



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Silver Spring, Maryland 20910

APR 22 2003

RECEIVED

MAY 05 2003

PFMC

Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Pl., Ste. 200
Portland, OR 97220-1384

Dear Dr. McIsaac:

The National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service's National Marine Sanctuary Program (NMSP) has initiated a process to review the management plan of the Channel Islands National Marine Sanctuary (CINMS or Sanctuary). The approximately 1,252 square nautical mile (NM) Sanctuary extends seaward to a distance of six NM offshore of the following islands and offshore rocks: San Miguel Island, Santa Cruz Island, Santa Rosa Island, Anacapa Island, Santa Barbara Island, Richardson Rock, and Castle Rock. These islands and rocks are located offshore from Santa Barbara and Ventura Counties in California. The NMSP is conducting this process pursuant to Sec. 304(e) of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1434(e)), which requires the Secretary of Commerce (Secretary) to evaluate at five-year intervals the substantive progress toward implementing the management plan and goals for each sanctuary, and to revise the management plan and regulations as necessary to fulfill the purposes and policies of the NMSA. As required by section 304(e), each review includes a prioritization of management objectives.

As part of this review, the NMSP is considering changes to the Sanctuary's terms of designation (as defined by Sec. 304(a)(4) of the NMSA; 16 U.S.C. 1434(a)(4); and laid out in the attached Sanctuary Designation Document). The potential changes could include clarifying that the submerged lands underlying Sanctuary waters are legally part of the Sanctuary, and updating the description of the characteristics of the area that give it particular value. Potential changes to the list of types of activities subject to Sanctuary regulation could include:

- Adding discharging or depositing from beyond the boundary of the Sanctuary any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality;
- Deleting the qualifier of "within two [NM] of any island" on alteration of, or construction on, the seabed;
- Adding placing or abandoning any structure, material or other matter on the seabed;



- Regarding Sanctuary historical resources, changing "Removing or otherwise deliberately harming cultural or historical resources" to "Moving, removing or injuring, or attempting to move, remove or injure a Sanctuary historical resource" (note: "historical resources" include cultural resources)
- Adding taking or possessing any marine mammal, marine reptile or seabird in or above the Sanctuary;
- Adding interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the NMSA;
- Adding marking, defacing, damaging, moving, removing or tampering with any sign, notice or placard, whether temporary or permanent, or any monument, stake, post or other boundary marker related to the Sanctuary;
- Adding introducing or otherwise releasing a member of an exotic species or genetically modified species into the Sanctuary;
- Adding lightering in the Sanctuary.

While no final decisions have been made, many of these potential changes reflect consideration of comments received from the public and the Sanctuary Advisory Council, as well as the priority issues identified during this management plan review process.

One issue that was raised during scoping was that the present Sanctuary boundary does not encompass the regional CINMS ecosystem. However, expansion of Sanctuary boundaries is not being considered at this time. Boundary change options will be studied further over the next year, and alternatives will be presented in a supplemental environmental impact statement (EIS) expected to be released in mid-2004. In the future, you will receive a separate consultation letter regarding this potential action prior to release of the supplemental EIS.

Also being addressed separately from this action is the consideration of specific marine reserves (no-take areas) within the federal waters portion of the existing Sanctuary boundary, in order to complement marine reserves recently established by the State of California within portions of the state waters of the Sanctuary. Consideration of these federal marine reserves will commence in early 2003, involving consultation with relevant management agencies, the Pacific Fishery Management Council, and the public via a National Environmental Policy Act (NEPA) process. As part of this process, you will receive a separate consultation letter regarding this potential action.

The Secretary, through the NMSP, is consulting with the Department of the Interior pursuant to Sec. 303(b)(2) of the NMSA (16 U.S.C. 1433(b)(2)). The NMSP is also consulting with other relevant Federal agencies, the heads of appropriate State government entities, the appropriate officials of the Pacific Fishery Management Council and other interested parties.

In responding to this letter, please take into account the following factors the Secretary must consider (16 U.S.C. 1433(b)(1)):

(A) the area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, maintenance of critical habitat of endangered species, and the biogeographic representation of the site;

(B) the area's historical, cultural, archaeological, or paleontological significance;

(C) the present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses, other commercial and recreational activities, and research and education;

(D) the present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), and (C);

(E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of the NMSA;

(F) the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

(G) the public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

(H) the negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development;

(I) the socioeconomic effects of sanctuary designation;

(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

(L) the value of the area as an addition to the National Marine Sanctuary System.

To ensure that any information, recommendations, or comments are considered in the preparation of the draft environmental impact statement, I would appreciate your response within sixty (60) days of receipt of this letter.

A map of the Sanctuary is enclosed for your reference. If you have any questions regarding this process, contact Sanctuary Management Plan Coordinator Michael Murray at (805) 884-1464. Please direct your response to:

Christopher Mobley, Manager
Channel Islands National Marine Sanctuary
RE: CINMS Management Plan Review Consultation
113 Harbor Way
Santa Barbara, California 93109

We appreciate your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. S. Hawkins". The signature is written in a cursive style with a horizontal line extending to the left.

Jamison S. Hawkins
Acting Assistant Administrator

Enclosure

Enclosure A:

Location Map of the Channel Islands National Marine Sanctuary

