

OVERVIEW OF EFFORTS TO CONSIDER MARINE RESERVES ON THE WEST COAST

This overview focuses on efforts to consider marine reserves in open ocean areas off the West Coast of the United States. The document draws liberally on information and language found on the websites associated with the efforts covered in this summary. Information was also obtained through brief interviews with sanctuary managers at each of the West Coast national marine sanctuaries and the National Oceanic and Atmospheric Administration (NOAA) Center for Marine Protected Area (MPA) Science. The inventory of West Coast efforts was cross checked and expanded based on an informal list provided by the NOAA Center for MPA Science. There are a number of ongoing efforts to develop marine reserves in the Strait of Juan de Fuca and Puget Sound that are specifically excluded from this summary.

Jurisdiction to Create No-Fishing Areas

While there are numerous international and joint efforts to consider marine reserves, authority to directly regulate fishing activities in ocean areas rests with a relatively few state and federal agencies. Numerous agencies have authorities over non-fishing activities in ocean areas.

On the West Coast, state and tribal fish and wildlife agencies have primary fishery authority in the waters from zero to three miles out. State fish and wildlife authorities in Washington, Oregon, and California generally act under direction of state commissions.

The U.S. Secretary of Commerce (Secretary) acts to promulgate fishing regulations in the exclusive economic zone (EEZ) (three to 200 nm), most frequently acting on advice from the National Marine Fisheries Service (NMFS) and fishery management councils created under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). In areas within the boundaries of national marine sanctuaries, the Secretary may also promulgate regulations called for in sanctuary management plans, but only after providing the fishery management council with jurisdiction in the area an opportunity to prepare draft regulations to implement the sanctuary management plan. Agencies such as the U.S. Coast Guard have authority to enforce fishing regulations promulgated by the Secretary of Commerce.

Numerous other state and federal agencies have authority to regulate nonfishing activities in ocean areas. Such regulated activities include oil, gas and mineral exploration and extraction, dumping, dredging, discharge, the laying of pipe and cable, and navigation. Some of these authorities, such as those related to cable laying and department of defense activities, may result in the creation of de facto no-fishing marine reserves. In the National Marine Sanctuaries Act, Congress recognized the multitude of resource-specific legislation regulating activities in ocean areas, and created the national marine sanctuaries program "to provide authority for comprehensive and coordinated conservation and management of . . . marine areas, and activities affecting them, in a manner which complements existing regulatory authority." However, the marine areas covered by the National Marine Sanctuaries Act constitute a relatively small portion of the ocean area. If the marine reserves this Council wishes to create would be made most effective with control of human impacts beyond those caused by fisheries, some additional effort or mechanism will be required for the needed consultation and coordination. The Marine Protected Area Center, housed in NOAA and authorized under Executive Order 13158, may provide one forum for the needed coordination opportunity.

International

North American Free Trade Agreement (NAFTA) Commission on Environmental Cooperation (CEC)—www.cec.org

The CEC was created in 1994 by the environmental side agreement to the NAFTA. The CEC has an interest in facilitating the design and establishment of a globally representative system of MPAs in North America. To that end it has established a North American MPA Steering Committee. This committee has

chosen to focus on the Pacific Coast of North America (Baja California to the Bering Sea), because of ecosystem linkages between the off-shore areas of the three participating nations. The "CEC 2001-2002 Work Program Outline" includes two closely linked initiatives related to marine reserves:

- o Mapping Marine and Estuarine Ecosystems of North America

This project entails development of a classification system for marine areas, a Geographic Information System (GIS)-based map of major meso-scale marine and coastal ecological regions, a marine "gap-analysis" and identification of priorities for coastal and marine conservation. The mapping project and gap analysis will be carried out in 2002.

- o North American Protected Areas Network

This project is intended to enhance marine conservation by "creating functional linkages and information exchange among existing MPAs." This project is closely linked with the mapping project and gap analysis.

Lead personnel and trinational, multi-sectoral working groups are being (have been) established for these projects. The following agencies and organizations play a leadership role: Canadian Parks and Wilderness Society, Department of Fisheries and Oceans (Canada), NOAA, *Secretaria de Medio Ambiente, Recursos Naturales y Pesca (Semarnap)*, *Instituto de Ecologia de Xalapa*, The Nature Conservancy, and World Wildlife Fund (Canada and Mexico). The World Commission on Protected Areas (WCPA) North America of the IUCN (World Conservation Union) also plays a key partnership role. There have been some discussions on coordination of the North American marine sector of WCPA with the CEC-MPA initiative. In the future these organizations expect to increasingly involve local communities, indigenous groups, and the private sector.

The North American Fund for Environmental Cooperation (NAFEC) was set up under the CEC in 1995, with an annual budget of \$2 million, to provide funds to groups for work with communities. In the past year, a total of thirty-two groups from all three countries have received money to carry out community work. The 2001 grants were limited to \$25,000 each.

World Commission on Protected Areas (WCPA)–www.wcpa.iucn.org and international.nos.noaa.gov

The WCPA is a global network of protected areas specialists. The IUCN serves as the secretariat for the WCPA. Funding is provided by UNESCO (The World Heritage Center), the Dutch Government, the Italian Government, and the U.S. State Department. WCPA has a Marine North America Regional Working Group. A May 2000 meeting of the group was led by two NOAA/National Ocean Service (NOS) representatives.

Federal (U.S.)

MPA Centers (Department of Commerce and Department of Interior)–mpa.org

Presidential Executive Order (EO) 13158 directs the federal government to work with public and private partners to strengthen and expand the national system of MPAs. A key component of the national MPA initiative is the establishment of a Marine Protected Areas Center (MPA Center) by NOAA (Department of Commerce). The MPA Center, in cooperation with the Department of the Interior, will coordinate the implementation of the Executive Order by developing "a framework for a national system of MPAs, and [providing] Federal, State, territorial, tribal, and local governments with the information, technologies, and strategies to support the system."

The National MPA Center is located in Washington, D.C. The central coordinating function for implementing EO 13158 is being initially supported by two regional centers of excellence that focus on distinct aspects of the design and management of MPAs.

Comment [JLS1]:
CALL 393 St Jacques O., Bureau 200,
Montréal, Quebec, H2Y 1N9, (514) 350-4300,
www.cec.org.

The NOAA Center for MPA Science, Santa Cruz, California
The Center for MPA Training and Technical Assistance, Charleston, North Carolina

The NOAA Center for MPA Science will be convening a meeting July 31-August 1 to bring all parties working on West Coast marine reserves together to identify who is doing what and when, identify information gaps and how they might be filled, and explore development of a joint strategy for the consideration of a rational system of no-take marine reserves.

EO 13158 also directs that a marine advisory committee be established to provide expert advice and recommendations to the Secretaries of Commerce and the Interior on the development of a national system of MPAs. The committee has been appointed and will meet at least twice annually (mpa.gov/mpabusiness/fac.html).

The current administration has reaffirmed its commitment to implementation of EO 13158.

NOAA

National Ocean Service—www.nos.noaa.gov

The NOS science office may be undertaking a significant effort to support an integrated assessment of marine reserves on the West Coast. The main thrust of the effort may be supported through research grants. The Presidential Budget Request Fiscal Year 2002 includes a \$3 million increase for NOS activities related to MPAs and a \$4 million increase for the National Marine Sanctuaries Program.

National Marine Sanctuaries—www.nos.noaa.gov/programs/ocrm and www.sanctuaries.nos.noaa.gov

The National Marine Sanctuary Program is administered under the National Ocean Service Office of Ocean and Coastal Resource Management. There are five National Marine Sanctuaries on the West Coast. All are due to review and update their sanctuary management plans (SMP). The four marine sanctuaries in California are in the process of reviewing their SMPs. The review of the Olympic Coast National Marine Sanctuary SMP will follow shortly thereafter. Marine reserves are, or will likely be, a consideration in the review of SMPs. While, each sanctuary may take a different approach to consideration of the need for marine reserves, it is likely that each sanctuary's Sanctuary Advisory Council will play a major role in the process.

Channel Islands National Marine Sanctuary (CINMS)—The California Department of Fish and Game (CDFG) and the CINMS have been facilitating a community-based process for the consideration of marine reserves within the CINMS boundaries. A Marine Reserves Working Group (MRWG), representing the full range of affected communities, was established to attempt to develop a consensus option for marine reserves. As of June 2001, a consensus had not been reached, and a facilitator report has been forwarded to the CINMS SAC. This process has been separate from, but complementary to, the CINMS review of its SMP. The CINMS is scheduled to complete review of its SMP this fall.

Monterey Bay National Marine Sanctuary (MBNMS)—The MBNMS will also be updating their SMP. In the mean time, a group of community leaders have formed the "Alliance of Communities for Sustainable Fisheries." This group has approached the MBNMS to open a dialogue on marine reserve issues, and a working group has been convened that includes commercial harvesters, processors, sportfishers, divers, conservationists, scientists, and staff from the MBNMS. The working group's focus is to prepare for and be ready to respond to marine reserve proposals coming out of the California Marine Life Protection Act process, the Pacific Fishery Management Council process, and the review of the MBNMS SMP. The group is meeting on a monthly basis and is led by a facilitator paid by an outside party.

Farallon Islands and Cordell Bank National Marine Sanctuary (FINMS and CBNMS)—The FINMS and CBNMS are in the process of taking public comment on needed updates to their SMPs. Marine reserves will be addressed as they are brought forward as an issue during the public comment process.

Olympic Coast National Marine Sanctuary (OCNMS)—The OCNMS is currently considering marine reserves for its intertidal regions. The sanctuary intends to evaluate offshore reserves after completing consideration of the intertidal reserves. The OCNMS process is being carried out with close involvement of other federal agencies (Olympic National Park and NMFS), the state (Washington Department of Fish and Wildlife, Department of Natural Resources, and Department of Ecology), and the coastal tribes interested in participating. Any recommendations for marine reserves will likely be incorporated into the upcoming OCNMS review of its SMP scheduled for 2003.

National Marine Fisheries Service

The NMFS Southwest Fisheries Science Center (SWFSC) (Santa Cruz Lab and Pacific Fisheries Environmental Lab) has initiated and led the efforts to evaluate MPAs as a supplemental tool for groundfish management on the West Coast. In 1998, the Center sponsored and convened the first workshop on marine harvest refugia to conserve and manage rockfishes on the West Coast (for full report see http://www.pfeg.noaa.gov/events/workshops/refugia/refugia_index.html). Scientists from the SWFSC actively conduct research in West Coast marine reserves on issues related to reserve effectiveness, socioeconomic, monitoring, habitats, biodiversity, etc. The NOAA Center for MPA Science is housed at the Southwest Fisheries Science Center in Santa Cruz, California. Through this MPA Center, personnel from NMFS and NOS collaborate on many topics related to MPA science. A number of the scientists at NMFS Southwest and Northwest science centers participate on various federal, state, regional and local committees and panels, providing advice on the design and implementation of marine reserves on the West Coast. Additionally, personnel from the NMFS Southwest and Northwest regional offices participate on policy groups involved in the consideration of marine reserves.

Pacific Fishery Management Council—www.pcouncil.org

The Pacific Council is one of eight regional fishery management councils established under the Magnuson Fishery Conservation and Management Act of 1976 and the Sustainable Fisheries Act of 1996 (now called the Magnuson-Stevens Fishery Conservation and Management Act). Under the Magnuson-Stevens Act, the Pacific Council has authority over the fisheries in the Pacific Ocean seaward of Washington, Oregon, and California. The Pacific Council has developed fishery management plans for salmon, groundfish, and coastal pelagic species in the U.S. EEZ off the coasts of Washington, Oregon, and California, and recommends Pacific halibut harvest regulations to the International Pacific Halibut Commission.

Thus far, groundfish have been the main concern driving the Council's consideration of marine reserves. As part of its Phase I process, the Council produced a technical analysis ("Marine Reserves to Supplement Management of the West Coast Groundfish Resources, Phase I Technical Analysis"). The consideration of marine reserves is being addressed in a two phase process. Phase I was led by an ad hoc committee comprised of industry, environmentalists, and agency representatives. When the Council finished its Phase I consideration of marine reserves, it determined that marine reserves may be a useful tool for the management of groundfish species and decided to proceed with consideration of Phase II, design and siting issues.

A marine reserve development team developed a budget for the Phase II process. The Council proposed process for Phase II of its consideration of a coastwide network of marine reserves would require an average of \$1.6 million per year for three years. The proposal includes a heavy emphasis on constituency consultation and local involvement in both the development of the data that would be used to develop and analyze marine reserve alternatives and the evaluation of alternative configurations of marine reserves. At its June 2001 meeting, the Council will be considering steps it can take in the absence of the needed funds.

State

California: Marine Life Protection Act (MLPA) —www.dfg.ca.gov/mrd/mlpa

Assembly Bill 993 (Shelley), the MLPA, requires CDFG develop a plan for establishing networks of MPAs in California waters to protect habitats and preserve ecosystem integrity, among other things. The purpose of the MLPA is to improve the array of MPAs existing in California waters through the adoption of a Marine Life Protection Program and a comprehensive master plan. In accordance with the requirements of the Fish and Game Code, a Master Plan Team (Team) was convened to advise and assist in the preparation of the master plan.

The MLPA states that "marine life reserves" (defined as no-take areas) are essential elements of an MPA system. The mandate for the master plan requires that recommendations be made for a preferred alternative network of MPAs with "an improved marine life reserve component." The MLPA further states that "it is necessary to modify the existing collection of MPAs to ensure that they are designed and managed according to clear, conservation-based goals and guidelines that take full advantage of the multiple benefits that can be derived from the establishment of marine life reserves."

The Team interpreted the objectives of the MLPA to relate to a habitat-based approach in designing networks of MPAs. Lack of comprehensive biological data, particularly regarding stock assessments for harvested species, and the need to evaluate multiple aspects of the resources necessitates this type of approach. For areas and fisheries where appropriate information was available, GIS resource mapping support provided by the CDFG assisted the Team with analysis and generation of initial draft concepts of maps and text, and also served as a proxy for habitat determination. The maps and text, which describe one alternative set of MPA networks, will serve as a basis for extensive public outreach beginning in July 2001, and will be revised after public comments are received.

The Draft Master Plan is to be submitted to the California Fish and Game Commission by January 1, 2002 and a final plan by April 1, 2002. The Commission is scheduled to adopt the final plan by July 1, 2002.

Oregon: Ocean Policy Advisory Council (OPAC)–www.lcd.state.or.us/coast/offshore.html]

The state level effort to consider marine reserves is being lead by OPAC. OPAC was created to give coordinated policy advice to the Governor, state agencies, and others. There are 23 members, chaired by the Governor's appointee, and includes the directors of seven state agencies and 16 other members, who are appointed by the Governor. The Department of Land Conservation and Development provides staff support to the OPAC, which meets quarterly.

OPAC has no authority to directly regulate ocean activities or manage resources or to enforce its plans or policies. However, once its plans and policies are approved by the Land Conservation and Development Commission as a part of Oregon's Coastal Management Program, the various state agencies are required to carry them out or act consistently with them.

OPAC is on a 16-month timeline for development of a report to the governor on MPAs and has appointed a working group to assist in developing the report. The group, comprised of members of OPAC, met in May 2001 and began to scope relevant issues. While recognizing that state authority extends only to three miles, the group will be evaluating the need for MPAs and reserves across the whole of the continental margin, providing advice on needs in both state and federal waters. A scientific advisory committee will be established to assist the working group in the development of its report. The working group intends to meet with fishermen, interest groups, and the public during its process.

Washington

The State of Washington is actively pursuing the development of marine reserves in its internal marine waters and is working with the OCNMS to consider marine reserves for the northern Washington coast. There are no efforts underway to consider marine reserves for open ocean areas off Washington west or south of the OCNMS

Nongovernmental Organizations (NGOs)

There are numerous NGOs that have developed efforts to support the consideration of marine reserves.

Canadian Parks and Wilderness Society (CPAWS)–[\[www.cpawsbc.org/mbaja.html\]](http://www.cpawsbc.org/mbaja.html)

The British Columbia chapter of CPAWS has launched a marine conservation program called the Baja California to Bering Sea Marine Conservation Initiative (B2B). Nationally, CPAWS receives 50% of its funds from individual donations and 40% from Canadian and US foundations. B2B is a cooperative and tri-national initiative intended to establish a network of MPAs in conjunction with other conservation strategies, from Baja California (Mexico) to the Bering Sea (Alaska). The B2B Initiative, in close coordination with the CEC, WCPA, and other organizations and coalitions, is working towards an inclusive approach to marine conservation that leverages resources and activities without duplicating efforts. The mission of the B2B Initiative is to help conserve and restore the region's unique biodiversity and productivity through a linked network of MPAs and migratory corridors. Based on sound marine conservation science, the B2B Initiative intends to help strengthen existing MPAs, foster the creation of new ones, and link these with related marine conservation initiatives in Canada, Mexico, and the United States. Through collaboration, this initiative hopes to build local capacity and develop new ways to approach marine conservation. The B2B Initiative intends to use public information efforts to create support needed to achieve its mission.

Communication Partnership for Science and the Sea (COMPASS)–[\[www.compassonline.org\]](http://www.compassonline.org)

COMPASS is funded by the David and Lucille Packard Foundation. In the summer of 2000, COMPASS hosted its first symposium on science and development of MPAs and marine reserves along the West Coast. During that meeting, COMPASS established a West Coast Marine Reserves Coordinating Committee (WCMRCC). The 17 individuals that comprise the WCMRCC intend to work together on an ongoing basis to prioritize and coordinate activities surrounding West Coast marine reserves. The COMPASS report on its meeting states that "This committee will be critical to maintaining the momentum generated during the COMPASS meeting and ensuring that strategies and action plans generated by the participants are brought to fruition. As this process develops, COMPASS will continue to be a catalyst that advances these and other marine conservation activities." The WCMRCC intended role is to support sound science and fair public participation in the consideration of marine reserves as a tool for improving the conservation of marine ecosystems along the West Coast of the U.S. The WCMRCC hopes to facilitate the coordination of ongoing activities related to MPAs and marine reserves, the exchange of information among interested parties; the identification of needs and opportunities related to marine reserves; and cooperation communication and collaboration among those working on the process for considering marine reserves.

National Center for Ecological Analysis and Synthesis (NCEAS)–[\[www.nceas.ucsb.edu\]](http://www.nceas.ucsb.edu)

At the NCEAS, scientists conduct collaborative research on major fundamental and applied problems in ecology. Base funding for NCEAS is provided by the National Science Foundation, the State of California, and UCSB. NCEAS is located in Santa Barbara near the UCSB campus. NCEAS sponsored a working group to focus on 1) synthesizing existing empirical data on marine reserve efficacy, and 2) developing new theory on reserve design and function. Sea Grant also funded this project. The project is generating numerous papers for publication and some results of this project have been presented to the Council.

Pacific Marine Conservation Council (PMCC)–[\[www.pmcc.org\]](http://www.pmcc.org)

In January of 2002, the PMCC along with other co-sponsors will be hosting a Fishermen's Forum on the issue of stakeholder participation in West Coast marine reserve efforts. This two-day, facilitated workshop for industry and other constituents is intended to facilitate informed and effective participation by fishermen in the processes for considering marine reserves. It will include presentations from individuals with background and experience on marine reserves (pros and cons) including managers, fishermen, scientists, economists and others. This Forum will be conducted in an unbiased, neutral way for the primary purpose of gathering ideas and designing mechanisms, through recommendations from

the Forum's industry participants, for fishing community involvement in the issue of marine reserves. A second step in this process may be hosting individual town-hall meetings in the fishing communities themselves.

Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO)–www.piscoweb.org

Funded by The David and Lucille Packard Foundation, PISCO is a research consortium involving several dozen marine scientists from four universities along the U.S. West Coast: Oregon State University; Stanford University; University of California, Santa Cruz; and University of California, Santa Barbara. According to their website, "PISCO scientists at these universities collaborate on integrated studies of the nearshore ecosystems of the West Coast. By conducting . . . large-scale studies over many years and at many sites, PISCO is developing a comprehensive understanding of how coastal marine ecosystems function." Two of the PISCO goals are to establish the scientific basis for the effective design, monitoring and evaluation of marine reserves and other conservation measures, and to begin to integrate this knowledge into the public and policy arenas.

Ocean Wilderness Network (OWN)

OWN's mission, is to secure a network of MPAs off the West Coast of the United States. OWN is a coalition of national, regional, and local nongovernmental organizations sharing this mission. OWN is funded by the David and Lucille Packard Foundation. Activities include design and implementation of a communications strategy; grassroots constituency-building; MPA policy development and advocacy; support of member organizations with information and materials; fundraising; and coordination of member group activities.

Other NGOs

There are numerous other environmental interest NGOs active in promoting consideration of marine reserves. These include, but are not limited to, Audubon, Environmental Defense, Green Peace, and the Natural Resources Defense Council.

PFMC
08/28/01

MARINE RESERVE PROPOSALS FOR CHANNEL ISLAND NATIONAL MARINE SANCTUARY

Situation: August 24, 2001, the California Department of Fish and Game (CDFG) and the Channel Island National Marine Sanctuary (CINMS) presented the California Fish and Game Commission with a joint recommendation on marine reserves for the CINMS area. Representatives from CDFG and CINMS have been asked to report to the Council on the outcome of that meeting.

At the June Council meeting, members of the Council expressed concern that Ms. Cindy Thomson had served on the socioeconomic panel for the CINMS Marine Reserve Working Group and that she would therefore not be able to provide an unbiased review of the groups work. Ms. Thomson did not sit on that socioeconomic panel. An e-mail exchange pertaining to this issue is attached.

Council Action:

- 1. Consider any recommendations made by the source agencies.**

Reference Materials:

1. E-mail exchange between LCDR Matt Pickett and Ms. Cindy Thomson (Exhibit D.2, Attachment 1).
2. Letter from Mr. Mark Helvey to LCDR Matt Pickett (Exhibit D.2, Attachment 2).

PFMC
08/21/01

MEMBERS OF THE AD HOC MARINE RESERVES STEERING GROUP

Council Advisory Body	Ad Hoc Marine Reserves Steering Group Representative
Coastal Pelagic Species Advisory Subpanel	Heather Munro
Coastal Pelagic Species Management Team	Marci Yaremko
Enforcement Consultants	Dave Cleary
Groundfish Advisory Subpanel	Barry Cohen
Groundfish Management Team	Yvonne deReynier
Habitat Steering Group	Jennifer Bloeser or Michele Robinson
Highly Migratory Species Advisory Subpanel	Bob Fletcher
Highly Migratory Species Plan Development Team	Steve Crooke
Salmon Advisory Subpanel	Don Stevens
Salmon Technical Team	Gary Morishima
Scientific and Statistical Committee	Cindy Thomson

PFMC
08/28/01

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11/21/00

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MEMORANDUM OF UNDERSTANDING

BETWEEN

THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

AND

THE NATIONAL MARINE SANCTUARY PROGRAM
NATIONAL OCEAN SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

AND

THE NATIONAL MARINE FISHERIES SERVICE
SOUTHEAST REGION
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

November 2000

~~JUNE 2000~~

Developed by SAFMC Staff with Input from GRNMS Staff: 11/17/99
Presented to the Marine Reserves Advisory Panel: 11/18/99
Approved by the Marine Reserves Advisory Panel: 11/18/99
Presented to the Marine Reserves Committee: 11/29/99
Presented by the Marine Reserves Committee: 3/7/00
Revised version presented to Marine Reserves Committee: 6/15/00
Approved by the Marine Reserves Committee:
Approved by the SAFMC:
Approved by NOS/NOAA:
Approved by NMFS/NOAA:

I. PURPOSE

The purposes of this Memorandum of Understanding (MOU) are: (1) to provide a framework for cooperation and coordination between the South Atlantic Fishery Management Council (SAFMC), Gray's Reef National Marine Sanctuary (GRNMS), and the National Marine Fisheries Service, Southeast Region (NMFS/SER) within the SAFMC's area of geographic authority; (2) to facilitate the exchange of information, advice and technical assistance between GRNMS, SAFMC and NMFS/SER; and (3) to coordinate their efforts concerning public outreach.

II. AUTHORITIES

This MOU is entered into by and between the National Marine Sanctuary Program (NMSP), National Ocean Service, NOAA, the NMFS/SER, NOAA, and the SAFMC (the "Parties"), pursuant to Sections 309 and 311 of Title III of the Marine Protection, Research, and Sanctuaries Act of 1992, as amended, 16 U.S.C. 1440 and 1442 ~~Do we need to reflect new bill?~~ of 16 U.S.C.1431, et seq. (the Act), and the Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1861, et seq.

III. GRNMS

Gray's Reef was designated as a National Marine Sanctuary in 1981 due to its significance as a live-bottom habitat and the diversity of marine life. National marine sanctuaries are established to protect areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities. In accordance with the National Marine Sanctuaries Act, each sanctuary is managed to maintain natural biological communities, enhance public awareness, support research and monitoring, and facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities. ~~The mission of the National Marine Sanctuary Program is to comprehensively protect and manage marine areas of special significance to conserve, protect and enhance their biodiversity, ecological integrity and cultural legacy for the benefit of current and future generations. to serve as the trustee for the nation's system of marine protected areas to conserve, protect, and enhance their biodiversity, ecological integrity, and cultural legacy.~~

For the purposes of the memorandum "marine protected areas" means any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.

(b) PURPOSES AND POLICIES. ~~The purposes and policies of (this title)?? are--~~

(1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;

(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

(5) to support, promote, and coordinate scientific research on, and long term monitoring of, the resources of these marine areas;

(6) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(7) to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(8) to create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques; and

(9) to cooperate with global programs encouraging conservation of marine resources.

IV. SAFMC

The South Atlantic Fishery Management Council is responsible for the conservation and management of fish stocks within the federal 200-mile limit (exclusive economic zone) of the Atlantic Ocean off the coast of North Carolina, South Carolina, Georgia, and east Florida to Key West. In addition, the Council must describe and protect essential fish habitat (EFH) and essential fish habitat-habitat areas of particular concern (EFH-HAPC), and the Council must as well as address ecosystem management.

V. NMFS/SER

The mission of the National Marine Fisheries Service is stewardship of the nation's living marine resources. The NMFS/SE is responsible for planning, organizing and implementing fishery management and conservation programs, including regulatory requirements, fishery management plans, recreational fisheries, commercial fisheries, international fisheries, and services through the range of NMFS programs. In addition, NMFS/SER provides administrative and technical support to the SAFMC. The mission of the National Marine Fisheries Service is to rebuild and maintain sustainable fisheries, promote the recovery of protected species, and protect and maintain the health of coastal marine habitats. The NMFS/SER works in partnership with the SAFMC to manage marine fisheries, and provides administrative and technical support to the SAFMC.

VI. GOALS

GOAL 1. To exchange information, advice, and technical assistance, and to improve public outreach.

GOAL 2. To involve the public in discussions and evaluations regarding management of specific marine areas.

GOAL 3. To ensure that the public is well informed of the work and policy decisions of the SAFMC, GRNMS, and NMFS/SER.

GOAL 4. To consult and cooperate fully with each other in matters regarding the conservation and management of natural resources of mutual concern and geographic authority. The consultations and cooperation shall take the form of participation in and presentations to the various committees, advisory panels, and working groups of each of the parties, and exchange of documents, viewpoints, recommendations, advice, and other pertinent information between the SAFMC, GRNMS and NMFS/SER. This consultation and cooperation should occur prior to implementation of regulatory changes affecting any of the Parties.

GOAL 5. To protect the ecological integrity of Gray's Reef and its biotic communities and their associated habitats for the benefit of current and future generations.

GOAL 6. To contribute to the conservation and management of fish, the protection of EFH, EFH HAPCs, and ecosystem management within the South Atlantic Region.

VII. COMMITMENTS OF THE PARTIES

SAFMC, NMSP, and NMFS/SER hereby affirm their mutual understanding and agree to use their efforts to take the following steps:

1. To carry out their mutual intent to discuss and evaluate management and regulation of specific marine areas.
2. To work together to coordinate current and future discussion, evaluation, and informational activities through cooperative planning.
3. To ensure that the public and constituent groups of all three organizations participate fully in the activities of the SAFMC, GRNMS and NMFS/SER.
4. To share research and information that contribute to the above goals.
5. To request and respond to requests for input from one another in a timely and cooperative manner as required by or consistent with applicable laws, regulations and policies.
6. Specific matters for coordination may include but are not limited to:
 - i. Review, revision, and implementation of Gray's Reef National Marine Sanctuary Management Plan.
 - ii. Consideration, development, and review of Fishery Management Plans, Essential Fish Habitat (EFH), ~~EFH-Habitat Areas of Particular Concern~~ inclusive of traditional management measures, EFH-HAPC, and Marine Reserves, related to GRNMS.
 - iii. Research and education initiatives that further the goals and missions of the SAFMC, GRNMS and NMFS/SER.

- iv. Technical assistance regarding fisheries management (including fishing techniques, presence/abundance of fish species), protected species, habitat types and conditions, and socioeconomic issues and enforcement.
7. ~~In preparing any~~ Regarding fishing regulations for the Sanctuary, GRNMS is required to follow the provisions of section 304(a)(5) of the NMSA, (16 U.S.C. 1434(a)(5)). The process described in section 304(a)(5) is summarized, in part, here:

SAFMC will have the opportunity to draft fishing regulations for GRNMS. Regulations drafted by SAFMC, or a determination by SAFMC that regulations are not necessary, will be accepted and shall be issued as the proposed regulations for GRNMS unless the Secretary of Commerce finds that SAFMC's action does not fulfill the purposes and policies of the NMSA and the objectives of the designation of GRNMS. In that event, the Secretary will draft the fishing regulations.

~~GRNMS will also consult~~ **(Because "consult" carries legal connotations, we suggest substituting the word "confer"**) with the State of Georgia regarding fishing regulations proposed by GRNMS for the Sanctuary and shall consider the views and comments of the State of Georgia before issuing final regulations, **insuring that draft final regulations are consistent with Georgia's Coastal Zone Management Program.** ~~As part of the consultation, GRNMS will request a meeting with representatives from the State of Georgia to discuss proposed fishing regulations prior to issuance of final regulations.~~

Response

Below is a minor revision to the proposed Georgia text provided by NOAA attorneys

~~GRNMS will also confer with the State of Georgia regarding any changes to fishing regulations for the sanctuary and shall consider the views and comments of the State of Georgia before issuing final fishing regulations. As part of this process, GRNMS will meet with representatives from the State of Georgia to discuss draft fishing regulations prior to issuance of final fishing regulations. GRNMS will act in accordance with applicable NOAA regulations implementing the Coastal Zone Management Act (16 U.S.C. ~~xxx~~ 1451 et seq.)~~

GRNMS will also consult with the State of Georgia regarding fishing regulations proposed by GRNMS for the Sanctuary and shall consider the views and comments of the State of Georgia before issuing final fishing regulations. As part of this process, GRNMS will meet with representatives from the State of Georgia to discuss draft fishing regulations prior to issuance of final fishing regulations. GRNMS will also coordinate with the Georgia Coastal Management Program pursuant to the Coastal Zone Management Act (CZMA) Federal consistency requirement under § 307 of the CZMA (16 U.S.C. § 1456) and implementing NOAA regulations.

VII. OTHER PROVISIONS

1. Nothing herein is intended to conflict with any requirement of any federal law nor with any federal, council, or Department of Commerce/NOAA regulation, policy, administrative order, or directive. If terms of this MOU are deemed to be inconsistent with the policies or programs of either any Party hereto, then those specific terms shall be deemed not binding on that Party.
2. The responsibilities agreed to in this MOU are contingent upon the availability of funding and other necessary resources. The signature of agency officials on this MOU does not legally obligate their respective agencies to provide personnel or funds for planning or coordination unless specifically agreed to in subsequent obligatory documents.
3. This MOU will become effective upon the signature of the approving officials of the parties and will remain in effect until terminated by written notice from any partner. Any partner to this MOU may terminate its involvement upon 90 days written notice to the other signatory agency partner(s).
4. This MOU shall be reviewed periodically by the Parties. Any revision or amendment to this MOU may be made upon approval of all of the Parties.
5. This MOU does not affect the confidentiality provisions of the Magnuson-Stevens Fishery Act (16 U.S.C. 1881a).

VIII. SIGNATORY PARTIES

The parties hereto represent that they have the legal responsibility and authority from their respective federal statutes or other constitutive documents to conduct management of specific marine areas and to enter into mutual programs with other federal agencies in order to meet these responsibilities.

Response

~~We are satisfied with signature by either the Executive Director or Council Chair and will agree to the decision of the Council on this matter.~~

Robert K. Mahood, Executive Director	Date
(Council Chair should be the signatory for Council)	
Fulton Love, Chairman	Date
South Atlantic Fishery Management Council	

Daniel J. Basta, Acting Director	Date
National Marine Sanctuary Program	
NOAA/Department of Commerce	

Joseph E. Powers, Acting Regional Administrator
National Marine Fisheries Service, Southeast Region
NOAA/Department of Commerce

Date

DEFINITIONS: MARINE RESERVES AND MARINE PROTECTED AREAS

The following are definitions of types of marine reserves and marine protected areas. These definitions are from: Marine Protected Areas: Tools for Sustaining Ocean Ecosystem. This 2001 publication of the National Academy Press was compiled by the Committee on the Evaluation, Design, and Monitoring of Marine Reserves and Protected Areas in the United States, Ocean Studies Board, National Research Council. "Ecological reserve" is the term used for areas providing the most complete protection and "marine protected area" is a broad term that includes ecological reserves as well as partially protected areas. Fishery reserves and marine reserves land between these extremes, specifically: ecological reserves are a subset of fishery reserves; fishery reserves are a subset of marine reserves; and marine reserves are a subset of marine protected areas.

ecological reserve: Zoning that protects all living marine resources through prohibitions on fishing and on the removal or disturbance of any living or nonliving marine resource. Access and recreational activities may be restricted to prevent damage to the resources. These reserves may also be referred to as full protected areas.

fishery reserve: Zoning that precludes fishing activity on some or all species to protect critical habitat, rebuild stocks (long term, but not necessarily permanent closure), provide insurance against overfishing, or enhance fishery yield.

marine reserve: A zone in which some or all of the biological resources are protected from removal or disturbance; encompasses both fishery and ecological reserves.

marine protected area (MPA): Geographic area with discrete boundaries that has been designated to enhance the conservation of marine resources. This includes MPA-wide restrictions on some activities such as oil and gas mining and the use of zones such as fishery and ecological reserves to provide higher levels of protection.

NATIONAL MARINE SANCTUARIES ACT
(EXCERPT, FISHERY MANAGEMENT SECTION IN BOLD)

United States Code

TITLE 16 - CONSERVATION
CHAPTER 32 - MARINE SANCTUARIES
Sec. 1434. Procedures for designation and implementation

(a) Sanctuary proposal

(1) Notice

In proposing to designate a national marine sanctuary, the Secretary shall -

(A) issue, in the Federal Register, a notice of the proposal, proposed regulations that may be necessary and reasonable to implement the proposal, and a summary of the draft management plan;

(B) provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal; and

(C) on the same day the notice required by subparagraph (A) is issued, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate documents, including an executive summary, consisting of -

(i) the terms of the proposed designation;

(ii) the basis of the findings made under section 1433(a) of this title with respect to the area;

(iii) an assessment of the considerations under section 1433(b)(1) of this title;

(iv) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

(v) the draft management plan detailing the proposed goals and objectives, management responsibilities, resource studies, interpretive and educational programs, and enforcement, including surveillance activities for the area; (vi) an estimate of the annual cost of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education;

(vii) the draft environmental impact statement;

(viii) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.); and

(ix) the proposed regulations referred to in subparagraph (A).

(2) Environmental impact statement

The Secretary shall -

(A) prepare a draft environmental impact statement, as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), on the proposal that includes the resource assessment report required under section 1433(b)(3) of this title, maps depicting the boundaries of the proposed designated area, and the existing and potential uses and resources of the area; and

(B) make copies of the draft environmental impact statement available to the public.

(3) Public hearing

No sooner than thirty days after issuing a notice under this subsection, the Secretary shall hold at least one public hearing in the coastal area or areas that will be most affected by the proposed designation of the area as a national marine sanctuary for the purpose of receiving the views of interested parties.

(4) Terms of designation

The terms of designation of a sanctuary shall include the geographic area proposed to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary to protect those characteristics. The terms of designation may be modified only by the same procedures by which the original designation is made.

(5) Fishing regulations

The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing within the Exclusive Economic Zone as the Council may deem necessary to implement the proposed designation. Draft regulations prepared by the Council, or a Council determination that regulations are not necessary pursuant to this paragraph, shall be accepted and issued as proposed regulations by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this chapter and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall use as guidance the national standards of section 301(a) of the Magnuson Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare the fishing regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to the fishing regulations shall be drafted, approved, and issued in the same manner as the original regulations. The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations. [emphasis added]

(6) Committee action

After receiving the documents under subsection (a)(1)(C) of this section, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the documents. If within the forty-five day period of continuous session of Congress beginning on the date of submission of the documents, either Committee issues a report concerning matters addressed in the documents, the Secretary shall consider this report before publishing a notice to designate the national marine sanctuary.

(b) Taking effect of designations

(1) Notice

In designating a national marine sanctuary, the Secretary shall publish in the Federal Register notice of the designation together with final regulations to implement the designation and any other matters required by law, and submit such notice to the Congress. The Secretary shall advise the public of the availability of the final management plan and the final environmental impact statement with respect to such sanctuary. The Secretary shall issue a notice of designation with respect to a proposed national marine sanctuary site not later than 30 months after the date a notice declaring the site to be an active candidate for sanctuary designation is published in the Federal Register under regulations issued under this Act, or shall publish not later than such date in the Federal Register findings regarding why such notice has not been published. No notice of designation may occur until the expiration of the period for Committee action under subsection (a)(6) of this section. The designation (and any of its terms not disapproved under this subsection) and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on the day on which such notice is published unless, in the case of a national marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the seaward boundary of the State.

(2) Withdrawal of designation

If the Secretary considers that actions taken under paragraph (1) will affect the designation of a national marine sanctuary in a manner that the goals and objectives of the sanctuary cannot be fulfilled, the Secretary may withdraw the entire designation. If the Secretary does not withdraw the designation, only those terms of the designation not certified under paragraph (1) shall take effect.

(3) Procedures

In computing the forty-five-day periods of continuous session of Congress pursuant to subsection (a)(6) of this section and paragraph (1) of this subsection - (A) continuity of session is broken only by an adjournment of Congress sine die; and (B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

- (c) Access and valid rights
 - (1) Nothing in this chapter shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary.
 - (2) The exercise of a lease, permit, license, or right is subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.
- (d) Interagency cooperation
 - (1) Review of agency actions
 - (A) In general

Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.
 - (B) Agency statements required

Subject to any regulations the Secretary may establish each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless such Federal agency and the Secretary agree to a different schedule.
 - (2) Secretary's recommended alternatives

If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.
 - (3) Response to recommendations

The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.
- (e) Review of management plans

Not more than five years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding five years, the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this chapter.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010723185-1185-01]

Nominations for Federal Advisory Committee on Marine Protected Areas

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of request for nominations.

SUMMARY: The Department of Commerce is establishing a Federal Advisory Committee on Marine Protected Areas (MPA) pursuant to Executive Order 13158 and is seeking nominations for membership on this Committee.

DATES: Nominations must be postmarked on or before September 15, 2001.

ADDRESSES: Nominations should be sent to Office of Ocean and Coastal Resource Management, NOAA, 1315 East-West Highway, Silver Spring, MD 20910
ATTN: Federal Advisory Committee on Marine Protected Areas.

FOR FURTHER INFORMATION CONTACT: Roger Griffis, NOAA, (301) 713-3155 Extension 104. E-mail: Roger.B.Griffis@noaa.gov.

SUPPLEMENTARY INFORMATION: On June 4, 2001, Secretary of Commerce Donald L. Evans released a statement announcing the Administration's retention of Executive Order 13158. The Secretary also announced his intention to appoint a Marine Protection Area Advisory Committee. To complete this task the Secretary has decided to seek nominations in addition to those previously solicited (see 65 FR 50503, August 18, 2000) and initiate a review of all nominees.

Executive Order 13158 directs the Department of Commerce and the Department of the Interior to seek the

expert advice and recommendations of non-Federal scientists, resource managers, and other interested persons and organizations through a Marine Protected Areas Federal Advisory Committee. The Advisory Committee will provide advice and recommendations to the Secretary of Commerce and the Secretary of the Interior to focus Federal Government efforts to develop information about existing MPAs, to help identify areas where research may support management of marine resources through MPAs, and to undertake other appropriate MPA activities. The terms of Executive Order 13158 make clear that it is not intended to supplant existing statutory authorities or to create new legal authority to regulate marine resources. Activities conducted under Executive Order 13158 will be consistent with current law. The MPA Advisory Committee will be established through a public process that will ensure the Administration will benefit from a broad, balanced range of expertise and views as it undertakes MPA-related activities. Initial committee members will be selected for two or three year terms of service. The Committee will meet at least once annually; however, members of subcommittees, task forces, and/or working groups established by the Committee may meet on a more frequent basis. Members of the Committee will not be compensated, but may be allowed travel and per diem expenses.

The Department of Commerce is seeking a diverse group of approximately 25 highly qualified individuals to serve on the Marine Protected Areas Federal Advisory Committee. Nominations are sought for non-Federal scientists, resource managers, and persons representing other interests or organizations. Individuals seeking membership on the Advisory Committee should possess demonstrable expertise in a field related to MPAs and/or an interest affected by MPAs. Nominees will also be considered based on their ability to contribute to a balance of interests and points of view.

Nominations are encouraged from all interested parties, such as scientific societies; academic and research institutions; groups or governments representing Native Americans, Alaska Natives, Native Hawaiians, Caribbean Islanders and Pacific islanders; states, territories and localities; interest groups such as the fishing (recreational and commercial), boating, diving, recreational, maritime, historical and philanthropic communities; conservation organizations; mineral and

oil production interests; and Federal agencies.

Note: No Federal agency employees may be appointed to serve on the Committee, but nominations for non-federal employees will be accepted from Federal agencies.

All nominations received during the prior nomination period (August–October, 2000) will be considered along with any new nominations received during the second nomination period, unless a nominee withdraws his or her application. No additional submission is required for those nominees from the prior nomination period. Any nominee from the prior nomination period however, may submit new information to update his or her file. All nominations will be treated equally during the review and selection process.

Each submission should include the following material to be considered for review: The submitting person or organization's name and affiliation; a cover letter describing the nominee's qualifications and interest in serving on the Committee; a Curriculum Vitae or resume of nominee; and the nominee's name, address, phone number, fax number, and e-mail address. Self-nominations are acceptable. Letters of support describing the nominee's qualifications are optional and no more than three supporting letter(s) will be accepted.

Nominations should be sent to (see **ADDRESSES**) and nominations must be postmarked on or before September 15, 2001. The full text of the executive order can be found at the following website address: www.mpa.gov.

Dated: August 6, 2001.

Alan Neuschatz,

Chief Financial Officer/Chief Administrative Officer, Ocean Services and Coastal Zone Management.

[FR Doc. 01–20067 Filed 8–9–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 010723185-1185-01]

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The Department of Commerce is seeking a diverse group of approximately 25 highly qualified individuals to serve on the Marine Protected Areas Federal Advisory Committee. Nominations are sought for non-Federal scientists, resource managers, and persons representing other interests or organizations. Individuals seeking membership on the Advisory Committee should possess demonstrable expertise in a field related to MPAs and/or an interest affected by MPAs. Nominees will also be considered based on their ability to contribute to a balance of interests and points of view.

Nominations are encouraged from all interested parties, such as scientific societies; academic and research institutions; groups or governments representing Native Americans, Alaska Natives, Native Hawaiians, Caribbean Islanders and Pacific islanders; states, territories and localities; interest groups such as the fishing (recreational and commercial), boating, diving, recreational, maritime, historical and philanthropic communities; conservation organizations; mineral and

oil production interests; and Federal agencies.

Note: No Federal agency employees may be appointed to serve on the Committee, but nominations for non-federal employees will be accepted from Federal agencies.

All nominations received during the prior nomination period (August–October, 2000) will be considered along with any new nominations received during the second nomination period, unless a nominee withdraws his or her application. No additional submission is required for those nominees from the prior nomination period. Any nominee from the prior nomination period however, may submit new information to update his or her file. All nominations will be treated equally during the review and selection process.

Each submission should include the following material to be considered for review: The submitting person or organization's name and affiliation; a cover letter describing the nominee's qualifications and interest in serving on the Committee; a Curriculum Vitae or resume of nominee; and the nominee's name, address, phone number, fax number, and e-mail address. Self-nominations are acceptable. Letters of support describing the nominee's qualifications are optional and no more than three supporting letter(s) will be accepted.

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Dated: August 6, 2001.

Alan Neuschatz,

Chief Financial Officer/Chief Administrative Officer, Ocean Services and Coastal Zone Management.

[FR Doc. 01–20067 Filed 8–9–01; 8:45 am]

BILLING CODE 3510–08–M

GROUND FISH ADVISORY SUBPANEL STATEMENT ON REVIEW OF WEST COAST MARINE RESERVE EFFORTS

The Groundfish Advisory Subpanel (GAP) held two separate meetings with Council staff and staff of the California Department of Fish and Game (CDFG) to discuss marine reserve efforts on the West Coast. Because all of the marine reserves issues are related, the GAP is providing a single comment on this agenda item which also reflects discussions on agenda item D.2, Channel Islands National Marine Sanctuary.

First and foremost, the GAP repeats comments made at several previous Council meetings that there is a desperate need for coordination of marine reserves efforts along the entire coast. The GAP appreciates the Council adopting its suggestion for a coordinating committee consisting of representatives of Council advisory entities, which will help the Council better manage marine reserves efforts. The Council needs to ensure that this committee is used effectively and not just as a paper flow monitor. However, coordination among other federal and state entities is still lacking.

To this end, the GAP believes California should submit a consistency determination request for any marine reserves proposals being made under California's Marine Life Protection Act (MLPA). Removal of access to fishable grounds and potentially substantial amounts of biomass will have an effect that extends far beyond the State of California, especially for those species where a coast-wide harvest limit is in effect. The same situation applies to either of the other coastal states that move to establish marine reserves. State regulations affecting Council-managed fisheries outside of state boundaries must be found consistent with Council management plans.

As a potential means of forestalling a multitude of requests for consistency, the Council, the states, and NOAA should consider the approach taken by the South Atlantic Fishery Management Council of establishing a memorandum of understanding (MOU) which clearly delineates the roles and responsibilities of all parties. Any such MOU should not, however, relinquish the Council's fishery management responsibilities.

Second, while the GAP does not oppose marine reserves per se, their establishment should be fully justified, based on clear (not theoretical) science and put in place only after extensive consultation with affected resource users. To date, the GAP has seen no scientific justification for the system of marine reserves being considered in California under the MLPA, nor for the marine reserve proposals being discussed in the Channel Islands. At the last meeting with Channel Island representatives in June, the GAP asked specific questions about scientific justification and benefits, and pointed out studies which were contradictory as to the effects of marine reserves. To date, no reply has been received from any GAP inquiries.

Third, before embarking on establishment of a wholesale system of marine reserves, there is a need to examine the effects of existing management measures, especially in relation to how those measures have decreased effort and reduced harvest of sensitive species. As we have said before, we need to examine what has already been done before embarking on new, untested efforts.

Fourth, any proposals submitted to the Council involving marine reserves should be complete proposals. The Council does not have the time, money, or staff to complete all of the required paperwork on every marine reserve measure, including documents needed to comply with the National Environmental Policy Act. Those proposing marine reserves should pay the cost of making sure proposals are complete, accurate, and legally defensible.

Fifth, entities proposing marine reserves should consider establishing smaller, more discrete areas to

determine whether marine reserve theory translates into fact in regard to West Coast fisheries. Jumping immediately to vast tracts of areas being set aside without determining if these will make a difference is illogical and harmful to those who are displaced.

Sixth, if marine reserves are established based on the principles above, they should be phased in to avoid overwhelming economic impacts.

Finally, because establishment of a system of marine reserves will result in additional harvest displacement, the Council should move forward on its goal of capacity reduction before moving to establish a system of reserves.

AD HOC STRATEGIC PLAN IMPLEMENTATION OVERSIGHT COMMITTEE REPORT
ON
REVIEW OF WEST COAST MARINE RESERVE EFFORTS

At the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) August 30 conference call, Mr. Jim Seger reviewed the status of several marine reserves initiatives. He named the individuals recommended by each Council advisory body for the a newly formed marine reserves steering group. The steering group is charged with aiding the Council and its advisory bodies in reacting to external marine reserve proposals. The steering group will be formalized at the September Council meeting and is scheduled to meet prior to the October/November Council meeting.

The SPOC has no specific recommendations on substantive marine reserve issues. However, to ensure full participation and representation for each advisory body, the SPOC recommends the Council provide each steering group representative the ability to designate an alternate (from their respective advisory body). The number of times a representative could designate an alternate should not be limited.

For reference, the SPOC reminds the Council of the Strategic Plan implementation priorities adopted by the Council, noting that the marine reserves item is lower in priority than several other key items:

Rank	Item (section in Strategic Plan)
1.a	Buyback – all gears (C. 3.g)
1.b	Trawl permit stacking (A.3.e)
2	Observers – develop full program (A.5)
3	Review and improve groundfish management process (C.8)
4	Fixed gear permit stacking – sablefish (A.3.d)
5	Open access limited entry (A., C. 3.a,b,c)
6	Allocation
7	Marine reserves (A.6.)
8	Nearshore rockfish delegation (A.1.d)
9	Implement harvest policy recommendations (A.2.a-e)
10	Fixed gear spp endorsements & stacking – non-sablefish
11	Explore regulations to (1) reduce bycatch and (2) access allocations
11	Explore regulatory incentives (regs/gear) to minimize impacts on habitat

PFMC
09/11/01

Subject: Fwd: Proposed Marine Reserve

Date: Wed, 11 Jul 2001 08:23:10 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: james.seger@noaa.gov

Subject: Proposed Marine Reserve

Date: Tue, 10 Jul 2001 13:33:57 -0700

From: "David Kingston" <dkingsto@sprynet.com>

To: <pfmc.comments@noaa.gov>

The California DFG is considering turning a stretch of local coastline (essentially Torrance beach to Point Vincente) into a Marine Protected Area (MPA). No commercial or recreational fishing would be permitted within 1000 feet of the shoreline. This proposal is absurd. I have to say that this beautiful stretch of coastline is doing just fine with existing DFG regulations. It is adjacent to one of the most heavily populated urban areas in the country and if you are a local boater, commercial or sport fisherman, it is quite obvious the area is healthier than ever. The kelp beds are huge and extend far from shore, the fish population is diverse and healthy, already aided by DFG size/bag limit regulations and reduced fishing pressure (ask any local sportfishing landing if business has been booming the last ten years and you'll get a grim look). Lobster and urchin fisheries are also well maintained due to existing DFG regulations and compliance by local commercial fishermen.

The DFG claims that: "Studies in this region and elsewhere have documented negative impacts of collecting on intertidal populations".

Strangely enough, this extremely vague quote is listed on the documentation for almost every proposed MPA along the California coastline. I haven't physically seen a DFG boat or officer in years, though I do hear they appear from time to time to check sportfishing licenses. It boggles my mind how detailed studies could be made by a department with such a weak local presence.

The DFG also states that: "Several intertidal sites, including those at Lunada Bay and Flat Rock, are easily accessible and are popular locations for visitor exploration and educational field trips".

It seems very odd to lock up a 1000 foot stretch of water from the beach along 4 miles of coast because of shoreline visitation by elementary school field trips. Also anyone who lives here knows that most of the shoreline south of Torrance beach through to Point Vincente is not "easily accessible".

Turning this area into an MPA would have a negative impact on all of us. Local lobster and urchin fishermen who can only fish from Rocky Point Southward would be out of jobs because Santa Monica Bay is off limits to commercial fishing, Sportfishing landings from Long Beach to Marina Del Rey would take a financial hit because a large, productive fishing area would be off limits and lastly we locals, who enjoy the use of the area for sport and recreation, would lose another nearby escape from increased urban pressure and development. I worry that the DFG, in order to conform to a larger state or federal agenda - perhaps a shoreline preserve percentage quota, are recklessly blocking off large coastal areas without true thought to the commercial and recreational impact these sites have on local communities.

Dave Kingston
Torrance, Calif.

Subject: [Fwd: Fwd: MLPA]

Date: Fri, 20 Jul 2001 09:46:35 -0700

From: "John Coon" <John.Coon@noaa.gov> Internal

Organization: PFMC

To: James Seger <James.Seger@noaa.gov>

----- Original Message ----- Subject: Fwd: MLPA Date: Fri, 20 Jul 2001 09:05:30 -0700 From: "PFMC Comments" To: john.coon@noaa.gov
 Return-Path: Received: from relay-east.nems.noaa.gov ([205.156.4.216]) by mercury.akctr.noaa.gov (Netscape Messaging Server 4.15 mercury Jun 21 2001 23:53:48) with ESMTTP id GGGVN000.AD1 for ; Sat, 14 Jul 2001 07:16:12 -0700 Received: from nems.noaa.gov (scan-east.nems.noaa.gov [205.156.4.217]) by relay-east.nems.noaa.gov (Netscape Messaging Server 4.15) with ESMTTP id GGGVQ000.RPE for ; Sat, 14 Jul 2001 10:18:00 -0400 Received: by nems.noaa.gov; id KAA23400; Sat, 14 Jul 2001 10:18:00 -0400 (EDT) Received: from avocet.mail.pas.earthlink.net(207.217.121.50) by gummo.nems.noaa.gov via csmmap (V4.1) id srcAAA9ia4ST; Sat, 14 Jul 01 10:18:00 -0400 Received: from Self (CBL173.pool003.CH001-glendale.dhcp.hs.earthlink.net [209.178.104.173]) by avocet.mail.pas.earthlink.net (EL-8_9_3_3/8.9.3) with SMTP id HAA04288 for ; Sat, 14 Jul 2001 07:16:10 -0700 (PDT) Message-ID: <010001c10c6f5b2d1@charterpipeline.com> From: "N2TUNA" To: Subject: MLPA Date: Sat, 14 Jul 2001 07:17:20 -0700 MIME-Version: 1.0 Content-Type: multipart/alternative; boundary="-----_NextPart_000_00FD_01C10C35.056E4FC0" X-Priority: 3 X-MSMail-Priority: Normal X-Mailer: Microsoft Outlook Express 5.50.4522.1200 X-MimeOLE: Produced By Microsoft MimeOLE V5.50.4522.1200 This is a multi-part message in MIME format.

-----_NextPart_000_00FD_01C10C35.056E4FC0 Content-Type: text/plain; charset="iso-8859-1" Content-Transfer-Encoding: quoted-printable To Whom

It May Concern: PLEASE don't let the MLPA close the fishing grounds to recreational = fishermen. This would absolutely devastate the recreational sport-boat = fishing industry and put many, many jobs in jeopardy. Any problem with = fish overtake is due to the commercial fishing industry, NOT the = recreational angler. =20 It makes common sense to limit the areas the commercial fisherman has = access to first, then recheck the fish population. PLEASE DON'T ALLOW THE DRASTIC MEASURE OF CLOSING MUCH OF OUR FISHING = GROUNDS. Thank you, Don Morton Glendale, CA Growing Old is Mandatory; Growing Up is Optional

-----_NextPart_000_00FD_01C10C35.056E4FC0 Content-Type: text/html; charset="iso-8859-1" Content-Transfer-Encoding: quoted-printable To Whom It May=20 Concern: PLEASE don't let the MLPA close the = fishing grounds=20 to recreational fishermen. This would absolutely devastate the=20 recreational sport-boat fishing industry and put many, many jobs in=20 jeopardy. Any problem with fish overtake is due to the commercial = fishing=20 industry, NOT the recreational angler. It makes common sense to limit = the areas the=20 commercial fisherman has access to first, then recheck the fish=20 population. PLEASE DON'T ALLOW THE DRASTIC = MEASURE OF=20 CLOSING MUCH OF OUR FISHING GROUNDS. Thank you, Don = MortonGlendale, = CA Growing Old is Mandatory; Growing = Up is=20 Optional-----_NextPart_000_00FD_01C10C35.056E4FC0--

OREGON SOUTH COAST FISHERMEN
96778 ALDER RIDGE RD.
BROOKINGS OR. 97415
PH. 541-469-1948

RECEIVED

AUG 27 2001

PFMC

August 22, 2001

PACIFIC FISHERY MANAGEMENT COUNCIL
7700 NE. AMBASSADOR PLACE, SUITE 200
PORTLAND OR. 97220

COUNCIL COMMITTEE MEMBERS

Attention: JIM SEGER , PATTY WOLF, SEAN HASTINGS.

OREGON SOUTH COAST FISHERMEN will be opposed to any marine reserves ,
without substantiated biological and ecological data.

We feel that establishing reserves along the coast would place a larger
concentration of fishermen into the non-reserve areas, thus impacting the
fishery. We would like to go on record as strongly opposing any marine reserves
at this time.

Sincerely,



Dick Sutter, President
Oregon South Coast Fishermen

Paul Reilly
Department of Fish and Game
20 Lower Ragsdale Drive, Ste. 100
Monterey, CA 93940

Dear Mr. Reilly,

As a avid, long time recreational Southern California fisherman, I cannot tell you of the countless hours of enjoyment I have had as a boy, young man and now, as a mature father, and grandfather of children I have taught to fish off of the Southern California coast.

I, and numerous others I know and associate with, have seen the proposals for the Marine Parks, reserves and conservation areas, and can only see doom and disaster for the thing that means so much to us. Most sport fisherman are avid "catch and release" "only what we need" and "if it isn't used for food, release it". I have seen commercial net boats take in one night what would take a year or more to take by every sport fisherman in California.

We have fished from Point Conception to the Mexican border and all the islands off our coast, and to think of the closed areas that are being proposed, saddens us beyond belief.

I hope you will re think and re plan what needs to be done, reduce limit amounts, look at size limits, etc., by far, we would all be willing to help in any way possible. Please look again at the impact the current proposals would have. With 307 square nautical miles of California waters and 130 nautical miles of shoreline proposed as Marine Protected Areas, most of which excludes recreational fishing, there must be some other way to ensure our fisheries for the future.

I hope you will take into consideration, I am only one of a vast thousands that have the same belief that you will come up with an alternative plan that will accomplish the same thing without the closure.

Sincerely,


Alex B. Valdez

cc. Governor Gray Davis
State Capitol Building, Sacramento CA 95814

Robert Hight, Director
California Dept of Fish and Game
1416 9th Street Sacramento, CA 95814

James H. Lone, Chairman
Pacific Fishery Management Council
2130 SW Fifth Ave Ste 224 Portland, OR 972901

RECEIVED

AUG 31 2001

RECEIVED

Supplemental EXHIBIT D/F
Received 9-11-01



COMMENTS SUBMITTED TO THE PACIFIC FISHERY MANAGEMENT COUNCIL ON
BEHALF OF THE AUDUBON SOCIETY OF PORTLAND AND THE SURFRIDER
FOUNDATION

RE: Implementation of Pacific Fishery Management Council Marine Reserves Objectives

September 11, 2001

Dear Council Members,

We would like to thank the Pacific Fishery Management Council (Council) for allowing us this opportunity to comment on marine reserves and for the meeting time you have devoted to this important issue. Both the Surfrider Foundation and the Audubon Society of Portland currently are working to protect resources in the Pacific Ocean in order to preserve ocean biodiversity, obtain sustainable fisheries, protect wildlife habitat, provide recreational opportunities, and increase the overall health and diversity of marine ecosystems. Our combined organizations represent tens of thousands of members on the West Coast and we strongly support implementation of a scientifically sound network of marine protected areas in our area. We as surfers, divers, birders, beachgoers, and swimmers – people who spend a significant amount of time on the coast and in the ocean – recognize that protection of marine ecosystems equals a diverse and healthy marine environment. The protection of marine or ocean wilderness benefits not only diverse fish and wildlife populations, but also the people who enjoy and depend upon them. Whether a diver who enjoys looking at rockfish in a kelp forest off of Oregon's wild coast, or a fisherman who enjoys the benefit of "fishing the line" adjacent to a marine reserve, the protection of fish communities and entire marine ecosystems is an investment in our future.

We are very concerned about the loss of biodiversity on the coastal and open ocean environment of the West Coast, including the overfished status of many groundfish species in the Pacific Ocean. The Council is to be commended for recommending the strategic use of marine reserves in its Groundfish Fishery Strategic Plan, "Transition to Sustainability," and creating the Marine Reserves Committee. It is unfortunate, however, that the Council has not placed greater priority on the implementation of its marine reserves objective. We support the recommendation of the Ad Hoc Marine Reserve Committee that "*The Council should put high priority on seeking the money and personnel needed to pursue Phase II.*" (Marine Reserve Analysis Cover Letter, 8-7-00 emphasis added), and urge the Council to move forward with Phase II of the Marine Reserves Technical Analysis in order to adequately implement the Groundfish Strategic Plan and protect the integrity of marine ecosystems.

Sincerely,

Kevin Ranker
Surfrider Foundation
www.surfrider.org

Avalyn Taylor
Audubon Society of Portland
www.audubonportland.org

REVIEW OF WEST COAST MARINE RESERVE EFFORTS

Situation: There are four topics for Council consideration under this agenda item:

- (1) A staff report on jurisdictional authorities for creating marine reserves.
- (2) The status of the Ad Hoc Marine Reserves Steering Group.
- (3) The status of the Scientific and Statistical Committee (SSC) effort to review scientific issues related to reserve size.
- (4) Solicitation of nominations for a Federal Advisory Committee on Marine Protected Areas.

At its June meeting, Council members asked staff to augment the review of current efforts to develop marine reserves on the West Coast by identifying agencies with jurisdictional authorities. A brief summary of jurisdictional authorities has been added to the overview of West Coast activities.

In June, the Council also authorized appointment of an Ad Hoc Marine Reserves Steering Group to coordinate the Council response to proposals for marine reserves generated outside the Council process. This group is comprised of representatives from each Council advisory body, including technical teams and enforcement consultants. The group is being asked to develop a recommendation for the Council on how it can best go about serving its coordinating role, given the limit on funds and staff to support meetings of the group. A report from this group is expected at the November Council meeting.

Additionally, the Council accepted the SSC offer to form an ad hoc subcommittee to review scientific issues related to the appropriate size for marine reserves on the West Coast. The SSC intends to focus its first effort on reviewing recommendations of the science panel that provided advice to the Channel Islands National Marine Sanctuary (CINMS) area Marine Reserve Working Group. This CINMS panel recommended that 30% to 50% or more of the CINMS area be placed in marine reserves. The SSC is trying to schedule a meeting with CINMS science panel members for early October.

A *Federal Register* notice opening a second round of nominations for the Federal Advisory Committee on Marine Protected Areas was published Friday, August 10, 2001 (Exhibit D.1.d, *Federal Register* Notice). The Department of Commerce is establishing this advisory committee pursuant to Executive Order 13158 on Marine Protected Areas and is seeking nominations for membership. The department is seeking "a diverse group of approximately 25 highly qualified individuals." Nominations are sought for non-federal scientists, resource managers, and persons representing other interests or organizations. The deadline for nominations is September 15, 2001.

Council Task: Review information provided, assure Council member understanding of West Coast marine reserve efforts, provide additional guidance as needed.

Reference Materials:

1. Status of Efforts to Consider Marine Reserves on the West Coast (Exhibit D.1.a, Staff Report).
2. List of Members on the Ad Hoc Marine Reserves Steering Group (Exhibit D.1.b, Attachment 1).
3. Notice of Request for Nominations (Exhibit D.1.d, *Federal Register* Notice).
4. Public Comment (Exhibit D.1.f, Public Comment).

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP strategic plan calls for the Council to "use marine reserves as a fishery management tool that contributes to groundfish conservation and management goals, has measurable effects, and is

integrated with other fishery management approaches.”

HABITAT STEERING GROUP COMMENTS ON THE MARINE RESERVE PROPOSALS
FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

The Habitat Steering Group (HSG) received a briefing on the Channel Islands National Marine Sanctuary (CINMS) reserve proposal process from Ms. Patty Wolf, California Department of Fish and Game (CDFG) and Mr. Sean Hastings, CINMS staff. It is our understanding that CDFG staff are in the process of developing proposed regulation language for the options identified by the California Fish and Game Commission (Commission). The Commission may take public input on these options at its December meeting in Long Beach, California with final adoption potentially scheduled for its February 2002 meeting. If marine reserves at the Channel Islands are adopted by the Commission, then the next step would be for CINMS to propose complementary closures in federal waters for the Council's consideration.

The HSG would like to reiterate its support for active participation by the Council in marine reserve initiatives. The HSG plans to continue to track the CINMS marine reserve process and receive periodic updates from CDFG and CINMS staff on their progress. The HSG also intends to support the Council by working with the Ad Hoc Marine Reserves Committee and will review any marine reserve proposals which are developed outside of the Council process and presented to the Council for consideration.

PFMC
09/11/01

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON
MARINE RESERVE PROPOSALS FOR CHANNEL ISLAND NATIONAL MARINE SANCTUARY

The Scientific and Statistical Committee (SSC) was briefed by Mr. Sean Hastings, Channel Island National Marine Sanctuary (CINMS), and Ms. Patty Wolf, California Department of Fish and Game, on the current status of the process to develop a network of marine reserves within the Sanctuary's boundaries. The California Fish and Game Commission is currently considering a number of options for the size and placement of reserves at CINMS. They may select an option as early as February 2002. This is ahead of the time frame in which the Council is likely to come to its own conclusions. The process through which consistent state and federal fishery regulations will be developed is not clear.

It will be important that there be close coordination between CINMS and the Council. In accordance with National Environmental Policy Act (NEPA) requirements, it will also be important that the Council receive a full regulatory analysis of reserve size and location alternatives considered by the CINMS. These documents should include a socioeconomic as well as an ecological comparison of options. These analyses are necessary to inform Council deliberations on this issue, and the Council should not be expected to take action without these analyses. The SSC looks forward to reviewing these documents when they become available.

The SSC Ad Hoc Marine Reserves Subcommittee will be meeting with the CINMS Science Panel on October 1 and 2, 2001 in Santa Barbara, California to discuss the Science Panel's findings and recommendations. This meeting will focus on the Science Panel's recommended reserve size and how they determined the potential fishery benefits that would result from a marine reserve network in the CINMS. The SSC will present a statement to the Council at the November meeting on the results of this meeting.

PFMC
09/11/01

wd: RE: clarification regarding my association with CINMS Socioeconomic Panel

Subject: Fwd: RE: clarification regarding my association with CINMS Socioeconomic Panel

Date: Thu, 16 Aug 2001 11:55:03 -0700

From: Cindy Thomson <Cindy.Thomson@noaa.gov>

To: brian@cbfwf.org, abyrne@idfg.state.id.us, bconrad@nwifc.wa.gov, ray.conser@noaa.gov, mike@dalton.monterey.edu, rfrancis@fish.washington.edu, khill@ucsd.edu, jagiethj@dfw.wa.gov, peter.w.lawson@noaa.gov, aepunt@u.washington.edu, steve.ralston@noaa.gov, gary.stauffer@noaa.gov, shijie.zhou@state.or.us

CC: James.Seger@noaa.gov, daniel.waldeck@mercury.akctr.noaa.gov

SSC members -

Pls read. I will be raising this topic during open discussion at our September meeting.

-Cindy

>From: "Matt Pickett" <matt.pickett@noaa.gov>

>To: "Cindy Thomson" <Cindy.Thomson@noaa.gov>

>Cc: <Donald.McIsaac@noaa.gov>,

> <robertalverson@msn.com>,

> <anderpma@dfw.wa.gov>,

> <burnie.bohn@state.or.us>,

> <ebrown@pacnorwest.uscg.mil>,

> <aloma@wave.net>,

> <caitofsh@mcn.org>,

> <Bill.Robinson@noaa.gov>,

> <don@danawharfspoortfishing.com>,

> <dave_hanson@psmfc.org>,

> <Jeharp@aol.com>,

> <LBBOYDST@hq.dfg.ca.gov>,

> <Svein.Fougner@noaa.gov>,

> <jimlone@msn.com>,

> <Hans_D._Radtke@class.oregonvos.net>,

> <timothy_roth@fws.gov>,

> <dave_gaudet@fishgame.state.ak.us>,

> <churchill.grimes@noaa.gov>,

> <Pete.Adams@noaa.gov>

>Subject: RE: clarification regarding my association with CINMS Socioeconomic Panel

>Date: Mon, 25 Jun 2001 10:32:45 -0700

>X-Mailer: Microsoft Outlook 8.5, Build 4.71.2173.0

>Importance: Normal

>

>Dear Cindy,

>

>Our apology for the misunderstanding, your name will be removed from all
>documentation, and our website, related to the Socio-Economic Panel that is
>supporting the Channel Islands Marine Reserves Process. Regarding the
>public statement at the last Council meeting, I understand Sean Hastings,
>CINMS Staff, provided clarification to the Council that you were never on
>the Panel, and only provided data to the Panel. I'd be happy to detail
>this in writing to the Director and the Council.
>Thank you for the data you were able to provide, and thanks in advance for
>providing a review of the socio-economic analysis.

>

>Matt Pickett

>

>

>-----Original Message-----

>From: Cindy Thomson [<mailto:Cindy.Thomson@noaa.gov>]

>Sent: Thursday, June 21, 2001 4:30 PM

>To: Matt.Pickett@noaa.gov
>Cc: Donald.McIsaac@noaa.gov; robertalverson@msn.com; anderpma@dfw.wa.gov;
>burnie.bohn@state.or.us; ebrown@pacnorwest.uscg.mil; aloma@wave.net;
>caitofsh@mcn.org; Bill.Robinson@noaa.gov; don@danawharfssportfishing.com;
>dave_hanson@psmfc.org; Jeharp@aol.com; LBBOYDST@hq.dfg.ca.gov;
>Svein.Fougner@noaa.gov; jimlone@msn.com; Hans_D._Radtke@class.oregonvos.net;
>timothy_roth@fws.gov; dave_gaudet@fishgame.state.ak.us;
>churchill.grimes@noaa.gov; Pete.Adams@noaa.gov
>Subject: clarification regarding my association with CINMS Socioeconomic
>Panel

>Matt,

>In August 1999, Ed Cassano (who was then the CINMS manager) invited several
>people from Cal Fish and Game and Minerals Management Service, as well as
>myself, to meet with CINMS staff and NOS economists to discuss an effort
>being initiated by CINMS to consider marine reserves. At that time, I (as
>well as the CDFG and MMS participants) provided CINMS with information
>regarding existing data and studies that might be relevant to an evaluation
>of the effects of marine reserves. My very clear understanding when I left
>that meeting was that the NOS economists, along with their contractors,
>were going to conduct an analysis of socioeconomic effects of marine
>reserve options, and that I might be asked to review this analysis when it
>was done. I have had no contact with the CINMS staff or NOS economists
>after that meeting until this spring, when the NOS economists sent me a
>draft of their analysis.

>A document that CINMS recently sent to the Pacific Council lists me as a
>member of the CINMS Socioeconomic Panel. This surprises me, as I never
>agreed to be a member of any such panel and have had nothing to do with the
>socioeconomic analysis. This misperception that I'm on the Panel has
>prompted a Council member to publicly question whether it's appropriate for
>me to be reviewing analyses produced by the Panel. It's a fair question
>and the concern underlying it is a serious one, both for myself and the
>SSC. The SSC goes to great lengths to ensure that individual SSC members
>do not review their own work. As SSC chair, it's particularly important
>that I avoid even the appearance of conflict of interest.

>I request your immediate attention to this matter. Specifically, I want my
>name removed immediately from all documents that associate me with the
>Socioeconomic Panel. My name is apparently also listed on your website,
>and I'd like it removed from there as well. I also request that you
>provide Don McIsaac, the Council's Executive Director, with written
>clarification regarding my lack of involvement in the socioeconomic
>analysis. As I'm sure you'll agree, we all have too many substantive
>issues on our plate to be distracted by misunderstandings like this.

>Thank you. --Cindy Thomson

>Cindy Thomson (Cindy.Thomson@noaa.gov)
>NOAA Fisheries
>Southwest Fisheries Science Center
>110 Shaffer Road
>Santa Cruz, CA 95060
>831-420-3911 voice
>831-420-3977 fax



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

JUL 23 2001

F/SWR4:MH

LCDR Matt Pickett
Sanctuary Manager
Channel Islands National Marine Sanctuary
113 Harbor Way
Santa Barbara, California 93109

Dear Matt:

As a participant on the former Marine Reserve Working Group (MRWG) and as a Channel Islands National Marine Sanctuary (CINMS) Advisory Council (SAC) member, I have reviewed the map and economic data of the July 11, 2001, "Working Draft Preferred Alternative MPA Area Network for the Channel Islands," version 2. This working draft recommends a proposed marine reserve design within the boundaries of the CINMS. It is my understanding that the recommendation was created by California Department of Fish and Game (CDFG) and CINMS staff for the California Fish and Game Commission.

In the accompanying transmittal letter, you ask for comments on the proposed marine reserve design. Even though the recommendation provides a summary of the existing ecological communities and the potential economic impacts for each site, I do not know the particular benefits to resources nor the confirmed impacts to the various users groups to adequately comment on the specific contents of the proposed design at this time.

However, after reviewing the recommendation package, I would like to take this opportunity to comment on some of my observations. As a general comment, please note that I was impressed with the community-based approach used in the MRWG effort. The advantage of this open process was that it brought together a diverse array of constituents with the intent of creating a marine reserve design by consensus. However, because the MRWG was unable to do this by the self-imposed May 16, 2001, deadline, the SAC directed the staffs of CDFG and your office to generate a marine reserve recommendation themselves. This charge given by the SAC basically created a "top-down" approach for formulating the preferred map. While this inverted the original process, it would have been workable if it had built upon what was unanimously agreed upon during the MRWG process. Unfortunately, the preferred alternative map does not do this. Rather, the proposed marine reserve design greatly modifies portions of the May 16, 2001,



composite map. For example, the preferred map now includes revisions to the Gull Island parcel off Santa Cruz Island, the north end of San Miguel Island and also proposes closures at Anacapa Island and Santa Barbara Island.

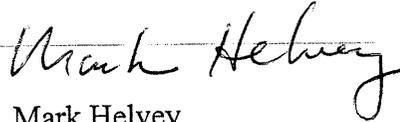
The inclusion of fishing closures at Anacapa Island and Santa Barbara Islands are possibly the most significant changes from the MRWG "composite" map and will probably be the most controversial. I recall that earlier proposals to close portions of these islands during the MRWG process led to a breakdown in negotiations because of the important socio-economic benefits noted by some members of the fishing community for these two islands. Due to the economic benefits derived from these areas, I question whether proposing smaller areas at these islands, modifying proposed closure areas to some form of limited fishing, or locating the closures in other areas of the respective biogeographical provinces would achieve the same ecological results yet minimize the socio-economic impacts to the fishing community. Such an effort to do this would be consistent with all the goals and objectives established by the MRWG members.

On the topic of Santa Barbara Island, the case for "connectivity" between this island and the remaining northern Channel Islands as part of a network system seems tenuous. As you are aware, developing an optimal network for species enhancement and sustenance of fisheries requires an understanding of the factors affecting dispersal. To maintain that Santa Barbara Island is physically integrated with the other islands as part of a marine reserve network should be documented in the recommendation.

One noticeable omission in your recommendation package is an explanation of the perceived fishery benefits expected from the proposed closures at each location. For example, what will be the expected biomass trajectories of the proposed marine reserve design for species managed by the Pacific Fishery Management Council (Council)? I appreciate the considerable effort that went into identifying locations of important habitat types and ecological processes around the various islands. However, without knowing how these proposed closure areas will be translated into improved fishery yields makes it impossible to determine if these proposed fishing closure areas are accommodating a habitat quantity objective or if they are offering high habitat quality where the resident species are expected to reproduce to their maximum potentials. Certainly, NMFS, Southwest Region will be quite interested in the latter and I believe that this information will be especially relevant when the CINMS and CDFG present their recommendation to the Council for consideration of closures in the Sanctuary's Federal waters. You also should be aware that the Council will be unable to promulgate fishery regulations without defensible ecological and economic justification for the size and location of proposed fishing closures within CINMS. I am aware that both the Council and its Scientific and Statistical Committee requested additional scientific and economic documentation including reserve size from you and assume this will be forthcoming once you have reviewed and analyzed comments on your proposed marine reserve map.

I am grateful for this opportunity to examine the working draft recommendations and acknowledge the hard work that your staff as well as that of CDFG have invested in this effort. I do think that you will have a smoother time getting this recommendation through the State and Federal regulatory hurdles if you continue to seek the support of the fishing community. If you have any questions, please call me at (562) 980-4046.

Sincerely,



Mark Helvey
EFH Coordinator and
SAC Member

cc: Rebecca Lent - NMFS-SWR
Svein Fougner-NMFS-SWR
Cindy Thomson - NMFS - SWR
Bill Robinson -NMFS-NWR
Don McIsaac - PFMC
Patty Wolf - CDFG

