

CORDELL BANK NATIONAL MARINE SANCTUARY

The Cordell Bank National Marine Sanctuary (CBNMS) is coordinating with the Pacific Fishery Management Council (Council) as they develop management measures to further protect benthic invertebrates and submerged lands within CBNMS. The CBNMS is consulting with the Council as required under the National Marine Sanctuary Act (NMSA). The CBNMS is requesting the Council consider changes to their Designation Document, as well as the submission of proposed regulations. The current CBNMS Designation Document exempts “normal fishing operations” from regulatory restrictions to protect benthic habitat and invertebrates within the 50-fathom isobaths surrounding Cordell Bank. CBNMS is proposing to change this exception such that it would only apply to “vertical hook and line” gear.

At the November 2004 meeting, the Council directed staff to draft a letter to the National Marine Sanctuary Program formally requesting extension of the Designation Document review and fishing regulation drafting timelines to accommodate the March and April 2005 Council meetings (Agenda Item H.2.a, Attachment 1), since the requested materials were not received in time for the Briefing Book (Agenda Item H.2.b, Reports 1, 2, and 3). In response, Mr. Daniel J. Basta, Director, National Ocean Service Office of National Marine Sanctuaries, sent a letter extending the time period to April 22, 2005, for both the 120-day period for drafting regulations and the 60-day period for comments on proposed designation document changes (Agenda Item H.2.a).

The Council was also concerned with the original request letter (Agenda Item H.2.a, Report 1) informing the Council of the “National Oceanic and Atmospheric Administration (NOAA) preferred alternative” with regard to a range of fishing regulations. The Council believed it was premature to label an alternative as “preferred” without formal Council review, consideration, or input as required by the NMSA. The Council directed staff to draft a letter to Vice Admiral Conrad C. Lautenbacher, Under Secretary of Commerce of Oceans and Atmosphere, requesting clarification of the process of determining the NOAA preferred alternative (Agenda Item H.2.a, Attachment 3). Vice Admiral Lautenbacher’s response letter reaffirmed the high value NOAA places on the Council’s role in the process and clarified that the intent of the phrase was not to suggest a final decision had been made; he also stated that NOAA would no longer use this phrase in the context of the process whereby Council considers drafting NMSA fishing regulations (Agenda Item H.2.a, Attachment 4).

Extension of the time period for comments on the CBNMS Designation Document and draft NMS fishing regulations to April 22, 2005 affords the Council a two-meeting process for considering a response. Under this schedule, the Council may adopt draft designation document comments and proposed draft CBNMS fishing regulations at the March meeting with final Council comments and draft CBNMS fishing regulations adopted at the April meeting.

The CBNMS has offered draft regulation language for Council consideration. It can be found on page 32 of Agenda Item H.2.b, CBNMS and MBNMS Report 3).

Council Action:

1. Consider Adopting Draft Designation Document Comments and Proposed CBNMS Fishery Regulations

Reference Materials:

1. Agenda Item H.2.a, Attachment 1: December 13, 2004 letter from Dr. Donald Misact to Mr. Daniel Baste regarding request to prepare fishing regulations.
2. Agenda Item H.2.a, Attachment 2: January 6, 2005 response letter from Mr. Basta.
3. Agenda Item H.2.a, Attachment 3: December 20, 2004 letter from Dr. McIsaac to Vice Admiral Lautenbacher regarding the process of establishing fishing regulations in federal waters of NMSs.
4. Agenda Item H.2.a, Attachment 4: January 23, 2005 response letter from Vice Admiral Lautenbacher.
5. Agenda Item H.2.b, November 2004 CBNMS and MBNMS Report 1.
6. Agenda Item H.2.b, November 2004 CBNMS and MBNMS Report 2.
7. Agenda Item H.2.b, November 2004 CBNMS and MBNMS Report 3.
8. Agenda Item H.2.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 Action:** Consider Adopting Draft Designation Document Comments and Proposed CBNMS Fishery Regulations
- Mike Burner

PFMC
02/22/05