

**National Marine Sanctuaries Act Model Regulatory Language
For Channel Islands Marine Protected Areas Network
Amended to Implement the Vice Admiral Lautenbacher's Decision**

The following model regulations were provided to the PFMC in June 2005 as a guide to assist it in its consideration of providing draft National Marine Sanctuaries Act (NMSA) regulations. This language has been amended to include draft language to implement NOAA's decision regarding the proposed reserves being fulfilled by a combination of Magnuson-Stevens Act and NMSA regulations.

Sanctuary permit criteria would continue to apply. The model language is intended to be as consistent as practicable with the State of California marine protected area regulatory language. Consistency in regulatory language and intent would foster greater understanding by the public and agencies, consistent enforcement and a seamless integration of the state and sanctuary administration and implementation of a Channel Islands MPA network.

Unless already prohibited by 50 CFR part 660, in a marine reserve it is unlawful to harvest, remove, take, injure, destroy, possess, collect, move, or cause the loss of any living or dead organism, geological resource, cultural or historical resource, or other Sanctuary resource, or attempt any of these activities.

Unless already prohibited by 50 CFR part 660, in the marine conservation area specified, it is unlawful to harvest, remove, take, injure, destroy, possess, collect, move, or cause the loss of any living or dead organism, geological resource, cultural or historical resource, or other Sanctuary resource, or attempt any of these activities, except that commercial and recreational fishing for lobster and recreational hook-and-line fishing for pelagic finfish are allowed.

Pelagic finfish are defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

Anchoring. Vessels shall be allowed to anchor in any marine protected area with catch onboard. Fishing gear shall be stowed and not in use while anchored in a marine reserve. Fishing gear, except legal fishing gear used to fish for lobster or pelagic finfish, shall be stowed and not in use while anchored in a marine conservation area.

Transit. Vessels shall be allowed to transit through marine protected areas with catch onboard. Fishing gear shall be stowed and not in use while transiting through a marine reserve. Fishing gear, except legal fishing gear used to fish for lobster or pelagic finfish, shall be stowed and not in use while transiting through the marine conservation area.