

## Summary of Possible Options for Council Recommendations on Cordell Bank National Marine Sanctuary Designation Document Changes and Proposed Fishing Regulations.

Range of Council Responses to Cordell Bank NMS Decision Document Changes <sup>1/</sup>					
Option 1	Option 2	Option 3a	Option 3b	Option 4	Option 5
No Council Response	Recommend the Designation Document not be changed	Authorize NMS proposed changes relative to the regulation of fishing. <sup>2/</sup>	Authorize NMS proposed changes relative to regulation of fishing with incorporation of recommendations of the Enforcement Consultants. <sup>3/</sup>	Authorize prohibition on benthic impacts only for fishing not managed under MSA <sup>4/</sup> or state authority.	Council recommendations on changes to the Designation Document be delayed until later stages of the NEPA process..

Range of Council Responses to Cordell Bank NMS on Proposed Fishing Regulations					
Option 1	Option 2	Option 3a	Option 3b	Option 4	Option 5
No Council Response	No proposed regulations are needed.	Adopt proposed NMS fishing regulations under the Nations Marine Sanctuary Act as recommended by CBNMS. <sup>5/</sup>	Authorize NMS proposed changes relative to regulation of fishing with incorporation of recommendations of the Enforcement Consultants. <sup>3/</sup>	Prepare regulations through the groundfish EFH process, or other FMP EFH process, or FMP fishery regulatory process. <sup>6/</sup>	No proposed fishing regulation at this time.

1/ Options 3-5 could include recommendation to exempt scientific research activities.

2/ Language proposed by the NMS to be added to Article 5: *“Under Article 4 fishing gear cannot remove, take, or injure benthic invertebrates or algae on Cordell Bank or within the 50 fathom isobath surrounding the Bank. Fishing gear also cannot alter Cordell Bank or the submerged lands within the 50 fathom isobath surrounding the Band and cannot be placed or abandoned on Cordell Bank or within the 50 fathom isobath surrounding the Bank These regulations do not apply to vertical hook-and-line gear (including trolling gear, but not longline gear)”* (letter from Mr. Daniel Basta, November 2004).

3/ The Cordell Bank needs to be identified by latitudinal and longitudinal coordinates representing the 50 fathom isobath. To eliminate confusion, identify the specific kinds of gear to be excluded within the coordinates for the 50 fathom isobath. Utilize definitions of bottom trawl and fixed gear currently in federal regulation at 50 CFR Part 660 (Agenda Items H.1.c, H.2.c, and H.3.c, Supplemental Enforcement Consultants Report, March 2005).

4/ Magnuson-Stevens Fishery Conservation and Management Act authority would include species for fishing regulated under a Fishery Management Plan (FMP).

5/ *“Prohibit the take of all benthic organisms except as incidental and necessary to the use of vertical hook and line fishing gear on Cordell Bank and within the 50 fathom isobath surrounding Cordell Bank. Prohibit any disturbing of the submerged lands or placing any material or matter on Cordell Bank wand within the 50 fathom isobath surrounding the Bank.”* (letter from Mr. Daniel Basta dated October 22, 2004).

6/ This concept was described in the March 2005 GMT statement (Agenda Items H.1.c, H.2.c, and H.3.c, Supplemental GMT Report, March 2005)

## Summary of Possible Options for Council Recommendations on Monterey Bay National Marine Sanctuary Designation Document Changes and Proposed Fishing Regulations.

Range of Council Responses to Monterey Bay NMS Decision Document Changes <sup>1/</sup>					
Option 1	Option 2	Option 3a	Option 3b	Option 4	Option 5
No Council Response	Recommend the Designation Document not be changed	Authorize NMS proposed changes relative to the regulation of fishing. <sup>2/</sup>	Authorize NMS proposed changes relative to regulation of fishing with incorporation of recommendations of the Enforcement Consultants. <sup>3/</sup>	Authorize prohibition on benthic impacts only for fishing not managed under MSA <sup>4/</sup> or state authority.	Council recommendations on changes to the Designation Document be delayed until later stages of the NEPA process.

Range of Council Responses to Monterey Bay NMS on Proposed Fishing Regulations					
Option 1	Option 2	Option 3a	Option 3b	Option 4	Option 5
No Council Response	No proposed regulations are needed.	Adopt NMS proposed fishing regulations under the Nations Marine Sanctuary Act as recommended by MBNMS. <sup>5/</sup>	Authorize NMS proposed changes relative to regulation of fishing with incorporation of recommendations of the Enforcement Consultants. <sup>3/</sup>	Prepare regulations through the groundfish EFH process, or other FMP EFH process, or FMP fishery regulatory process. <sup>6/</sup>	No proposed fishing regulation at this time.

- 1/ Options 3-5 could include recommendation to exempt scientific research activities.
- 2/ NMS proposal is to amend Article 4 to: *“Add the authority to prohibit removal, take, harvest, disturbance, or other injury by any means, including fishing, from below 3,000 feet of the sea surface in the Davidson Seamount Area.”* Other alternatives were analyzed, see foot note 5. (letter from Mr. Daniel Basta, November 2004)
- 3/ To simplify enforcement, identify the specific kinds of gear to be excluded within the coordinates of the Davidson Seamount Area. Utilize definitions of bottom trawl and fixed gear currently in federal regulation at 50 CFR Part 660.
- 4/ Magnuson-Stevens Fishery Conservation and Management Act authority would include species for fishing regulated under a Fishery Management Plan (FMP).
- 5/ Action alternatives for proposed regulations: *“Prohibit the take of all sanctuary resources below 3,000 feet (other alternatives specified 200 feet or 100 feet) of the sea surface within the Davidson Seamount area.”* Other Alternative: *“Prohibit the take of all sanctuary resources from submerged lands within the Davidson Seamount area.”* (letter from Mr. Daniel Basta dated October 22, 2004).
- 6/ This concept was described in the March 2005 GMT statement (Agenda Items H.1.c, H.2.c, and H.3.c, Supplemental GMT Report, March 2005)

## Summary of Possible Options for Council Recommendations on Gulf of the Farallones National Marine Sanctuary Proposed Designation Document Changes.

Range of Council Responses to Gulf of the Farallones NMS Decision Document Consultation Letter <sup>1/</sup>				
Option 1	Option 2	Option 3	Option 4	Option 5
No Council Response	Recommend the Designation Document not be changed	Recommend the Designation Document be amended as proposed by NMS <sup>2/</sup> .	Same as Option 3 but refine definition of introduced species to specify invasive exotic species. <sup>3/</sup>	Council recommendations on changes to the Designation Document be delayed until later stages of the NEPA process.

1/ Options 3-5 include recommendations to exempt scientific research activities.

2/ Eight changes were proposed for the NMS in a letter first presented to the Council at the November 2004 meeting from Mr. Daniel Basta. The changes covered items from the description of the area to the scope of regulations and included no specific fishing regulation matters. However, changes of peripheral relevance to fishing regulation included:

- (a) introduced species
- (b) discharging or depositing material or other matter
- (c) prohibition on the take of marine mammals, marine reptiles, or birds.
- (d) prohibition on attracting or approaching white sharks.

3/ This recommendation, if adopted by the Council, should be considered for application to GFNMS, CBNMS, and MBNMS as the prohibition on the release of introduced species is a recommended change for all three Designation Documents.