the California Brown Pelican, Xantus' Murrelet, Ashy Storm Petrel and Cassin's Auklet. The proposed action (particularly the Harris Pt. State Marine Reserve and the West Anacapa Island State Marine Conservation Area) would provide some level of protection to seabirds. We are concerned about the lack of protection for seabirds in other critical breeding and roosting areas (especially Sutil Island at Santa Barbara Island, Castle Rock at San Miguel Island and the north side of Santa Cruz Island) from potential disturbances caused by fishing and recreational activities in the Sanctuary. NOAA is committed to working with the DFG, CINP and U.S. Fish and Wildlife Service to address potential human threats in these areas and develop strategies to protect seabirds.

#### **Monitoring**

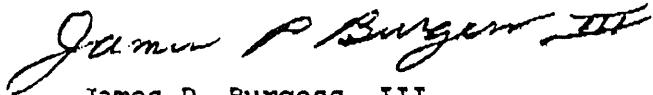
We would appreciate further discussion in the CEQA document of existing and/or plans for biological and economic monitoring and plans for enforcement of the MPA network. Monitoring will provide real data from which to gauge the reality and potential positive or negative biological and economic impacts of MPA establishment. Monitoring may also provide information to enlighten current fishery management practices. To address the administrative challenges of instituting an MPA network and to engage affected parties in planning, the Sanctuary in partnership with fishermen, environmentalists, researchers, educators, the CINP, DFG, NOAA Fisheries, and the Coast Guard, is developing MPA implementation plans. Specifically, the Sanctuary Advisory Council has created four working groups focussed on cooperative enforcement, biological monitoring, social and economic monitoring, and education and outreach; please see the attached Working Group membership, missions and timelines. NOAA recommends the DFG actively participate in this process and develop similar constituent based MPA implementation processes to engage constituents, particularly disaffected parties.

**Complementary Federal Regulatory Action to Designate Reserves**

In coordination with NOAA Fisheries and the Pacific Council, the Sanctuary intends to initiate an environmental review process to complement the State's action in the Sanctuary. This federal environmental process would begin in January 2003 and be guided by the National Marine Sanctuaries Act and the National Environmental Policy Act. It is estimated that it will take a year to complete. This will afford time for constituents to adjust to State MPAs in the Sanctuary, and will permit time to begin gauging the initial biological, social and economic effects of groundfish closures and other on-going marine management initiatives, e.g., fishery management plan development.

We appreciate your consideration of NOAA's comments and once again commend the State of California for moving forward on this historic decision to create MPAs in the Sanctuary. Please contact Matt Pickett, Sanctuary Manager, at (805) 966-7107 if you have any questions.

Sincerely,



James P. Burgess, III  
NEPA Coordinator

Enclosure

cc:

Patricia Wolf, Department of Fish and Game  
John Ugoretz, Department of Fish and Game  
Robert Treanor, California Fish and Game Commission  
California Fish and Game Commissioners  
Rod McInnis, NMFS Southwest Region  
Don McIsaac, PFMC  
Matthew Pickett, CINMS  
Dianne Meester, Chair, Sanctuary Advisory Council

# Channel Islands National Marine Sanctuary Advisory Council Work Priorities for 2002

At the January and March 2002 meetings of the Channel Islands National Marine Sanctuary Advisory Council (SAC), the following work tasks were adopted as priority actions. Agreements were also made on the initial approach the SAC should take in pursuing these tasks.

<b>MARINE RESERVES IMPLEMENTATION</b>			
Task	Approach (Working Group, Subcommittee, Workshop, other)	Target Dates	Key Contacts
Assist CINMS and partners with development of an education plan/program for marine reserves	SAC's Sanctuary Education Team (SET) will take the lead in developing recommendations on a suite of education strategies, specific actions and draft products. SET will be responsive to MRWG education recommendations, and will participate in a Workshop on MPA Management (see below); SAC will advise CINMS with written product.	End of 2002; recommend draft plan and strategies.	SET Chair - Kathy deWet-Olson (kdoosan@earthlink.net) Sanctuary staff: Julie Bursek (julie.bursek@noaa.gov) Michael Smith (Michael.h.smith@noaa.gov)
Develop a biological monitoring program for marine reserves	SAC Ad Hoc Group on Biological Monitoring of Marine Reserves to make initial recommendations on how CINMS and the SAC should pursue monitoring program development. Ad Hoc Group also to suggest individuals to be appointed to a technical task force. Task force would help in development of the framework for a biological monitoring program that responds to MRWG implementation recommendations. SAC may also form a Working Group to assist with future program oversight.	Early 2003 - Draft plan or framework complete	Chair of Ad Hoc Group on Biological Monitoring of Marine Reserves: Dr. Robert Warner (warner@lifesci.ucsb.edu) Sanctuary staff: Sarah Fangman sarah.fangman@noaa.gov
Develop a socio-economic monitoring program for marine reserves	SAC Ad Hoc Group on Socio-Economic Monitoring of Marine Reserves to make initial recommendations on program development and role of the SAC. SAC to form an independent task force to work with NOAA economists on recommending the framework for a socio-economic monitoring program that responds to MRWG implementation recommendations. Task force will also participate in Workshop on building a socio-economic workshop.	Early 2003 - Draft plan or framework complete	Chair of Ad Hoc Group on Socio-Economic Monitoring of Marine Reserves: Lyn Krieger (lyn.krieger@mail.co.ventura.ca.us) Sanctuary staff: Sean Hastings (sean.hastings@noaa.gov)
Assist CINMS and Partners in development of an Enforcement Program for Marine Reserves	SAC Ad Hoc Group on Marine Reserves Enforcement to make initial recommendations on program development and role of the SAC. Agencies to coordinate, then consult with the Ad Hoc group to collect additional input. Ad Hoc Group and SAC to then support sharing of draft ideas in a public forum setting designed to collect additional community input on specific enforcement program aspects.	Nov. 13: Draft strategies to SAC; share with public	Chair of Ad Hoc Group on Marine Reserves Enforcement: Robert Duncan (RCDUNCAN88@cs.com) Sanctuary staff: Michael Murray (michael.murray@noaa.gov)
Host and Sponsor a CINMS Marine Reserve Management Workshop (monitoring, enforcement, education)	SAC to form a planning subcommittee to help with organizing the event, which will be co-sponsored by the SAC and CINMS. Working Groups and Ad Hoc groups to present work to date and use the workshop to refine marine reserve management recommendations with experts and the public.	Early 2003: Co-host event	SAC Chair: Dianne Mesler (dianne@po.santa-barbara.ca.us) Sanctuary Staff: Sean Hastings (sean.hastings@noaa.gov) Michael Murray (michael.murray@noaa.gov)

