

FEDERAL WATERS PORTION OF THE CHANNEL ISLANDS
NATIONAL MARINE SANCTUARY

The Council is coordinating with Channel Island National Marine Sanctuary (CINMS) in their development of proposed marine reserves and marine conservation areas within CINMS. Their proposed actions seek to complete a network of reserves and conservation areas “to maintain the natural biological communities, and to protect, where appropriate, restore and enhance natural habitats, populations, and ecological processes.” As described by CINMS, the current proposed action builds off of a network of marine reserves and conservation areas established by the State of California within state waters of CINMS. Under the National Marine Sanctuaries Act (NMSA), Regional Fishery Management Councils are to be provided first opportunity to prepare draft NMSA fishing regulations for proposed actions within the Exclusive Economic Zone portion of National Marine Sanctuaries. Thus, CINMS is seeking input from the Council about the Sanctuary’s proposed actions and intends formally to provide the Council with the opportunity to prepare draft fishing regulations under the NMSA authority, at a later date.

Establishment of proposed marine reserves and marine conservation areas would require changes to the CINMS Designation Document. Currently, the CINMS Designation Document does not allow regulation of fisheries by the Sanctuary. Therefore, CINMS has distributed a consultation letter from Mr. Daniel J. Basta, Director, National Ocean Service Office of National Marine Sanctuaries to the Council, state and federal government agencies, and other interested parties requesting input on the proposed changes to the Designation Document within 60 days (Agenda Item H.1.b, CINMS letter). This 60-day review period has been timed by the CINMS to coincide with the Council’s March and April 2005 meetings.

The stated purpose of the February 16, 2005 letter from Mr. Basta to Dr. McIsaac is to solicit input on possible amendments to the CINMS Designation Document. The letter includes a description of the April 2003 Council recommendation that “...one of the alternatives provide for extending Sanctuary authority only enough to allow the Sanctuary to create the proposed marine reserves, without extending authority over other types of fishing regulations.” However, the letter does not list a range of potential adjustments. One potential change is shown for Article 4 and one for Article 5, both that would essentially allow for fishery regulation in “a marine reserve or conservation area”, implying either those under the current proposal or any others adopted at a different time. The letter includes a copy of the current Designation Document, which does not allow for any fishery regulations beyond that adopted under state or Magnuson-Stevens Fishery Conservation and Management Act authority.

The Council, its advisory bodies, and the Ad Hoc Channel Islands Marine Reserves Committee (CIMRC) have reviewed and commented on preliminary draft analyses of marine reserve options provided by CINMS. At the November 2004 meeting, the Council adopted CIMRC recommendations and directed Council staff to convey these recommendations in a letter to CINMS staff (Agenda Item H.1.a, Attachment 1). However, only the proposal to change the Designation Document is the subject of Council action at this meeting. CINMS is reviewing Council recommendations and will provide the analytical documents necessary for drafting NMSA fishing regulations at either the June or September 2005 Council meeting. Council staff

will coordinate with CINMS and NMFS to determine the optimal process for Council review of proposed management actions, consideration of alternatives, and preparation of draft fishing regulations under the NMSA. Following the Council's response CINMS will release a draft Environmental Impact Statement (DEIS) for public review.

Council Task:

- 1. Review the CINMS Designation Document consultation letter and consider a response within the 60 day comment period.**

Reference Materials:

1. Agenda Item H.1.a, Attachment 1: December 8, 2004 letter to Mr. Mobley from Dr. McIsaac regarding CIMRC recommendations on preliminary draft analyses of marine reserve options.
2. Agenda Item H.1.b, CINMS letter: February 16, 2005 CINMS Designation Document consultation letter from Mr. Basta to Dr. McIsaac.
3. Agenda Item H.1.d, Public Comment.

Agenda Order:

- a. Agenda Item Overview
- b. Report of the Sanctuary Staff
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion and Guidance on Channel Islands
NMS Process

Mike Burner
Sean Hastings

PFMC
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