

PLANNING FOR FEDERAL WATERS PORTION OF THE
CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Situation: On December 6, 2002, the California Fish and Game Commission voted to prohibit fishing in 132 square nautical miles (175 square miles) of state water areas within the Channel Islands National Marine Sanctuary (CINMS), creating a system of twelve separate no-take marine reserves. These marine reserves went into effect on April 9, 2003. The next step is to consider expanding the marine reserve network into federal waters. The full system of proposed marine reserves in CINMS would cover 322 square nautical miles (426 square miles).

At the April 2003 Council meeting, the Council received a letter from CINMS proposing a process for coordinating with the Council in formally considering marine reserves in federal waters of the Channel Islands and changing the sanctuary designation document. The Council reviewed the proposed process and timeline and responded positively in late April (Attachments 1 and 2).

At this meeting, Mr. Chris Mobley (Sanctuary Manager) and Mr. Sean Hastings (Policy Program Specialist) of CINMS will brief the Council on the timeline for the environmental review process, and on the process for considering marine reserves and changing the Sanctuary designation document. A Notice of Intent for preparing an environmental impact statement was published on May 22, 2003 (Attachment 3). An informational document (inserted in the briefing book mailing) provides background on current marine reserves in CINMS.

The comments received from the Council as part of this agenda item will be used by CINMS in scoping for their environmental review document. The Council has not received a formal consultation letter on the Sanctuary's proposal to modify its designation document.

Background: Change to Designation Document

Under the National Marine Sanctuaries Act (NMSA) (Attachment 4), regulation of fishing by a particular Sanctuary is allowed only if that Sanctuary's designation document allows regulation of fishing. CINMS does not currently have authority to regulate fishing, and is considering changes to its designation document to allow such regulation. (CINMS' designation document is included as Attachment 5, and a list of requirements for changing a designation document is included as Attachment 6.)

The CINMS management plan is also undergoing a review process in which the designation document may be changed with respect to the regulation of activities *other* than fishing. On May 5, 2003, the Council received a letter from the Department of Commerce describing these changes, and requesting comments on the proposed changes within 60 days (by July 4) (see Attachment 7). The proposed changes outlined in this letter relate to issues such as sanctuary boundaries, structures, historical resources, and other matters.

Background: Council Opportunity to Draft Regulations

The NMSA gives Councils the opportunity to draft regulations governing all types of fishing in the Federal waters of a national marine sanctuary (not just for fisheries covered under a Council FMP). Any recommendations made by Councils to be implemented under the NMSA must fulfill the purposes and policies of the NMSA and the goals and objectives of that particular sanctuary. It is likely that this matter will appear on the September 2003 Council agenda.

Council Action:

1. **Consider Council response for the CINMS scoping process (including commenting on changes to the designation document and the environmental review process).**
2. **Consider Council response to the letter from the Department of Commerce regarding review of the CINMS management plan and non-fishery-management changes to the designation document.**

Reference Materials:

1. Letter from the Council to CINMS dated April 24, 2003 (Attachment 1)
2. Environmental Review Process to Consider CINMS Reserves (Attachment 2)
3. Notice of Intent to Initiate the Process to Consider Marine Reserves in the Channel Islands National Marine Sanctuary; Intent to Prepare a Draft Environmental Impact Statement (Attachment 3)
4. National Marine Sanctuaries Act (Attachment 4)
5. Final Designation Document of the Channel Islands National Marine Sanctuary (Attachment 5)
6. Key Steps and Requirements for Changing a Term of Designation of a National Marine Sanctuary (Attachment 6)
7. Letter from Department of Commerce regarding review of CINMS management plan (Attachment 7)
8. Public comment (5 copies of same letter)
9. Insert: *California Marine Protected Area Update*

Agenda Order:

- a. Agendum Overview
- b. Scoping Presentation by CINMS Staff
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Consider and Comment on CINMS Proposals

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PFMC
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