

GROUND FISH ADVISORY SUBPANEL REPORT ON
FISHERY REGULATIONS IN MPAs WITHIN THE CHANNEL ISLANDS NATIONAL
MARINE SANCTUARY THROUGH MAGNUSON-STEVENSON ACT AND STATE
MANAGEMENT AUTHORITY

The Groundfish Advisory Subpanel (GAP) supports the November 2006 Council letter to the Sanctuary Program (Agenda Item I.1.a, Attachment 5) recommending that Channel Islands National Marine Sanctuary (CINMS) water column goals affecting fishing be accomplished using Magnuson-Stevens Fishery Management and Conservation Act (MSA) authority to apply state regulations to Federal waters—presented as extended Marine Protected Areas by the Council. It is our understanding that the Council process can adopt state regulations for outside state waters, as it has with drift gillnets permitted by the state.

The application of state regulations to Federal waters to achieve water column goals is preferred for several reasons. It is consistent with MSA authority. It is easier. It can be applied to resolve consistency situations, such as straightening marine protected area boundaries for enforcement purposes. The responsibility for managing fisheries remains with the Council. The promise to fishermen that the CINMS will not manage fisheries will remain in effect through the designation document. Maintaining within the NMFS/Council system the authority to manage CINMS fisheries is desired because the organizational structure, fishing knowledge, and scientific knowledge to carry out this responsibility reside in that system.

The paper titled National Marine Sanctuaries Act Regulatory Process and flow chart (part of Agenda Item I.1.a, Attachment 4) indicates the regulatory triggers that would lead to a scoping process. Rather than the National Marine Sanctuary Program (Sanctuary) independently taking the actions outlined in boxes 1 and 2, the GAP recommends the Sanctuary coordinate with the Council and NMFS before generating ideas in a management plan review process or taking fisheries proposals to the public for comment. The GAP recommends that at the earliest stage steps be taken in the process to include Sanctuary/NMFS/Council consultation and involvement in steps parallel to those listed in the process. We want to reiterate our position to the Council that clarification on regulatory authority is needed.

PFMC
03/08/06