

PACIFIC FISHERY MANAGEMENT COUNCIL

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April 15, 2005

Mr. Daniel J. Basta, Director
C/O Ms. Elizabeth Moore
Acting Chief, Conservation Policy and Planning Branch
NOAA – National Marine Sanctuary Program
1305 East-West Highway, N/ORM-6
Silver Spring, MD 20910-3281

Re: Pacific Fishery Management Council Response to Possible Amendments to the Channel Islands National Marine Sanctuary Designation Document Related to the Consideration of Marine Reserves, Marine Parks, and Marine Conservation Areas

Dear Mr. Basta:

The Pacific Fishery Management Council (Council) appreciates the opportunity to provide input on proposed amendments to the Channel Islands National Marine Sanctuary's (Sanctuary) Designation Document under 303 (b)(2) of the National Marine Sanctuaries Act (NMSA), 16 U.S.C. sec. 1433(b)(2) as per your letter dated February 16, 2005. By this letter, I am conveying the recommendations of the Council as adopted at their April 4-8, 2005 meeting in Tacoma, Washington.

Let me begin by thanking the Sanctuary staff for their effective and cooperative approach to working with the Council on the development of marine protected areas (MPAs, including marine reserves, marine parks, and marine conservation areas) within the federal waters of the Sanctuary. The Council is supportive of the goals and objectives of the Sanctuary and recognizes that the Sanctuary entered into a partnership with the State of California with the goal of considering contiguous and/or complimentary MPAs in both federal and state waters within the Sanctuary. The Council further recognizes the understanding by the State of California that this process was to be completed in a timely manner. The Council is prepared to act on proposed fishing regulations as soon as the required environmental review process materials are brought forward for decision making.

Last fall, the Council and its advisory bodies reviewed the Sanctuary document *Staff Preliminary Working Draft Document for Consideration of a Network of Marine Reserves and Marine Conservation Areas within the Channel Islands National Marine Sanctuary* and sent a response letter to Mr. Chris Mobley, Channel Islands National Marine Sanctuary Manager, dated December 8, 2004. In that letter, the Council's several recommendations included one specific to the matter at hand: "Add(ing) a new alternative that analyzes how current (and future) state and federal management authorities could be used to accomplish the goals and objectives described in the Draft Environmental Impact Statement Purpose and Need section." It is our understanding the Sanctuary is in the process of evaluating the available avenues to achieve the goal of establishing MPAs in the federal waters portion of the Sanctuary within the National Environmental Policy Act process,

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including the designation of MPAs by means of existing authorities under the Magunson-Stevens Fishery Conservation and Management Act (MSA), and California State authority. However, it is our understanding this analysis has not yet been completed.

The Council spent a considerable amount of time at both the March and April Council meetings seriously deliberating the decision as to a recommendation on changes to the Sanctuary Designation Document. We received numerous written statements from the formal Council advisory bodies and substantial public comment. *After considering the available information, the Council does not at this time support the Sanctuary's proposed Designation Document amendment to allow for the promulgation of fishery regulations necessary for the designation of marine reserves, marine parks, and marine conservation areas within federal waters under the NMSA.*

The Council feels the tradition of National Marine Sanctuaries not regulating fishing should be continued unless there is a compelling reason not to. While the above referenced analysis of the adequacy of the combination of MSA and state authority is not now available, the Council believes it will show comprehensive and specific potential to achieve the stated Sanctuary goals without modification of the Sanctuary Designation Document. MSA authority for essential fish habitat protection from fishing effects under the groundfish, coastal pelagic species, salmon, and highly migratory species fishery management plans is a key element in this belief. Conversely, it is not now convincing that MSA and state authority cannot accomplish state Sanctuary goals and that a Designation Document change is required. The Council believes the detailed analysis of MSA and state jurisdiction authority capabilities will provide the necessary information to re-evaluate the Council's recommendation, if re-evaluation is shown to be appropriate.

Again, I want to thank you for the opportunity to provide input and the Sanctuary staff for their continued efforts to foster a cooperative and productive relationship between the Sanctuary and the Council. We look forward to working with the Sanctuary staff towards a decision by the Council on proposed fishing regulations in the near future. If you have questions, please contact the Council's Executive Director, Dr. Donald McIsaac, or Mr. Mike Burner, the lead Staff Officer on this matter at 503-820-2280.

Sincerely,



Donald K. Hansen
Chairman

MDB:kla

c: Council Members
Dr. William Hogarth
Council Advisory Bodies
Mr. William Douros
Mr. Sean Hastings
Mr. Daniel Howard
Mr. Christopher Mobley
Ms. Anne Walton