

MONTEREY BAY NATIONAL MARINE SANCTUARY

Similar to Cordell Bank National Marine Sanctuary, Agenda Item H.2, Monterey Bay National Marine Sanctuary (MBNMS) is consulting with the Council as required under the National Marine Sanctuary Act (NMSA). Reference materials for this agenda item are found under Agenda Item H.2, as they refer to both the CBNMS and MBNMS. This includes original NMS materials from the November 2004 Council meeting, letters about an extension of the relevant deadlines, and the use of the phrase “NOAA preferred alternative.”

As part of their management plan review, the Sanctuary is proposing to include Davidson Seamount within the boundaries of MBNMS. To protect benthic habitat on the seamount, the Sanctuary is also proposing regulations to prohibit all “extractive and consumptive activities”, including fishing, below 3,000 feet within the area above the seamount. Both of these proposals require changes to the MBNMS Designation Document.

In response to the information presented by MBNMS at the November Council meeting about both changes to the Designation Document and fishing regulations, the Council directed staff to draft a letter to the National Marine Sanctuary Program formally requesting extension for only the Designation Document timeline. The Council rationale was that it was premature to consider drafting regulations under authority of the NMSA for an area (Davidson Seamount) that is not currently within a NMS. In response, Mr. Daniel J. Basta, Director, National Ocean Service Office of National Marine Sanctuaries, provided for an extension 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, Attachment 2). In the letter, Mr. Basta reiterated the National Marine Sanctuary Program’s position that issuing proposed fishing regulations should be considered at the same time as consideration of adding the new area and consideration of protective regulations for activities other than fishing. He states, “As a result, it is necessary for the Council to continue to consider and (if it so chooses) prepare draft sanctuary fishing regulations to fulfill the goals and objectives of adding the Davidson Seamount area to the MBNMS within the time period as extended by this letter.”

Extension of the time period for comments on the MBNMS 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 MBNMS fishing regulations at the March meeting with final Council comments and draft MBNMS fishing regulations adopted at the April meeting.

The MBNMS has offered draft fishing regulation language for Council consideration. It is shown on page 18 of Agenda Item H.2.b, CBNMS and MBNMS Report 3.

Council Action:

- 1. Consider Adopting Draft Designation Document Comments and Proposed MBNMS Fishery Regulations.**

Reference Materials:

Reference materials for this Agenda Item can be found in the briefing book under Agenda Item H.2, Cordell Bank National Marine Sanctuary.

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 MBNMS Fishery Regulations

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