

**CORDELL BANK AND GULF OF THE FARALLONES
NATIONAL MARINE SANCTUARIES
SITE-SPECIFIC PROPOSED REGULATORY ACTIONS**

MEMORANDUM FOR: Pacific Fisheries Management Council

FROM: Dan Howard, Manager
Cordell Bank National Marine Sanctuary
Maria Brown, Manager
Gulf of the Farallones National Marine Sanctuary

SUBJECT: Joint Management Plan Review,
Draft Proposed Regulatory Actions

BACKGROUND

The 1992 Congressional legislation that reauthorized the National Marine Sanctuaries Act requires that each of the thirteen National Marine Sanctuaries engage in a management plan review process every five years to reevaluate specific goals and objectives, management techniques and strategies.

In 2001, the National Marine Sanctuary Program (NMSP) began a joint review of the management plans of Cordell Bank, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries. These sanctuaries are located adjacent to one another, managed by the same program, and share many of the same resources and issues. In addition, all three sites share overlapping interest and user groups. During the review, sanctuaries evaluated management and operational strategies, regulations and boundaries. The review process also provides an opportunity to better coordinate programs between the three sanctuaries.

OVERVIEW OF THE JOINT MANAGEMENT PLAN REVIEW PROCESS

The Joint Management Plan Review Process (JMPR) began in Fall 2001 with a two-month public scoping period to identify specific management priority issues for the next 5 to 10 years. As a part of the Joint Management Plan Review (JMPR), the NMSP held 20 public scoping meetings in communities throughout the north-central California coast, Sacramento, and Washington, D.C. Approximately 1,000 people participated in these forums and submitted approximately 4,000 comments.

In addition to public scoping meetings, the NMSP accepted written comments. Comments were sent to the NMSP in the form of emails, letters, faxes, and petitions. The program received approximately 8,500 written comments from the public.

Four prioritization workshops were held with each of the Sanctuary Advisory Councils to evaluate the cross-cutting and site-specific marine resource management issues identified during the public scoping process. These recommendations were given to staff for consideration in developing the final list of issues to be addressed in the JMPR.

ISSUE-BASED WORKING GROUPS

Cordell Bank and Gulf of the Farallones staff convened issue-based working groups to recommend specific actions for the sanctuary to undertake to address these priority issues identified during the public scoping and prioritization phases. Both Cordell Bank and Gulf of the Farallones assembled fishing working groups to address: *Ecosystem Protection: Impacts From Fishing Activities*. The working groups met an average of eight times over a seven month period from December 2002 to June 2003. Members of the groups included Sanctuary Advisory Council representatives, nominated experts from the community, stakeholders, and sanctuary staff. The groups heard from technical advisors, reviewed published documentation, and used this information to recommend specific management actions for the sanctuary to use in developing the revised management plan.

The recommendations from the issue-based working groups underwent several rounds of review in preparation for creating the Draft Management Plan. The recommendations were first sent to the Sanctuary Advisory Council members, who reviewed the document as a whole and forwarded it with their comments and priorities to the sanctuary manager. The sanctuary staff then reviewed the recommendations with the same considerations and criterion as the Sanctuary Advisory Council. The sanctuary managers are considering both the staff and advisory council comments in making the final decision regarding what actions to be included in the Draft Management Plan. Currently, they are considering the changes discussed below.

RECOMMENDATIONS ON PROPOSED REGULATORY ACTIONS THAT MAY IMPACT FISHING ACTIVITIES

Cordell Bank National Marine Sanctuary

1. REMOVING, TAKING OR INJURING BENTHIC INVERTEBRATES OR ALGAE ON THE BANK

Current exception to this prohibition is for accidental take during “normal fishing operations”. Propose to change exception to “vertical hook and line fishing”.

Justification

As established during the sanctuary designation process, the core area that warrants additional protection afforded by sanctuary designation is within the 50 fathom isobath surrounding the Bank. The Bank is characterized by a combination of oceanic conditions and undersea topography that provides for a highly productive environment in a discreet, well-defined area, leading to a unique association of subtidal and oceanic species. The proposed regulatory change in the exception to the existing regulation provides for further clarification to ensure that those

fishing activities (normally associated with gear type), that may have significant and cumulative impacts on the benthic organisms on the Bank are prohibited, while allowing for those activities with insignificant impacts to occur.

Impacts on Fishing Activities

Since 2001, the Sanctuary, the National Marine Fisheries Service and the California Department of Fish and Game have conducted submersible transects on and around Cordell Bank. The Bank consists of a series of steep-sided ridges, large boulder fields and narrow pinnacles rising from the edge of the continental shelf. This high relief and the swift, unpredictable currents over the Bank tend to entangle gear that would have negative effects on the benthic community. In the course of conducting submersible operations, snagged and abandoned gear, particularly long lines and relic gillnets, were regularly observed. The relief of the Bank makes trawling impractical. In recent times, the primary gear type used on the Bank has been vertical hook and line, thus this proposed regulatory action imposes minimal impact on the fishing community.

2. DISTURBING THE SUBMERGED LANDS

No exceptions within the 50 fathom isobath surrounding the Bank.
Exceptions for anchoring and lawful fishing activity for the remainder of the Sanctuary.

Justification

It was previously established during the sanctuary designation process that the core area that warrants additional protection afforded by sanctuary designation is within the 50 fathom isobath surrounding the Bank. The proposed new regulation provides greater protection for this core area from disturbance, while allowing for exceptions for anchoring or fishing activities that may disturb the submerged lands in the balance of the Sanctuary. In regards to prohibiting anchoring within the 50 fathom isobath of the Bank, the 1989 Scope of Regulations (Designation Document) provides Cordell Bank National Marine Sanctuary with the authority to prohibit “Anchoring on the Bank or within the 50 fathom contour surrounding the Bank”.

Impacts on Fishing Activities

Impacts on fishing activity are considered to be negligible since the high relief and the swift, unpredictable currents over the Bank tend to entangle gear that would have negative impacts on the submerged lands. In the course of conducting submersible operations, CBNMS has regularly observed snagged and abandoned gear, particularly long lines and relic gillnets. The relief of the Bank makes trawling impractical. In recent times, the primary gear type used on the Bank has been vertical hook and line, thus this proposed regulatory action imposes minimal impact on the fishing community.

3. KRILL HARVESTING IN THE EEZ

Cordell Bank, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries are proposing one action to the Pacific Fisheries Management Council requesting a complete ban on harvesting of krill in the West Coast EEZ, under the Magnuson Act. A default minimum request of the Council would be to ban krill harvesting within the boundaries of the three National Marine Sanctuaries, under the Magnuson Act.

Impacts on Fishing Activities

This activity does not currently occur within the West Coast EEZ (Washington, Oregon, California).

RECOMMENDATIONS ON PROPOSED REGULATORY ACTIONS THAT MAY IMPACT FISHING ACTIVITIES

Gulf of the Farallones National Marine Sanctuary

1. DISTURBING THE SUBMERGED LANDS

Current exception to this prohibition for mariculture in Tomales Bay.

Propose to change exception to bi-valve mariculture within pre-existing lease tracks in Tomales Bay.

Of Special Note

As Tomales Bay is completely in state waters, Sanctuary staff has been coordinating with California Department of Fish and Game in coming up with a mutually beneficial solution for addressing new forms of mariculture being introduced into Tomales Bay. The net outcome may be that Gulf of the Farallones Sanctuary does not propose to take any new regulatory action, but rather enters into a formal agreement with Fish and Game to implement the needed change.

Justification

Tomales Bay represents one of the significant nearshore habitats within the Sanctuary. The shallow expanse of this narrow and deep estuary is susceptible to both land-based and nonpoint source impacts and point source impacts affecting water quality and the health of the Bay. In February 2004, the State Water Quality Resources Control Board released a list of impaired waters as determined under Section 303(d) of the Clean Water Act. Tomales Bay was listed as impaired due to pathogens, nutrients, mercury and sediment. The concern about unleased mariculture tracts in Tomales Bay, as well as renewed leases, is that they may lead to new forms and methods of mariculture, other than bivalve, potentially contributing to poor water quality conditions, and/or introducing exotic species into the system.

Impacts on Fishing Activities

The impacts on existing mariculture leases, based on current agreements, will be negligible. Renewed leases, or new leases for activities other than bi-valve mariculture may require review and approval, with conditions, by the Sanctuary manager.

2. IMPACTS ON SEABIRDS FROM VESSEL LIGHTS

The Gulf of the Farallones National Marine Sanctuary is participating in a working group with squid fisherman, Fish and Wildlife Service, Fish and Game, The Ocean Conservancy and NRDC. One of the issues the working group is seeking a consensus recommendation on is addressing impacts on nesting seabirds from vessel lights, both along the mainland and the Farallon Islands. The working group is looking to the Sanctuary to take action. The final recommendation has not been formulated. The Gulf of the Farallones Sanctuary will consult with PFMC once the working group has agreed upon a recommendation.

3. KRILL HARVESTING IN THE EEZ

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Impacts on Fishing Activities

This activity does not currently occur within the West Coast EEZ (Washington, Oregon, California).