

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

The coastal tribes feel adamantly that the Magnuson-Stevens Fishery Conservation and Management Act takes precedence regarding fishery management issues in federal waters. The management of ocean fisheries should continue to be conducted within the regional council process by state, tribal and federal managers. This follows congressional intent that the regulation of fishery activities in federal waters occurs under the Magnuson-Stevens Fishery Conservation and Management Act. The National Marine Sanctuaries Act clearly recognizes that regional councils have the primary authority to manage fishery resources within sanctuary waters. The Department of Commerce should not blur this distinction by recommending the adoption of fishing regulations under the authority of the National Marine Sanctuary Act.

We request that the Pacific Council not recommend an action that deviates from the existing federal fishery management process and structure. Recommending the adoption of fishery management regulations under the National Marine Sanctuaries Act would result in managing the affected fishery resources under a new process with undefined goals and objectives. Unlike the Magnuson-Stevens Fishery Conservation and Management Act, the National Marine Sanctuaries Act lacks any identified national standards and guidelines for evaluating fishery conservation and management actions.

The National Marine Sanctuaries Act should not be utilized to expedite control over fishery resources not currently covered by a fishery management plan. Fishery management regulations should not be recommended for adoption under the National Marine Sanctuaries Act for sanctuaries that were not designated initially with fishery management responsibilities. This lack of identified fishery management responsibility represents a conscious decision made at the time of their designation by the affected governmental entities. Under these circumstances, if there is a conservation issue that needs to be addressed, then the Pacific Council should take action solely under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

For these reasons, we are requesting that the Pacific Council maintain the position that the Magnuson-Stevens Fishery Conservation and Management Act take precedence regarding fishery management issues within marine sanctuary boundaries. Any conservation or ecological concern that could be raised under the National Marine Sanctuary Act could be both raised and addressed within the regional council process established by the Magnuson-Stevens Fishery Conservation and Management Act. The Department of Commerce has direct representation in this process, via NOAA Fisheries, and input from National Marine Sanctuary Program has been and can continue to be considered when developing the federal guidance and recommendations for the regional councils. Specific fishery regulations should be addressed within the normal regulatory development process and considered within the context of the appropriate fishery management plan's stated goals and objectives.