

PACIFIC FISHERY MANAGEMENT COUNCIL

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

RE: Marine Reserves in Channel Islands National Marine Sanctuary

Dear Mr. Treanor:

The Council appreciates the opportunity to work with the California Fish and Game Commission (Commission), the California Department of Fish and Game (Department), and the Channel Islands National Marine Sanctuary (CINMS) on issues associated with the potential development of marine reserves in California's Channel Islands. As we noted in our letter of July 15 to the Department, the Council would like to provide comments for the Commission's December 2002 deliberations on this matter. On August 14-15, 2002, the Council's ad hoc committee on marine reserves policy met in El Segundo, California to discuss the Council's involvement in the Channel Islands marine reserves process. The full Council considered the committee's recommendations, as well as those of its advisory bodies and the public, at its recent meeting in Portland, Oregon. The Council has developed the following comments.

First, three reports from our Scientific and Statistical Committee (SSC) are attached for your consideration. The first, which was also sent to you on November 29, 2001, is a critique of the scientific basis for evaluating the size of the marine reserves. The second report addresses shortcomings in the California Environmental Quality Act (CEQA) document, and was submitted to the Department during the CEQA comment period. The third report takes into account an explanation provided by Dr. Vernon Leeworthy in a letter received June 14, 2002 regarding the SSC's comments on the CEQA economic analysis. We are also attaching the comments of all of our advisory bodies, which were presented to the Council in June and September.

Regarding the eight alternatives before you, we offer the following.

Guiding philosophy. The Council primarily manages fisheries in federal waters, and supports the rights of states to make decisions pertaining to state waters without substantial Council involvement unless those decisions pose major problems or benefits to federal management. In this situation, where the Council will be asked by the Marine Sanctuary Program to take specific actions—the scope of which will depend on actions taken by the State of California—it is

important for the Council and its advisory bodies to review the proposed State actions before they are finalized. This provides the Council an opportunity to identify its concerns, thereby increasing the probability that federal implementation will go smoothly and reducing the possibility of conflict between the state and federal levels. Having reviewed the analysis available at this time, we do not find the marine reserve proposals, taken by themselves, pose major problems or promise substantial, coast-wide benefits to marine fisheries in Council-managed areas.

Consistency with the Groundfish Strategic Plan. The Council is concerned state actions that affect federal waters be consistent with the Council's Groundfish Strategic Plan. The Plan's goal regarding marine reserves is "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" (Groundfish Strategic Plan 2000:10). Marine reserves must be integrated with other state and federal fishery management approaches and must be complemented with thorough monitoring and evaluation. Monitoring and evaluation is vital to the success of marine reserves and will offer valuable information that can be used in future state and federal considerations. As the Strategic Plan notes, "Good baseline information collected before or at the time the reserve is implemented and post-implementation studies of reserves are necessary... It may take many years or decades to see effects. There is substantial risk in improperly evaluating reserve effectiveness, which could have costly policy implications. Negative impacts could ensue if inadequate monitoring and evaluation found that reserves are effective when they actually are ineffective, or finding reserves are ineffective when they are actually effective" (Groundfish Strategic Plan 2000:38-39).

Precedence. The Council is aware marine reserves are gaining momentum in California, Oregon, and Washington and views marine reserves as a potential management tool. The Council fully expects to see more proposals for marine reserves along the West Coast and regards the potential reserves in the Channel Islands as a precedent for the future.

Interaction with fishery management plans. The Council is concerned about the interaction of the proposed marine reserves with existing and future fishery management plans. At this point, the six alternatives proposed in the CEQA document appear to offer no substantial impairments or benefits in regard to stock productivity and total harvest opportunities in Council-managed fisheries. This is because Council management is determined by the optimum yield (OY), which takes into account maximum sustained yield (MSY) and rebuilding plans. However, the Council recognizes there will be notable local effects on resident species, as well as on harvest opportunities in the Channel Islands area. In addition, the importance of marine reserves in the Channel Islands may increase if a broader network of marine reserves is developed.

Essential fish habitat. The six marine reserve alternatives would contribute to meeting the Council's federal mandate to protect essential fish habitat for Council-managed species.

Cumulative impacts. Should marine reserves be established in the Channel Islands, there are likely to be substantial cumulative impacts for both commercial and recreational fisheries when the effects of the reserves are combined with closures on the continental shelf recently enacted by the Council, the closure of the Cowcod Conservation Areas, and possible future state actions to establish additional closures. Seasonal fishing area closures to protect birds are also under consideration for the Channel Islands. These combined impacts will undoubtedly result in shifts

in fishing effort, resulting in negative interactions with nearshore fish stocks in the remaining open fishing areas. It is possible the OY for some fisheries may need to be reconsidered. The Council urges the Commission to consider the cumulative impacts of these actions, particularly the closures on the shelf and the Cowcod Conservation Areas, as they may exacerbate the concentration of effort in the remaining open areas, as well as in other fisheries. The Council understands the Commission is unlikely to reopen part of the Cowcod Conservation Area, as recommended under the proposed project, and would like to reiterate the need to keep that area closed in order to protect overfished groundfish stocks, particularly cowcod and bocaccio.

Public policy decision. The Council views the choice of a specific alternative as a public policy decision on the part of the State of California and offers no recommendation for a particular alternative. Because the alternatives do not appear to substantially harm or benefit Council interests in the long term, we defer to the state to select the optimal alternative. We would, however, observe that the significance of these reserves for Council-managed fisheries might increase if a network of reserves is created along the coast. While a single reserve within a network might have a small effect, the collective impacts of multiple reserves on federal fisheries could be significant. Incremental consideration of marine reserves should not lose sight of synergistic impacts, either adverse or beneficial.

Although we defer to the state to select the optimal alternative, we must also note that due to the analytical shortcomings in the CEQA document identified by the SSC and other Council advisory bodies, we cannot definitively evaluate the suite of proposals to develop a preferred alternative for the federal water areas from 3-6 miles and beyond. It is possible a National Environmental Policy Act (NEPA) analysis may identify impacts not covered in the CEQA analysis. Therefore, while we cannot currently identify any shortcomings for federal fisheries with respect to the listed alternatives, we cannot state with certainty that if the state implements marine reserves in state waters, that we will recommend implementing the same closure areas in federal waters as those identified in the CEQA analysis.

Finally, we would like to outline two options regarding the staged implementation of reserves in this area for your consideration. Under both, marine reserves would be implemented in a two-step process, in which the first step would be for the state to implement marine reserves in the 0-3 mile zone. In the first option, we recommend conducting a thorough monitoring, research and evaluation program for five years after state implementation is completed, then proceeding to full implementation guided by the knowledge gained during the first phase of the process.

The second option is to the approach recommended in the CEQA document. Like the first option, this approach would start with state waters only, as mapped in the CEQA document (using straight lines to facilitate enforcement), or including all state water areas (or only those that are primarily seated in state waters) in the proposals. Marine reserves in federal waters would follow immediately, a process that would take approximately two years. The Council would work with the Channel Islands National Marine Sanctuary on the second federal phase of this project

From the Council's perspective (outlined in the Groundfish Strategic Plan and the Marine Reserves Phase I Document), monitoring, evaluation, and enforcement are critical aspects of both of these alternatives, and of marine reserve efforts in general. Only through monitoring and evaluation will we understand the effects of marine reserves on fish populations and fisheries. Clearly, these efforts will require sufficient funding and staffing. This knowledge is vital if marine reserves are to gain momentum and acceptance as a fisheries management tool.

Sincerely,

Hans Radtke
Chairman

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Enclosures

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Note: The following paragraph was suggested by an ad hoc marine reserves policy committee member, but was not circulated to the other committee members due to time constraints. This paragraph would be appended to "Interaction with Fishery Management Plans."

In the proposed alternative outlined by the CEQA document, recreational fisheries for pelagic species are allowed in some areas. The CEQA document defines pelagic finfish as northern anchovy, barracudas, billfishes, dolphinfish, Pacific herring, jack mackerel, Pacific mackerel, salmon, Pacific sardine, blue shark, salmon shark, shortfin mako shark, thresher shark, swordfish, tunas, and yellowtail (p. 5-23). Many of these species are currently managed under Council fishery management plans (FMPs). The Council feels marine reserves that exempt these species for recreational fisheries should include other finfish species managed by the Council in its FMPs for highly migratory species, salmon, and coastal pelagic species.