

DRAFT

June 13, 2006

Michael Murray
Management Plan Coordinator
Channel Islands National Marine Sanctuary
113 Harbor Way, Suite 150
Santa Barbara, CA 93109

Dear Mr. Murray:

The Pacific Fishery Management Council wishes to comment on the revised Channel Islands National Marine Sanctuary Draft Management Plan/Draft Environmental Impact Statement. The Council's comments deal specifically with the following issues:

Prohibition 1. The proposed action is a change from the status quo that makes the current prohibition on oil and gas development more strict. We concur with this change.

Prohibition 2. We concur with the proposed action, which prohibits other mining activities within the Sanctuary.

Prohibition 3. This is an alteration to an existing rule that prohibits discharging or depositing materials, other than normal materials resulting from lawful fishing activity, including chum used as bait. We concur with both the proposed action and Alternative 1.

Prohibition 4. We concur with the proposed action, which prohibits altering the seabed in any way. Lawful fishing activities and anchoring are excluded from the prohibition.

Prohibition 5. This is a new proposal that prohibits the abandonment of structural material or other matter in Sanctuary waters. It is unclear whether this regulation applies to fishing gear that is accidentally lost during the course of normal fishing activities.

Prohibition 6. The proposed action and Alternative 1 contain language prohibiting large vessels such as tankers and cruise ships from approaching Sanctuary islands, but specifically excludes fishing vessels from the prohibition. We concur.

Prohibition 12. This is a new proposal that prohibits release of introduced species, except for striped bass released during catch and release fishing. We concur.

Prohibition 14. This is a new proposal prohibiting lightering, or non-emergency at-sea refueling. We concur.

We are not commenting on the boundary description clarification, Prohibition 7 (disturbing of seabirds or marine mammals by aircraft overflight), Prohibition 8 (moving,

removing, possessing, or injuring a Sanctuary historical resource), Prohibition 9 (taking a marine mammal, sea turtle, or seabird), or Prohibition 11 (tampering with signs). (There is no Prohibition 10).

Although our Habitat Committee initially thought that these prohibitions excluded normal fishing activities, upon further study it is unclear whether Prohibition 5 makes fishermen liable for gear (like lines and nets) lost in the course of normal fishing activities. The Council would like clarification on this issue. If the intent of the regulation would force fishermen who accidentally lose gear to make unreasonable efforts to recover it, the Council suggests the language be modified to the effect that lost gear should be recovered when physically and economically practicable, but not to penalize the accidental loss of gear that cannot be reasonably recovered.

Thank you for the opportunity to comment on the draft management plan.

Sincerely

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