

## HABITAT STEERING GROUP COMMENTS ON MARINE RESERVES

### **Marine Reserves**

The Habitat Steering Group (HSG) discussed the State of California marine reserves process, the Channel Islands Marine Reserve development process, and the Cordell Banks/Monterey/Farallon Islands Marine Reserve process. We were concerned about the following items:

1. The California alternatives do not appear to address any specific groundfish rebuilding goals.
2. The Channel Islands effort targets biodiversity, but does not address how their plans will fit into the Council's concern with rebuilding groundfish stocks.
3. We do not have specific proposals from the Cordell Banks/Monterey/Farallon Islands process at this time.

There was a consensus the Council should request that these other entities provide some analysis of how their proposals fit in with rebuilding objectives. At the same time, we recommend the Council set goals for marine protected areas and describe how they fit with external proposals.

PFMC  
03/12/02



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL OCEAN SERVICE**

**Monterey Bay National Marine Sanctuary**  
299 Foam Street  
Monterey, California 93940

RECEIVED

NOV 26 2001

PM

November 20, 2001

Dr. Donald McIsaac  
Pacific Fisheries Management Council  
2130 SW Fifth Avenue, suite 224  
Portland, OR 97201

**SUBJECT: National Marine Sanctuaries Joint Management Plan Review**

Dear Dr. McIsaac,

The Monterey Bay National Marine Sanctuary, along with the Cordell Bank and Gulf of the Farallones National Marine Sanctuaries, is about to commence a public process to jointly review and revise our respective management plans. A Sanctuary Management Plan is a site-specific planning and management document that describes the objectives, policies, and activities for a sanctuary. This Joint Management Plan Review process will result in new plans, which will outline each Sanctuary's priorities and programs for the next 5-10 years.

At the end of November, we will embark on the public scoping period of the Joint Management Plan Review process, by holding public meetings to get input from resource users, interest groups, government agencies, and other members of the public on resource management issues. This input will help define the range of issues that the program needs to address during the management plan review. We welcome the participation of the Pacific Fisheries Management Council in this process, as many of the issues are of mutual interest to our organizations. The public comment period remains open until January 31, 2002.

I have enclosed several brochures, which explain the process in greater detail. Additional information is available at our Joint Management Plan Review website <http://www.sanctuaries.nos.noaa.gov/jointplan/>. If you have further questions, or would like to arrange a presentation on the Joint Management Plan Review, please contact Sean Morton, Management Plan Coordinator of my staff at (831) 647-4217.

Sincerely,

William J. Douros  
Superintendent



# Joint Management Plan Review

## *Cordell Bank, Gulf of the Farallones & Monterey Bay National Marine Sanctuaries*

Joint  
Management  
Plan Review  
(JMPR)

### Process and Schedule

Getting Involved

Scoping Meeting  
& Dates

Summary of  
Scoping Meeting  
Comments

JMPR Process &  
Schedule

Announcements

Maps/Images

Current  
Sanctuary  
Management  
Plans &  
Regulations

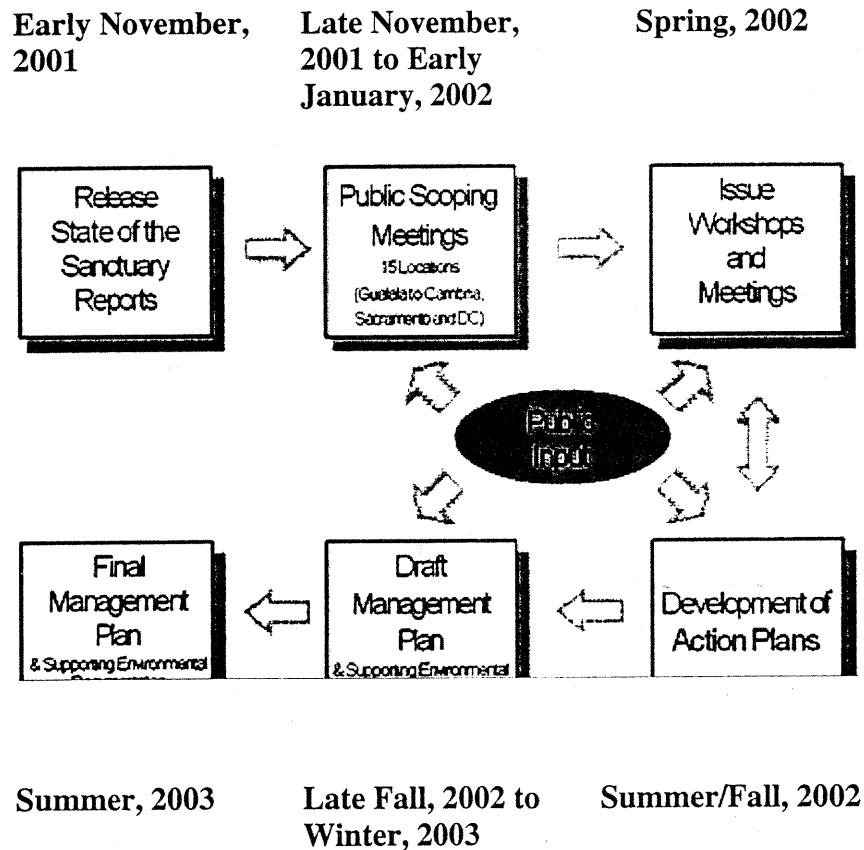
State of the  
Sanctuary  
Reports

CA Biogeographic  
Assessment

Press Releases &  
Notices

Your Comments

Links to  
Sanctuary  
Websites



*Note: These dates are subject to change.*

(top)

### **Search site**

Revised February 17, 2002 by Sanctuaries Web Group

National Ocean Service | National Oceanic and Atmospheric Administration | U.S. Department of Commerce  
http://sanctuaries.nos.noaa.gov/jointplan/timeline.html

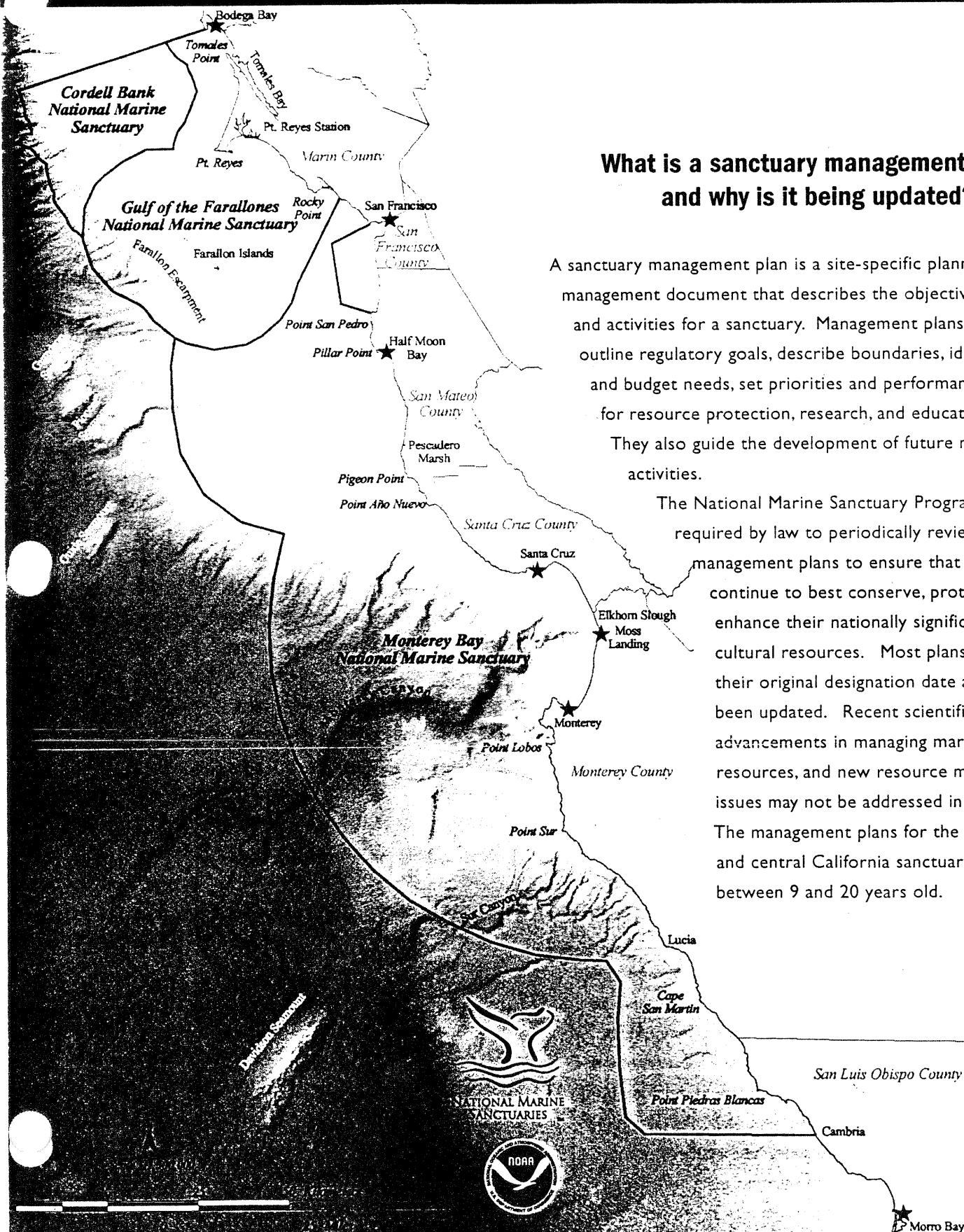
# Joint Management Plan Review

## Cordell Bank, Gulf of the Farallones & Monterey Bay National Marine Sanctuaries

### What is a sanctuary management plan and why is it being updated?

A sanctuary management plan is a site-specific planning and management document that describes the objectives, policies, and activities for a sanctuary. Management plans generally outline regulatory goals, describe boundaries, identify staffing and budget needs, set priorities and performance measures for resource protection, research, and education programs. They also guide the development of future management activities.

The National Marine Sanctuary Program (NMSP) is required by law to periodically review sanctuary management plans to ensure that sanctuary sites continue to best conserve, protect, and enhance their nationally significant living and cultural resources. Most plans date back to their original designation date and have not been updated. Recent scientific discoveries, advancements in managing marine resources, and new resource management issues may not be addressed in existing plans. The management plans for the three northern and central California sanctuaries are between 9 and 20 years old.





## Why are we reviewing the management plans for all three sites together?

The NMSP is reviewing all three management plans jointly. These sanctuaries are located adjacent to one another, managed by the same program, and share many of the same resources and issues. In addition, all three sites share many overlapping interest and user groups. It is also more cost-effective for the program to review the three sites jointly rather than conducting three independent reviews. During the review, the sanctuaries will evaluate management and operational strategies, regulations, and boundaries. The review will look at whether the management programs at all three sanctuaries can be better coordinated.



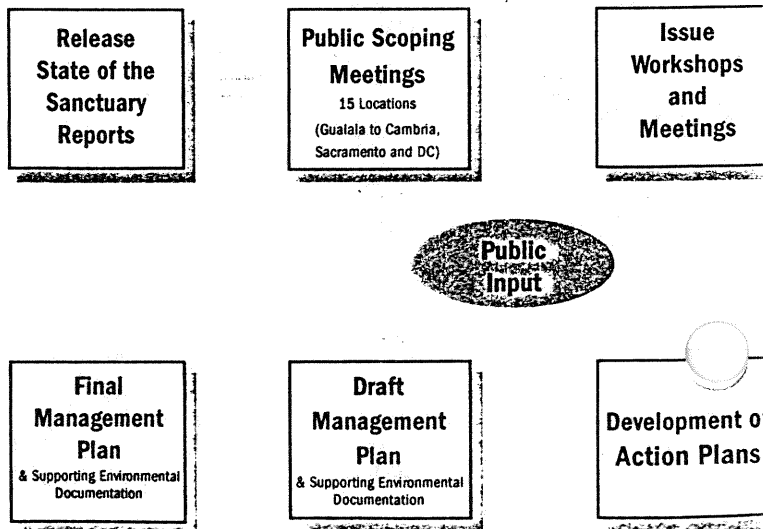
## What are the steps for the review?

The NMSP periodically reviews sanctuary management plans relying on public input from both local and national communities. This process begins with the release of a "State of the Sanctuary" report that provides information to the public about the sanctuary, its accomplishments, and current resource management issues. The three reports are scheduled to be distributed this fall and will be available on the Internet or from any of the three sanctuary offices. Following the release of these reports, the sanctuaries will hold public scoping meetings, develop action plans, and prepare a draft management plan. Formal public hearings on the draft plan will help staff revise the document into a final management plan, which, once approved, will outline the sanctuaries' priorities for the next 5-10 years.

**Scoping Meetings:** Sanctuary staff will hold public scoping meetings in communities adjacent to the sanctuaries in late 2001 and early 2002. The meetings will allow sanctuary members of the public, and agencies to comment on each of the three sanctuary management strategies and provide input on what issues and problems they see as management priorities for the next 5 to 10 years. Comments may also be sent to the NMSP through the website or in writing. The final date, time, and location of scoping meetings will be posted on the website.

**Action Plans:** After the scoping meetings, sanctuary staff will review all comments and work with their Sanctuary Advisory Councils and the public to prioritize issues for the management plan review. If necessary, additional workshops will be scheduled to help sanctuary staff develop tailored action plans that address priority issues. These action plans will form the foundation of the draft management plan.

**Draft & Final Management Plans:** The revised draft management plans will contain a series of action plans that address resource protection and general management. They may also propose regulatory changes. The sanctuaries will take written comments and host a series of public hearings on the draft plans. A supporting environmental document, such as an Environmental Assessment or an Environmental Impact Statement, will be prepared to support and explain any changes. After the close of the public comment period, the NMSP will review comments and make necessary changes before issuing final management plans.



## What kind of changes can I expect?

Management plan review provides an opportunity for sanctuary staff and the public to shape the future direction and management of each sanctuary. At this time, it is too early to determine the specific issues or changes that may be addressed for each sanctuary. This will, in part, depend on program priorities and comments received during the public scoping meetings. However, during the management plan review, each sanctuary will evaluate and possibly revise their operation and management framework; resource protection, education, and research programs; site-specific regulations; boundaries; and management zones. The sanctuaries will also evaluate the need to improve coordination and reduce duplication among the sites.

## How will the public be involved?

Active and informed public participation is a key element of sanctuary management, particularly during management plan review. The NMSP recognizes the public as a key resource management partner and values their input in helping shape and manage marine sanctuaries. For almost 30 years, the NMSP has engaged the public in helping create new sanctuaries, develop resource protection strategies, resolve multi-stakeholder issues (i.e., water quality, vessel traffic, and marine reserves), and more recently to review existing management plans. Using the lessons learned from these experiences, the NMSP will help build community awareness of key issues affecting these sanctuaries and actively engage user and interest groups, agencies, and the public in an open dialogue about how to best shape the future direction and management of these three contiguous sites.

The public will have numerous opportunities to participate in management plan review, beginning with the scoping meetings and continuing through the development of the draft and final management plans. The NMSP will provide ample notice of each meeting through local media and the website.

### Photo Credits (top to bottom):

page 2: sea lion - Jan Roletto; surfer - Gulf of the Farallones NMS  
page 3: fishing boat - Gulf of the Farallones NMS; rockfish - Channel Islands NMS  
page 4: reef fish - Cordell Bank Expedition; shark - Scot Anderson; diver - Kip Evans



## How can I be involved?

You can become involved in the joint management plan review by first helping identify issues and potential solutions during the scoping phase. The NMSP will accept comments in writing, via the Internet, or in person at any of the scoping workshops. After the issues have been reviewed and prioritized, the sanctuaries will involve the public in developing action plans. These action plans will become the foundation for draft management plans, which, once completed, will be available for public review and comment. Throughout the review process, you may also attend any of the Sanctuary Advisory Council (SAC) meetings held at each of the three sanctuaries. Meeting agendas are posted on the individual site websites, and all meetings are open to the public.



## Where can I get more information?

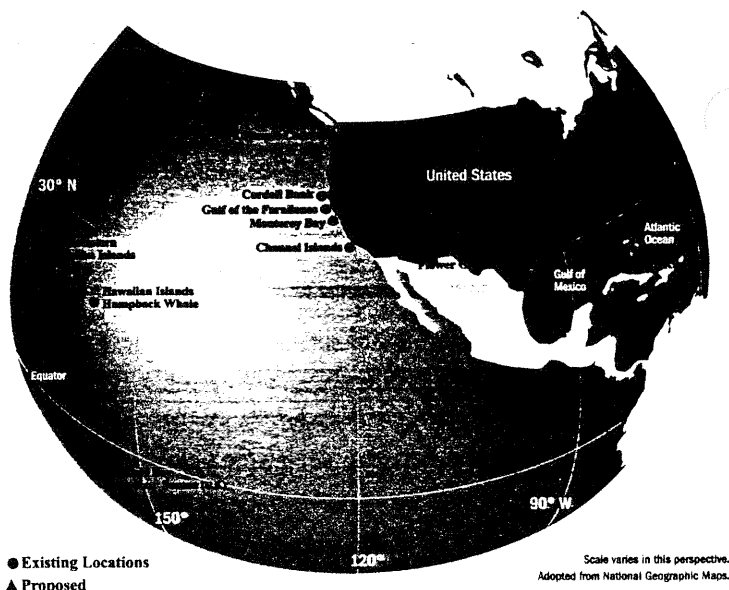
For more information, please visit the joint management plan update website at: <http://sanctuaries.nos.noaa.gov/jointplan/> or contact your local sanctuary office at:

Monterey Bay National Marine Sanctuary  
Sean Morton, Management Plan Coordinator  
299 Foam Street  
Monterey, CA 93940  
(831) 647-4217 • [Sean.Morton@noaa.gov](mailto:Sean.Morton@noaa.gov)

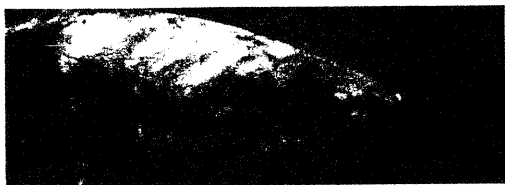
Gulf of the Farallones and Cordell Bank  
National Marine Sanctuaries  
Anne Walton, Management Plan Coordinator  
Fort Mason, Building 201  
San Francisco, CA 94123  
(415) 561-6622 • [Anne.Walton@noaa.gov](mailto:Anne.Walton@noaa.gov)

## What is the National Marine Sanctuary Program?

The nation's National Marine Sanctuary Program (NMSP), established in 1972 by the National Marine Sanctuaries Act, is administered by the National Oceanic and Atmospheric Administration and protects a network of 13 special marine and freshwater areas. The goal of the Sanctuaries Act is to set aside and manage areas for resource protection, research, enhanced public education, and compatible public and private uses. Today, our marine sanctuaries contain whale migration corridors, deep sea canyons, kelp forests, coral reefs, and underwater archeological sites. Off the northern and central California coast, three contiguous National Marine Sanctuaries - Cordell Bank, Gulf of the Farallones, and Monterey Bay - have been established to protect and conserve these marine ecosystems.



**Cordell Bank National Marine Sanctuary**, designated in 1989, encompasses 526 square miles of open ocean off Point Reyes. Cordell Bank is a submerged island that reaches within 120 feet of the ocean surface. The upwelling of nutrient rich ocean waters and the bank's topography create one of the most biologically productive areas in North America — a lush feeding ground for marine mammals, and seabirds. Its depth, currents, and distance from the mainland have kept this remote and productive part of the California sea floor a mystery to most of the public. (<http://www.sanctuaries.nos.noaa.gov/oms/omscordell/omscordell.html>)



**Gulf of the Farallones National Marine Sanctuary** is located along the California coast west of the San Francisco Bay area. It was designated in 1981 and encompasses 1,255 square miles. The Gulf of the Farallones is rich in marine resources, including spawning grounds and nursery areas for commercially valuable species, at least 36 species of marine mammals, and 15 species of breeding seabirds. One-fifth of California's harbor seals breed within the sanctuary, and the Farallon Islands are home to the largest concentration of breeding seabirds in the contiguous United States. The Sanctuary also includes the coastline up to the mean high tide, protecting a number of accessible lagoons, estuaries, bays, and beaches. (<http://www.gfnms.nos.noaa.gov/>)



**Monterey Bay National Marine Sanctuary** stretches along 276 miles of the central California coast and encompasses 5,328 square miles of coastal and ocean waters. It was designated in 1992 and contains many diverse biological communities, including sandy bottom and rocky outcrop habitats, the nation's largest expanse of kelp forests, one of the deepest underwater canyons in North America, and a vast open ocean habitat. Nutrients from two upwelling centers fuel an abundance of life, from tiny plankton to huge blue whales. This diversity of habitats and marine life has made the Sanctuary a national focus for marine research and educational programs. (<http://www.mbnms.nos.noaa.gov/>)

# **Joint Management Plan Review Cordell Bank, Gulf of the Farallones & Monterey Bay National Marine Sanctuaries**

## **Scoping Meetings**

### **What are scoping meetings?**

At the onset of a management plan review, the National Marine Sanctuary Program (NMSP) holds public meetings to "scope out" or get input from resource users, interest groups, government agencies, and other members of the public on resource management issues. This input will help define the range of issues that the program needs to address during the management plan review.

### **What kind of comments are we looking for?**

Scoping meetings provide an opportunity for people to make direct comments to the NMSP and the local sanctuary on issues related to management of the sanctuary's natural and cultural resources and overall administration. We encourage interested members of the public to participate in the management plan review and welcome any comments related to the sanctuary. In particular, we are interested in hearing about the public's view on:

- effectiveness of the existing management plan in protecting sanctuary resources
- emerging sanctuary resource management issues
- implementation of regulations and permits
- resource protection programs (such as water quality and enforcement)
- research and monitoring programs
- education, volunteer, and outreach programs
- adequacy of existing boundaries, including zones, to protect sanctuary resources
- assessment of the existing operational and administrative framework (staffing, offices, vessels, etc.).

### **How can you provide input?**

The NMSP and the local sanctuaries encourage interested members of the public to participate and provide comments at one of the 20 scoping meetings held in communities throughout the three-sanctuary region, from Gualala in Sonoma County to Cambria in San Luis Obispo County, and one each in Sacramento and Washington, D.C. (see reverse side for meeting dates, times, and locations). Each meeting is equally important. During the meetings, participants may comment on issues related to the three individual sanctuaries or all three sites together. Those unable to attend the scoping meetings in person can mail or fax written comments directly to one of the management plan review coordinators. Comments may also be submitted via e-mail at [jointplancomments@noaa.gov](mailto:jointplancomments@noaa.gov) or directly on the project website at <http://sanctuaries.nos.noaa.gov/jointplan/>. The public comment period remains open until January 31, 2002.

### **What can I expect at the scoping meetings?**

Scoping meetings provide a forum for the public to provide comments to sanctuary staff on one or all of the three sanctuaries. They are not decision making meetings. Meetings will generally follow a similar format, but they will be flexible enough to accommodate the number of people in attendance and the physical constraints of each location. At the beginning of each scoping meeting, sanctuary staff will provide all the participants with a summary of the Joint Management Plan Review, detail the scoping meeting format, and answer any questions. Following the introduction, the group will break up into discussion groups consisting of 10 to 12 people. A group leader will help guide the discussion and ensure everyone has the opportunity to provide comments. Each group will have a recorder who will summarize each of the comments on a chart so the group can see their comments are being recorded.

### **What's next after scoping?**

Comments from each of the scoping meetings, as well as written comments and e-mail, will be summarized and posted on the NMSP website. The individual sanctuaries will work with their respective Sanctuary Advisory Councils and other members of the public to help prioritize issues to be addressed during this management plan review and later to develop a draft management plan.



## Where will the meetings be held?

<u>Date</u>	<u>Location</u>	<u>Time</u>	<u>Venue</u>
Nov. 28, Wednesday	Santa Cruz, CA*	1:00 p.m. & 6:30 p.m.	Santa Cruz Civic Center 307 Church Street
Nov. 29, Thursday	Monterey, CA*	1:00 p.m. & 6:30 p.m.	Monterey Conference Center One Portola Plaza
Dec. 1, Saturday	Salinas, CA*	1:00 p.m.	Hartnell College 156 Homestead Avenue
Dec. 3, Monday	San Luis Obispo, CA	6:30 p.m.	San Luis Obispo Public Library 995 Palm Street
Dec. 4, Tuesday	Cambria, CA	6:30 p.m.	Cambria Grammer School 1350 Main Street
Dec. 5, Wednesday	Big Sur, CA	6:30 p.m.	Big Sur Lodge at Pfeiffer Big Sur State Park 47225 Pacific Coast Highway One
Dec. 6, Thursday	Half Moon Bay, CA	6:30 p.m.	Ted Adcock Community Center 535 Kelly Avenue
Dec. 7, Friday	Half Moon Bay, CA	8:30 a.m.	MBNMS Advisory Council Meeting, Douglas Beach House, 311 Mirada Road
Dec. 11, Tuesday	Sacramento, CA	10:00 a.m. – 2:00 p.m.	Sheraton Grand Sacramento, Compagno Room 1230 J Street
Dec. 14, Friday	Washington, D.C.	10:00 a.m. – 12:30 p.m.	U.S. Dept. of Commerce, Herbert G. Hoover Bldg. 14th and Constitution Ave. NW, Room 6800 & 6802
Jan. 7, Monday	Gualala, CA	6:30 p.m.	Gualala Arts Center 46501 Old State Highway
Jan. 8, Tuesday	Bodega Bay, CA	6:30 p.m.	Bodega Marine Laboratory 2099 Westside Road
Jan. 9, Wednesday	Pt. Reyes Station, CA	7:30 p.m.	Point Reyes Dance Palace, Main Hall 5th and B Street
Jan. 10, Thursday	San Rafael, CA	6:30 p.m.	Marin Center, Hospitality Room and Six Meeting Rooms Avenue of the Flags, North San Pedro Road
Jan. 14, Monday	Rohnert Park, CA (near Santa Rosa)	6:30 p.m.	Doubletree Hotel, Rohnert Park, Salons 3 & 4 1 Doubletree Drive
Jan. 15, Tuesday	San Francisco, CA	6:30 p.m.	Marina Middle School 3500 Fillmore Street
Jan. 16, Wednesday	Pacifica	6:30 p.m.	Oceana High School 401 Paloma Avenue
Jan. 17, Thursday	San Jose*	6:30 p.m.	Santa Clara County Office of Education 1290 Ridder Park Drive

\* Spanish Translation available

The public comment period will remain open until January 31, 2002.

For more information, visit the Joint Management Plan Review website at <http://sanctuaries.nos.noaa.gov/jointplan>

Gulf of the Farallones and Cordell Bank National Marine Sanctuaries  
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299 Foam Street  
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## NOTICE OF PREPARATION

December 17, 2001

TO: Responsible State Agencies,  
Trustee Agencies,  
Interested Organizations  
and Members of the Public

FROM: California Department of Fish and Game  
1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109  
(805) 568-1231

### **NOTICE OF PREPARATION OF A DRAFT CEQA EQUIVALENT ENVIRONMENTAL DOCUMENT, MARINE PROTECTED AREAS IN THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY**

The Fish and Game Commission will be the Lead Agency and the Department of Fish and Game will prepare a CEQA equivalent environmental document, *Marine Protected Areas in the Channel Islands National Marine Sanctuary (CINMS)*, pertaining to the establishment of marine reserves in the Channel Islands off the southern California coast.

The Plan objectives are to protect, maintain, restore, enhance, and manage living marine resources by developing a reserve network in the CINMS. Take of finfish, marine plants and/or invertebrates would be prohibited or restricted in several large areas by regulations established by the Commission and implemented by the Department. Reserves encompass an ecosystem perspective, promote collaboration between competing interests, and provide a precautionary measure against the possible impacts of an expanding human population and management uncertainties. Additionally, they offer education and research opportunities, and provide reference areas to measure non-harvesting impacts. Several reserve alternatives will be evaluated in the document, with corresponding cost-benefit analysis provided for each identified alternative. The range of areas considered for closure range from zero (no-change alternative) to approximately 35 percent of waters within the boundaries of the CINMS. Additional information on the Plan and development process is available at <http://www.cinms.nos.noaa.gov/cimpa2.html>.

At this time, the Department has taken steps to identify and evaluate any potential negative environmental effects associated with the proposed Plan. However, in order to assist the Department in identifying the range of potential actions, alternatives, mitigation measures and significant effects to be analyzed in depth in the document, the Department is requesting your views as to the scope and content of the environmental information which you feel is germane to the subject Plan.

**Your response relative to the scope of the environmental document must be sent at the earliest possible date, but not later than 30 days after receipt of this notice in order for your comments to be considered.**

The Department will hold additional public scoping workshops on the development of the environmental document, although public comment provided on the plan concept to date through other public processes will be addressed in the Plan.

Please send responses to this Notice of Preparation to Mr. John Ugoretz, Senior Marine Biologist, at the address provided above. Your comments should include your name, address, and daytime telephone number so a representative of the Department can contact you if clarifications regarding your comments are required.

Patricia Wolf  
Marine Region Regional Manager  
California Department of Fish and Game

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Sections 27.82(a) and 630  
and  
Adopt Section 632  
Title 14, California Code of Regulations  
Re: Marine Protected Areas

- I. Date of Initial Statement of Reasons: January 9, 2002
- II. Dates and Locations of Scheduled Hearings
  - (a) Notice Hearing: Date: August 24, 2001  
Location: Santa Barbara, California
  - (b) Discussion Hearings: Date: February 8, 2002  
Location: Sacramento, California  
  
Date: March 7, 2002  
Location: San Diego, California  
  
Date: April 4, 2002  
Location: Long Beach, California
  - (c) Adoption Hearing: Date: August 2, 2002  
Location: San Luis Obispo, California
- III. Description of Regulatory Action:
  - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

California's population has increased from about 7 million people in the 1940's to 20 million in 1970 and 35 million today. Eighty percent of this population lives within 50 miles of the coast. Human population increases have led to not only higher demands on natural resources, but larger impacts through runoff, pollution, and habitat alteration.

Increases in California's human population have coincided with shifts in recreational and commercial fishing activity, growth in consumer demand for live fish, and innovations in fishing gear and technology. In recent years, landings and value of live finfish in California have shown a twenty-fold increase. Landings of live finfish increased from less than 50,000

pounds with a value of \$100,000 in 1993 to more than 1 million pounds with a value of nearly \$4 million in 2001.

At the same time, warm water oceanic conditions and disease have led to poor reproduction and recruitment of many marine species. This combination of increased use, poor conditions and disease have contributed to declines in marine resources. Popular finfish species like bocaccio, canary, widow, and cowcod rockfishes, Pacific ocean perch, and lingcod are federally listed as overfished, meaning their populations are below 25% of their unfished levels. Abalone, a once important commercial and recreational species group, are now the subject of a moratorium in California south of San Francisco and one species, white abalone, has become the first marine invertebrate to be listed as endangered by the Federal government. Finally, the scientific data used to manage many of these resources, while the best available at the time, has since shown to be inadequate. It is now known, for example, that some rockfish species have life spans approaching 100 years and reproduce at much lower rates than other finfish.

All of these factors have caused California's fisheries management agencies and the State Legislature to seek new solutions for protecting and sustaining resources. The Marine Life Management Act (Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including Marine Protected Areas (MPAs). The Marine Life Protection Act (Stats. 1999, ch. 1015) established a programmatic framework for designative such MPAs. AB 2800 (Stats. 2000, ch. 385) enacted the Marine Managed Areas Improvement Act, among other things, to standardize the designation of Marine Managed Areas, which include MPAs, proposed after January 1, 2002. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

In conformance with the policies and objectives of these acts the Department of Fish and Game (Department) is pursuing an ecosystem approach to resource management that will protect species as well as critical interactions between species and habitats. The proposed regulations address this approach within the National Oceanic and Atmospheric Administration's (NOAA) Channel Islands National Marine Sanctuary (Sanctuary) by establishing a network of Marine Protected Areas (MPAs). The Sanctuary encompasses 1,252 square nautical miles from the mean high tide line to 6 nautical miles offshore the northern Channel Islands (Anacapa, Santa Cruz, Santa Rosa and San Miguel Islands) and Santa Barbara Island.

(1) Authority for Commission to Establish Marine Protected Areas (MPAs).

AB 2800 also enacted Fish and Game Code Sections 1590 and 1591, to authorize the Fish and Game Commission (Commission) to designate, delete, or modify State marine recreational management areas established by the Commission for hunting purposes, State marine reserves, and State marine conservation areas, as delineated in Public Resources Code Section 36725(a), and to incorporate by reference the provisions of the Marine Managed Areas Improvement Act.

The State's boundaries extend to a distance of three (3) nautical miles oceanward of the outermost islands adjacent to the mainland. The proposed regulations were developed jointly by the Department and Sanctuary and each alternative includes some MPAs outside State waters. The areas within State waters are addressed in this proposal as an initial phase. For the areas outside State waters, NOAA has indicated its intent to pursue establishment of MPAs under the National Marine Sanctuaries Act. Their goal is to complement the proposed State action by completing the MPA network within the Sanctuary in federal waters (3-200 miles offshore).

The proposed regulations are intended to meet the following goals described in the Marine Life Protection Act [Fish and Game Code section 2853(b)]:

- To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
- To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
- To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.

To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.

To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate

enforcement, and are based on sound scientific guidelines.

- To ensure that the State's MPAs are designed and managed, to the extent possible, as a network.

As one type of fisheries management tool, MPAs may help support fished populations by providing areas free from fishing mortality. MPAs may also act as insurance for uncertainty in the effectiveness of other management measures such as seasons, size limits, bag limits, quotas, time closures and gear restrictions. MPAs, by their nature, ensure that at least a portion of targeted populations is protected, which helps ensure these populations will be sustained over time. Finally, MPAs allow species to function in an ecosystem less disrupted by the effects of extractive uses.

(A) Ecosystem Based Resource Management Concept.

As indicated above, language in both the Marine Life Management Act (MLMA) of 1998 and the Marine Life Protection Act (MLPA) of 1999 support the concept of ecosystem based resource management. The MLMA specifically states that long term resource health shall not be sacrificed for short term benefits, and that habitat should be maintained, restored, and enhanced [Fish and Game Code Section 7056 (a) and (b)]. The MLPA requires that the Commission adopt a Marine Life Protection Program that in part contains an improved marine reserve component [Fish and Game Code Section 2853 (c)(1)] and protects the natural diversity of marine life and the structure, function, and integrity of marine ecosystems [Fish and Game Code Section 2853 (b)(1)]. This protection may help provide sustainable resources as well as enhance functioning ecosystems that provide benefits to both consumptive and non-consumptive user groups. A growing body of scientific literature reviewing benefits to marine species inside reserves (including increases in size, number, and diversity of species) and to a lesser degree outside reserves (through spillover, larval transport, and protected spawning populations) also supports these concepts (Attachment 1).

In 1998 the Channel Islands Marine Resources Restoration Committee, a local citizens group, brought a proposal for new Channel Islands MPAs to the Commission. In response to significant public comment on this proposal the Commission approved a joint State and Federal Process proposed by the Department and Sanctuary to consider the establishment of new MPAs in the Sanctuary. As a part of

this process the Sanctuary Advisory Council, a constituent group that advises the Sanctuary manager, convened the Marine Reserves Working Group (MRWG). This constituent panel contained 17 members representing State and federal agencies, conservation interests, consumptive recreational and commercial groups, the public at large, and the California Sea Grant program. The MRWG met 24 times between July 1999 and June 2001 to discuss issues surrounding the potential establishment of new MPAs and try to come to consensus on a recommendation.

The Sanctuary Advisory Council also convened a Science Advisory Panel and a Socioeconomic Panel to support the MRWG process. The Science Advisory Panel consisted of 16 members with expertise in MPA science who were selected using the following criteria: (1) local knowledge, (2) no published "agenda" on reserves, (3) breadth of disciplines, (4) geographic and institutional balance, (5) participation in the National Center for Ecological Analysis and Synthesis Reserve Theory Working Group, and (6) time available. The panel reviewed a large body of scientific literature and MPA data.

The Science Advisory Panel's findings support the concept of ecosystem protection through the use of marine reserves (Attachment 1). In order to meet specific ecological and fisheries management goals, they recommended placing at least one marine reserve in each biological region of the Sanctuary; setting aside between 30% and 50% of representative habitats; and including some but not all existing monitoring sites inside reserves.

The Socioeconomic Panel consisted of five members with expertise in fisheries socioeconomics. They collected and synthesized existing studies, records of catch or harvest, and other public information sources, as well as new socioeconomic data. The Socioeconomic Panel used this information to develop impact analyses of each regulatory alternative. This analysis substantiates potential impacts to local and statewide economies and activities (Attachments 2 and 3). These data were also used in attempts to address economic goals for marine reserves. By avoiding high use areas, or areas of large economic value, various alternatives lessen immediate impacts to consumptive user groups.

While the MRWG did not reach consensus on a specific MPA network alternative, they did agree on a Problem

Statement, Goals and Objectives, and implementation recommendations (Attachment 4). The proposed regulation attempts to address these consensus-developed products. The Problem Statement was an important part of the MRWG process and states the following:

The urbanization of southern California has significantly increased the number of people visiting the coastal zone and using its resources. This has increased human demands on the ocean, including commercial and recreational fishing, as well as wildlife viewing and other activities. A burgeoning coastal population has also greatly increased the use of our coastal waters as receiving areas for human, industrial, and agricultural wastes. In addition, new technologies have increased the efficiency, effectiveness, and yield of sport and commercial fisheries. Concurrently there have been wide scale natural phenomena such as El Niño weather patterns, oceanographic regime shifts, and dramatic fluctuations in pinniped populations.

In recognizing the scarcity of many marine organisms relative to past abundance, any of the above factors could play a role. Everyone concerned desires to better understand the effects of the individual factors and their interactions, to reverse or stop trends of resource decline, and to restore the integrity and resilience of impaired ecosystems.

To protect, maintain, restore, and enhance living marine resources, it is necessary to develop new management strategies that encompass an ecosystem perspective and promote collaboration between competing interests. One strategy is to develop reserves where all harvest is prohibited. Reserves provide a precautionary measure against the possible impacts of an expanding human population and management uncertainties, offer education and research opportunities, and provide reference areas to measure non-harvesting impacts.

(B) The Network Concept

Important in the development of the proposed regulation was the consideration that reserves form a network. The network concept calls for connectivity between MPAs through adult movements and larval transport of the Species of Interest (Attachment 5). This approach is consistent with MRWG



discussions, the Science Advisory Panel recommendations and the guidance provided in the MLPA [Fish and Game Code Section 2853 (b)(6)].

The proposed regulation establishes a network of MPAs designed to include all representative habitats and major oceanic conditions (Attachment 6). Unique and critical habitats were considered separately to guarantee both representation and protection.

From an ecological perspective, the proposed regulation creates a network of MPAs consistent with the intent of the Legislature, and the goals developed by the MRWG. From an economic and social perspective the proposed regulation attempts to minimize potential short-term losses to consumptive users, a goal of the MRWG.

Allowing access into reserves for such non-consumptive uses as boating, diving, swimming, and kayaking was an important concern of many MRWG members as well as other stakeholders. These uses are consistent with the goals of the Marine Life Protection Act and are not expected to have adverse affects on the marine ecosystem. Except in the case of existing restrictions or potential resource impacts (such as marine mammal breeding and seabird nesting and fledgling areas), public access into MPAs for non-consumptive activities is assured in each alternative.

The ability to transit through or anchor in reserves with catch onboard were also major concerns. If these activities are not allowed a concern for safety in bad weather and for small vessels required to traverse larger distances arises. Since transit through reserves does not directly affect resources these activities are consistent with the intent of the proposed regulations. While anchoring can disturb bottom habitats, most anchorages are in soft bottom areas that are minimally disturbed by anchoring and vessel safety in emergencies and foul weather is critical. Because of this, authority to transit through and anchor in MPAs with catch onboard, provided that fishing gear is stowed and not in use, is included in each alternative.

## (2) Alternatives

A range of alternatives is provided to meet the purposes of the proposed regulation. Each alternative meets at least some of the goals of the MRWG and MLPA, though none to the same extent as the preferred alternative.

(A) The Department's Preferred Alternative.

The Department recommended preferred alternative establishes eleven (11) new State Marine Reserves, one (1) State Marine Conservation Area where only spiny lobster (*Panulirus interruptus*) and pelagic finfish may be taken by recreational anglers, and one (1) State Marine Conservation Area where the commercial and recreational take of spiny lobster and the recreational take of pelagic finfish is allowed. These areas comprise approximately 25% of Sanctuary waters (Attachment 7). The initial State phase proposed here comprises approximately 22% of State waters within the Sanctuary.

The existing regulation of section 27.82(a), Title 14 CCR, defines the cowcod closure areas where the take of certain deepwater rockfish and associated species is prohibited. The proposed regulation alters the boundaries of that area to allow deep water fishing in the vicinity of the northeast corner of Santa Barbara Island.

The Department preferred alternative changes the boundaries of the Cowcod Conservation Area because additional savings for cowcod and associated species provided by the proposed regulation. The proposed regulation maintains the desired amount of protection for cowcod, which is required by the rebuilding plan for this overfished species, due to the added protection of the no take areas in the Department preferred alternative. Recreational fishing opportunities lost in other areas would be replaced by allowing fishing in deepwater habitats around Santa Barbara Island.

Existing regulations (sections 630(b)(5), (101), and (102), Title 14, CCR) designate three ecological reserves at Anacapa, San Miguel and Santa Barbara Islands, respectively, and prohibit the take of invertebrates from the mean high tide mark to a water depth of 20 feet in the following areas: 1) on the south side of West Anacapa Island between a line extending 345 magnetic off the National Park Service monument at the southernmost point, adjacent to and excluding Cat Rock, and a line extending 220 magnetic off the National Park Service Monument at the easternmost point near Frenchy's Cove, 2) on the north side of Middle Anacapa Island between a line extending 345 magnetic off the National Park Service Monument at Key Hole Arch Point

to a line extending 345 magnetic off the westernmost point of East Anacapa Island at the western boundary of the natural area off Anacapa Island, and 3) on the eastern side of Santa Barbara Island between a line extending 345 magnetic off the northernmost point of Arch Rock and a line extending 165 magnetic off the southernmost point of the island.

These areas were originally established to provide added protection to certain species. In addition, the existing regulations do not meet the goals of the Marine Life Protection Act and Marine Life Management Act. The proposed regulations include the same or similar habitats with increased restrictions and would thus unnecessarily duplicate the existing regulations. Where necessary, existing specific regulations (such as the brown pelican fledgling area on Anacapa Island) are included in the proposed regulation as part of the new MPA network. The proposed regulation repeals the existing ecological reserves at Anacapa, San Miguel, and Santa Barbara Islands in order to simplify the overall network, facilitate understanding of the new regulations, and eliminate unnecessary duplication.

(B) Other Alternatives

Alternative 1 - This alternative establishes nine (9) State Marine Reserves comprising approximately 12% of the Sanctuary waters (Attachment 7). The alternative uses areas agreed to as possible MPA sites by all members of the Marine Reserves Working Group. The initial State phase proposed here comprises approximately 12% of State waters within the Sanctuary. Changes to the ecological reserves on Anacapa, San Miguel and Santa Barbara Islands and the Cowcod Conservation Area are sub-options to this alternative.

Alternative 2 - This alternative establishes eight (8) State Marine Reserves and three (3) State Marine Conservation Areas comprising approximately 14% of the Sanctuary waters (Attachment 7). The alternative uses a reserve system developed by sectors of the Santa Barbara commercial fishing community (Attachment 8). State Marine Conservation Areas in this alternative allow for commercial and recreational take of various species depending on the area. The initial State phase proposed here comprises approximately 12% of State waters within the Sanctuary. Changes to the ecological reserves on Anacapa, San Miguel and Santa Barbara Islands and the Cowcod Conservation

Area are sub-options to this alternative. As a second sub-option to Alternative 2 phasing may be used to minimize short-term impacts and require certain criteria to be met (Attachment 8). These criteria may contain requirements for performance of MPAs as well as administrative contingencies.

Alternative 3 - This alternative establishes eight (8) State Marine Reserves comprising approximately 21% of the Sanctuary waters (Attachment 7). The alternative uses a reserve network developed by the Marine Reserves Working Group as an alternative in the planning process. The initial State phase proposed here comprises approximately 15% of State waters within the Sanctuary. Changes to the ecological reserves on Anacapa, San Miguel and Santa Barbara Islands and the Cowcod Conservation Area are sub-options to this alternative.

Alternative 4 - This alternative establishes ten (10) State Marine Reserves comprising approximately 29% of the Sanctuary waters (Attachment 7). This alternative uses the areas agreed to as possible MPA sites by all members of the Marine Reserves Working Group with the addition of areas suggested by some members to complete a network. The initial State phase proposed here comprises approximately 20% of State waters within the Sanctuary. Changes to the ecological reserves on Anacapa, San Miguel and Santa Barbara Islands and the Cowcod Conservation Area are sub-options to this alternative.

Alternative 5 - This alternative establishes nine (9) State Marine Reserves comprising approximately 34% of the Sanctuary Waters (Attachment 7). This alternative uses a network of reserves developed in the Marine Reserves Working Group process and altered to reduce the overall area to 34%. The initial State phase proposed here comprises approximately 23% of State waters within the Sanctuary. Changes to the ecological reserves on Anacapa, San Miguel and Santa Barbara Islands and the Cowcod Conservation Area are sub-options to this alternative.

Alternative 6 - This alternative defers decision on MPAs at the Channel Islands to the Marine Life Protection Act process. If adopted, this alternative suggests combining discussion on a reserve network at the Channel Islands with discussions for the rest of the State under the programmatic framework established by the Marine Life Protection Act.

This alternative would have no immediate effect on existing regulations.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation.

Authority: Sections 200, 203.1, 205(c), 219, 220, 1590, 1591 and 2860 Fish and Game Code.

Reference: Sections 200, 203.1, 205(c), 219 and 220, Fish and Game Code. Sections 36725(a) and 36725(e), Public Resources Code.

- (c) Specific Technology or Equipment Required by Regulatory Change.

None.

- (d) Identification of Reports or Documents Supporting Regulation Change.

Attachment 1: Scientific Advisory Panel Recommendation

Attachment 2: Socioeconomic Data Collection Methods, Overview, Analysis methods, and Data Distributions

Attachment 3: Socioeconomic Analyses of Alternatives

Attachment 4: A Recommendation for Marine Protected Areas in the Channel Islands National Marine Sanctuary

Attachment 5: Species of Interest

Attachment 6: Ecological Analysis of Alternatives

Attachment 7: Maps of Alternatives

Attachment 8: The Proactive Fishermen's Plan for Marine Protected Areas

# **PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS PRIOR TO NOTICE OF PUBLICATION**

<b>Meeting Dates</b>	<b>Location</b>	<b>Major Topics</b>
Dec 6, 2001	Long Beach, CA	Fish and Game Commission meeting with public comment on proposed alternatives
Oct 4, 2001	San Diego, CA	Fish and Game Commission meeting with public comment on proposed alternatives
Aug 24, 2001	Santa Barbara, CA	Presented Department preferred alternative to Fish and Game Commission and received public comments
Jun 19, 2001	Santa Barbara, CA	Sanctuary Advisory Council deliberation – forwarded advice to Sanctuary Manager
May 23, 2001	Santa Barbara, CA	Transmission of MRWG work to Sanctuary Advisory Council
May 23, 2001	Santa Barbara, CA	Public Forum - Approximately 300 attendance
May 16, 2001	Santa Barbara, CA	Review of preferred option and recommendation to Sanctuary Advisory Council
Apr 18, 2001	Santa Barbara, CA	Developing a Preferred Reserve network option
Mar 21, 2001	Santa Barbara, CA	Presentations from Science and Economic Panels
Mar 21, 2001	Santa Barbara, CA	Public Forum – Approximately 300 in attendance
Feb 21, 2001	Santa Barbara, CA	Developed Marine Reserve Scenarios
Feb 15, 2001	Santa Barbara, CA	Dealt with Unresolved Issues
Jan 12, 2001	Santa Barbara, CA	Discussion with Science and Socioeconomic Panels
Dec 14, 2000	Santa Barbara, CA	Closure on Goals and Objectives, developed questions for the Science Advisory and Socio-economic Panels
Nov 15, 2000	Santa Barbara, CA	Worked on Goals and Objectives
Oct 18, 2000	Santa Barbara, CA	Worked on Goals and objectives
Oct 12, 2000	Goleta, CA	Public Forum – Approximately 300 in attendance
Sep 26-27, 2000	Santa Barbara, CA	Received Socio-economic and Science panel data and recommendations / Crafted Preliminary reserve scenarios
Aug 22, 2000	Santa Barbara, CA	Discussed data, worked on Goals and Objectives
Jul 18, 2000	Santa Barbara, CA	Re-worked Goals and objectives, Science panel progress, refined overall process
Jun 22, 2000	Santa Barbara, CA	Adopted Goals and Objectives / Discussed data
Jun 8, 2000	Santa Barbara, CA	Worked on Goals and Objectives
Apr 13, 2000	Santa Barbara, CA	Data discussion, set future meeting dates
Mar 16, 2000	Santa Barbara, CA	Task groups, Goals and Objectives
Feb 23, 2000	Santa Barbara, CA	Response to Science Panel, worked on goals and objectives
Jan 20, 2000	Oxnard, CA	Public Forum – Approximately 200 in attendance

Meeting Dates	Location	Major Topics
Jan 10-11, 2000	Santa Barbara, CA	Joint meeting with Science and Socio economic panels, crafted goals & objectives
Dec 9, 1999	Santa Barbara, CA	Presentation from MWRG members regarding major issues and concerns
Nov 10, 1999	Santa Barbara, CA	Discussed revisions and finalized ground rules
Oct 21, 1999	Santa Barbara, CA	Adopted draft ground rules
Jul 7, 1999	Santa Barbara, CA	Introduction to MWRG process

#### IV. Description of Reasonable Alternatives to Regulatory Action:

##### (a) Alternatives to Regulation Change:

A proposal was made to include an alternative representing approximately 39% of the Channel Islands National Marine Sanctuary area. This alternative included 9 State Marine Reserves, each extending to the seaward boundary of the Channel Islands National Marine Sanctuary. The alternative was rejected for consideration due to high initial economic impacts and its similarity to Alternative 5.

An initial proposal was made to the Commission to close approximately 23% of the Channel Islands, including San Nicolas Island. This proposal included 6 State Marine Reserves extending from the shoreline to a distance of 1 nautical mile offshore. This alternative was rejected due to its similarity in protection to the preferred alternative and Alternative 3.

A proposal was made to complete the State waters portion of the MPA network in a single phase. In this alternative, reserves proposed to extend into federal waters would initially be bounded by the three nautical mile offshore boundary, rather than a line of latitude or longitude. This alternative would change the initial economics impacts (Attachment 3), but would negate the need for a second regulatory process in State waters to connect to the Federal waters phase. This proposal is provided as a sub-alternative to each alternative discussed in section III(a).

##### (b) No Change Alternative:

The no change alternative would continue existing resource and fisheries management measures such as bag, season, and size limits as the sole protection of marine resources. The no change alternative would leave existing MPAs in the Channel Islands National Marine Sanctuary unchanged. This would provide no additional protection to resources or ecosystem-based protection of entire habitats. The no change alternative would not address the problem statement developed by consensus of the Marine Reserves Working Group, nor the goals of the Marine Life Protection Act.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action would have no negative impact on the environment; therefore, no mitigation measures are needed. MPAs pose a potential for redirection of fishing effort into open areas. This potential impact is reduced by specific decisions on areas to include and through careful examination of socioeconomic data (Attachment 2). These data provide a baseline for estimating which areas are currently used both in economic value and person days of activity. By avoiding high use areas (with large numbers of person days), or areas of large economic value, various alternatives lessen immediate impacts to consumptive user groups. In addition, while multiple users access the same areas on an annual basis, on a daily basis there is less congestion. Various fisheries management plans, when completed and implemented, will also help address the issue of overall capacity in a variety of affected fisheries. Specifically the nearshore and market squid fishery management plans will contain management options to limit effort and are likely to significantly reduce fleet capacity. These plans are scheduled for adoption in 2002.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

Each alternative may have negative short-term impacts on commercial and recreational fishing businesses. The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a Step 1 analysis or "maximum potential loss." This analysis simply sums up the activity that currently takes place within a given alternative and translates these activities into corresponding economic values. Maximum potential loss does not take into account other management strategies/regulations and human behavioral changes, such as moving to other areas or changing fishing gear, that may mitigate, offset, or make matters better or worse. In addition, maximum potential loss does not consider possible future benefits. Comparisons of maximum potential loss to commercial fish landings, income derived from



recreational fisheries, and maximum impact to non-consumptive user derived income were computed for each alternative (Tables 1, 2 and 3), as well as expansions of the direct impacts of commercial fish landings to local economies (Table 4). It is important to note that non-consumptive users are considered beneficiaries of MPAs and thus impact to non-consumptive income is positive.

These calculations represent the loss and value in the initial State water phase of each alternative. Full comparisons of maximum potential loss and values for both State and federal phases have also been computed (Attachment 3).

The potential impacts of the Department's recommended preferred alternative are detailed here and compared to the other alternatives. The maximum potential loss to commercial fish landings would vary between 1.7% and 16.5% of annual ex-vessel value generated in Sanctuary waters in the Department preferred alternative (Table 1). This reflects a combined maximum potential annual ex-vessel loss of \$3,222,810 (1996 - 1999 average ex-vessel value) to commercial fisheries (Table 1). This loss can be expanded to include losses in total income including processors, fish buyers and other related business. This maximum potential loss in income from commercial activities to all counties is estimated at \$9,910,520 per year (Table 4).

The maximum potential loss to income derived from recreational fishing varies between 9.9% and 26.2% annually in the Department preferred alternative (Table 2). This represents a maximum potential loss in income of \$5,720,077 generated by recreational fishing annually (Table 2).

Maximum potential impact to income derived from non-consumptive activities (diving, whale watching, kayaking, sightseeing, and sailing) ranges between 10.8% and 29.1% annually in the Department preferred alternative (Table 3). This represents a maximum potential annual income of \$1,385,756 generated by non-consumptive activities annually (Table 3). Non-consumptive income is that supported by existing activities. This income is expected to increase over time by some unknown amount based on expected improvements in site quality.

In the long term, the potential negative impacts are expected to be balanced by the positive impacts of sustainable fisheries, non-consumptive benefits, and ecosystem function in the reserve areas. In addition potential benefits may be realized through adult fish spillover to areas adjacent marine reserves and larval transport to distant fished sites.

**Table 1: MAXIMUM POTENTIAL LOSS IN ANNUAL EX-VESSEL VALUE TO COMMERCIAL FISHERIES BY SPECIES GROUP<sup>1</sup> (1996-1999 AVERAGE VALUES) FOR THE INITIAL STATE WATERS PHASE**

Species Group	Preferred Alternative		Alternative 1		Alternative 2		Alternative 3		Alternative 4		Alternative 5	
	Value	%	Value	%	Value	%	Value	%	Value	%	Value	%
Squid	\$1,643,642	12.60	\$636,109	4.88	\$695,877	5.33	\$670,263	5.14	\$1,686,334	12.93	\$1,985,178	15.22
Kelp	\$332,794	5.55	\$265,568	4.43	\$332,794	5.55	\$298,241	4.98	\$467,886	7.81	\$730,650	12.20
Urchins	\$830,464	15.77	\$735,214	13.96	\$704,761	13.39	\$753,956	14.32	\$1,045,387	19.85	\$1,338,737	25.43
Spiny Lobster	\$147,867	16.04	\$77,829	8.44	\$82,159	8.91	\$93,605	10.15	\$145,269	15.75	\$199,036	21.59
Prawn	\$21,436	3.05	\$25,602	3.64	\$22,988	3.27	\$25,602	3.64	\$36,290	5.16	\$26,092	3.71
Rockfish	\$70,994	12.92	\$70,862	12.90	\$64,985	11.83	\$71,256	12.97	\$92,693	16.87	\$117,331	21.36
Crab	\$50,101	14.58	\$26,157	7.61	\$26,837	7.81	\$26,104	7.60	\$48,222	14.03	\$51,087	14.87
Tuna	\$5,081	1.66	\$1,765	0.58	\$2,618	0.86	\$1,956	0.64	\$3,415	1.12	\$5,243	1.72
Wetfish	\$22,408	7.43	\$3,641	1.21	\$6,304	2.09	\$3,725	1.24	\$10,799	3.58	\$25,986	8.62
CA Sheephead	\$38,326	16.24	\$23,432	9.93	\$43,966	18.64	\$25,582	10.84	\$44,558	18.89	\$62,802	26.62
Flatfishes	\$21,677	11.79	\$7,987	4.34	\$19,177	10.43	\$7,987	4.34	\$18,371	9.99	\$25,558	13.90
Sea Cucumber	\$27,731	16.54	\$21,406	12.76	\$28,667	17.09	\$23,361	13.93	\$31,951	19.05	\$43,477	25.93
Sculpin & Bass	\$5,644	9.36	\$2,797	4.64	\$4,990	8.27	\$2,933	4.86	\$4,642	7.69	\$6,633	11.00
Shark	\$4,645	13.37	\$2,680	7.71	\$1,539	4.43	\$2,528	7.27	\$4,799	13.81	\$5,973	17.19
Total	\$3,222,810	11.46	\$1,901,049	6.76	\$2,037,662	7.25	\$2,007,099	7.14	\$3,640,616	12.95	\$4,623,782	16.45

<sup>1</sup> Species groups are defined in Attachment 2.

**TABLE 2: MAXIMUM POTENTIAL LOSS IN ANNUAL INCOME GENERATED BY CONSUMPTIVE RECREATIONAL ACTIVITIES FOR THE INITIAL STATE WATERS PHASE**

Activity Type	Preferred Alternative		Alternative 1		Alternative 2		Alternative 3		Alternative 4		Alternative 5	
	Income	%	Income	%	Income	%	Income	%	Income	%	Income	%
Charter/Party Boat Fishing	\$2,810,774	9.9	\$1,775,955	6.2	\$2,581,027	9.1	\$1,796,516	6.3	\$2,846,229	10.0	\$3,516,847	12.4
Charter/Party Boat Diving	\$661,153	18.3	\$231,618	6.4	\$753,710	20.8	\$250,358	6.9	\$621,212	17.1	\$893,752	24.7
Private Boat Fishing	\$1,801,449	13.0	\$930,825	6.7	\$1,714,098	12.4	\$970,650	7.0	\$1,913,470	13.8	\$2,305,631	16.6
Private Boat Diving	\$446,701	26.2	\$73,102	4.3	\$448,020	26.3	\$78,281	4.6	\$411,048	24.1	\$522,969	30.7
Total	\$5,720,077	12.0	\$3,011,500	6.3	\$5,496,855	11.5	\$3,095,804	6.5	\$5,791,959	12.2	\$7,239,199	15.2

**TABLE 3: MAXIMUM POTENTIAL IMPACT<sup>1</sup> IN ANNUAL INCOME GENERATED BY NON-CONSUMPTIVE ACTIVITIES FOR THE INITIAL STATE WATERS PHASE**

Activity Type	Preferred Alternative		Alternative 1		Alternative 2		Alternative 3		Alternative 4		Alternative 5	
	Income	%	Income	%	Income	%	Income	%	Income	%	Income	%
Whale Watching	\$793,694	15.2	\$253,197	4.9	\$884,605	17.0	\$216,278	4.1	\$849,942	16.3	\$928,341	17.8
Non-Consumptive Diving	\$409,694	18.2	\$144,195	6.4	\$399,787	17.8	\$147,854	6.6	\$390,537	17.4	\$483,254	21.5
Sailing	\$88,420	10.8	\$35,421	4.3	\$95,631	11.7	\$42,604	5.2	\$99,626	12.2	\$119,687	14.7
Kayaking / Island Sightseeing	\$93,949	29.1	\$33,288	10.3	\$34,391	10.6	\$35,759	11.1	\$45,251	14.0	\$100,966	31.2
Total	\$1,385,756	16.1	\$466,101	5.4	\$1,414,414	16.4	\$442,496	5.1	\$1,385,357	16.1	\$1,632,248	19.0

<sup>1</sup>Non-consumptive users are considered beneficiaries of MPAs. Therefore impact, in this case, is positive.

**TABLE 4: MAXIMUM POTENTIAL LOSS IN ANNUAL INCOME GENERATED BY COMMERCIAL FISHERIES BY COUNTY<sup>1</sup> FOR THE INITIAL STATE WATERS PHASE**

County	Preferred Alternative	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
	Income	Income	Income	Income	Income	Income
Monterey	\$1,195,421	\$462,638	\$506,109	\$487,478	\$1,226,462	\$1,443,819
San Luis Obispo	\$14,664	\$13,961	\$12,964	\$14,061	\$18,827	\$23,768
Santa Barbara	\$2,060,862	\$1,659,512	\$1,621,738	\$1,725,409	\$2,470,534	\$3,153,709
Ventura	\$4,957,217	\$2,049,847	\$2,268,893	\$2,155,876	\$5,109,331	\$6,088,433
Los Angeles	\$1,147,229	\$448,130	\$497,162	\$472,303	\$1,166,533	\$1,390,029
Orange	\$17	\$6	\$8	\$7	\$14	\$19
San Diego	\$535,111	\$427,870	\$533,492	\$479,618	\$750,738	\$1,168,698
All Affected Counties	\$9,910,520	\$5,061,964	\$5,440,366	\$5,334,752	\$10,742,440	\$13,268,476

<sup>1</sup>Counties listed are those where fish are landed and/or processed.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Each alternative has potential impacts on the creation and elimination of jobs related to commercial and recreational fishing and non-consumptive activities. As with economic impacts, the impacts listed here are a Step 1 or "maximum potential loss" analysis. This analysis simply sums up the activity that currently takes place within a given alternative and translates these activities into corresponding economic values. Maximum potential loss does not take into account other management strategies/regulations and human behavioral changes that may mitigate, offset, or make matters better or worse. In addition, maximum potential loss does not consider possible future benefits.

The maximum potential numbers of jobs lost relating to commercial and recreational fishing activities is estimated to be 435 and the existing jobs supported by non-consumptive activities is estimated to be 37 under the preferred alternative. This represents the potential elimination of jobs in the initial State water phase. The range in job losses for the other alternatives is from 224 (Alternative 1) to 564 (Alternative 5). The range of jobs supported by non-consumptive activities for the other alternatives is from 12 (Alternative 3) to 44 (Alternative 5). Non-consumptive jobs are the current jobs supported by existing activities. These jobs would be expected to increase over time by some unknown factor based on expected improvements in site quality.

**TABLE 5: MAXIMUM POTENTIAL NUMBERS OF JOBS<sup>1</sup> ELIMINATED OR SUPPORTED BY JOB SOURCE FOR THE INITIAL STATE WATERS PHASE**

	Preferred Alternative	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Source	Jobs	Jobs	Jobs	Jobs	Jobs	Jobs
Commercial Industry jobs eliminated	289	147	156	154	311	380
Consumptive Recreational Industry jobs eliminated	146	77	140	79	147	184
Non-Consumptive jobs <sup>2</sup>	37	13	38	12	38	44

<sup>1</sup> Jobs are listed in total employment (direct and indirect).

<sup>2</sup> Non-Consumptive Jobs are the current jobs supported by existing activities. These jobs would be expected to increase over time by some unknown factor based on expected improvements in site quality.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Any additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and depend on not only the impacts of the proposed regulation but other regulations and processes as well. Current cooperative efforts with the Sanctuary and Channel Islands National Park provide funding for some existing costs and are expected to increase with the adoption of these regulations. While changes in enforcement, monitoring, and management may occur, these changes are not expected to create significant changes to funding or costs to State agencies.

Enforcement Efforts

The Department's Marine Region currently deploys 57 law enforcement officers statewide. In the Santa Barbara and Ventura county area 3 lieutenants and 4 wardens/boarding officers positions are funded and would form the baseline of MPA enforcement. One 54 ft (16.5 m) patrol boat will be stationed in Ventura in the coming year. A second 54 ft patrol boat is presently stationed in Dana Point and assists with enforcement in the Channel Islands. Marine Region wardens currently enforce a range of regulations around the Channel Islands. The proposed regulations may change the specific enforcement duties, but not the level of effort.

The Sanctuary contributes funds directly to the Department to enhance enforcement capabilities in Sanctuary waters. This funding is estimated to continue at a rate of \$30,000 per year. In addition the Sanctuary conducts aerial surveys which add to the enforcement coverage.

The Channel Islands National Park employs six full time rangers stationed on the islands. These rangers are deputized to enforce all federal, state, and county laws and regulations within one nautical mile of the shoreline. The National Park has three patrol boats stationed at the islands and primarily used for the enforcement of marine laws and regulations as well as public safety.

Research and Monitoring Efforts

Fishery-dependent information refers to data collected from fishing harvest, either from a commercial or recreational fishery. Fishery-

dependent monitoring and data collection are concerned with activities that remove fish from the resource (extractive uses). These assessments will continue regardless of MPA establishment.

The Department has assessed a variety of fisheries and species through independent methods including dive, trawl, hydroacoustic, and other surveys. These efforts are expected to increase with the establishment of MPAs, however much of this may be completed by grant funded university and other researchers. The proposed regulations do not specifically require increases in Department costs.

The Sanctuary conducts a variety of ongoing monitoring programs at the Channel Islands. These include a collaborative research program, which links fishermen with scientists, aerial monitoring, habitat mapping, seabird research, kelp forest monitoring (in conjunction with the National Park), oceanographic sampling, intertidal monitoring (in conjunction with the National Park), and acoustic tracking of giant seabass. These activities are expected to continue with additional funds designated towards monitoring new MPAs.

The Channel Islands National Park also conducts a variety of monitoring programs. These include seabird monitoring, rocky intertidal monitoring, kelp forest monitoring, and ecological research. The continuation of these long-term programs not only provides a baseline of data on resource status but will allow examinations of the effectiveness of MPAs. The proposed network of reserves contains existing monitoring both within and outside MPAs.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

(h) Effect on Housing Costs:

None



## Informative Digest / Policy Statement Overview

The following alternatives establish new Marine Protected Areas (MPAs) in the area within NOAA's Channel Islands National Marine Sanctuary. This area includes the northern Channel Islands (Anacapa, Santa Cruz, Santa Rosa, and San Miguel) and Santa Barbara Island from the shoreline to a distance of 6 nautical miles offshore. Each alternative includes some areas outside state waters (from 0 to 3 nautical miles offshore). The areas within state waters are addressed in this proposal as an initial phase. For the areas outside state waters, NOAA has indicated its intent to pursue establishment of marine reserves under the National Marine Sanctuaries Act. The goal is to complement the proposed State action by completing the marine reserve network in the Sanctuary. These new areas constitute the addition of a new Section 632 to Title 14, California Code of Regulations.

The Department's recommended preferred alternative establishes eleven (11) new State Marine Reserves where it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a permit or specific authorization from the Commission for research, restoration, or monitoring purposes, one (1) State Marine Conservation Area where only the recreational take of spiny lobster (*Panulirus interruptus*) and pelagic finfish is allowed, and one (1) State Marine Conservation Area where the commercial and recreational take of spiny lobster and the recreational take of pelagic finfish is allowed. These areas comprise approximately 25% of the waters within the Channel Islands National Marine Sanctuary. For the purposes of these regulations, pelagic finfish is defined as: anchovy, barracuda, blue shark, dolphinfish, herring, mackerels, mako shark, marlin\*, salmon, sardine, swordfish, thresher shark, tunas, and yellowtail (\*marlin is not allowed for commercial take).

Five alternatives to the recommended preferred alternative establish between 7 and 11 State Marine Reserves covering a range of 12% to 34% of the Channel Islands National Marine Sanctuary. The alternatives vary in specific locations and sizes of MPAs. An alternative to delay decision on the matter to the Marine Life Protection Act process is provided along with a no change alternative.

In addition, the proposed regulations remove three existing invertebrate closures on Anacapa and Santa Barbara islands found in sections 630 (b)(5)(C) and 630 (b)(102)(B), Title 14, California Code of Regulations, and three ecological reserves at Anacapa, San Miguel, and Santa Barbara islands. The proposed regulations would re-designate these under the new MPA Section (632, Title 14, California Code of Regulations). Existing regulations on activities in the ecological reserves other than the invertebrate closures would be maintained in the new designations. The proposed regulations also alter the boundaries of the Cowcod Conservation Area around Santa Barbara Island found in Section 27.82(a), Title 14, California Code of Regulations.

Should none of the above MPA alternatives be chosen, the existing MPAs would remain unchanged. At present, this includes the no-take area and two invertebrate closures at Anacapa Island, an invertebrate closure at Santa Barbara Island, and seasonal marine mammal and sea bird protective closures at San Miguel, Anacapa, and Santa Barbara islands.

COMMISSIONERS  
Mike Chrisman, President  
Visalia  
Sam Schuchat, Vice President  
Oakland  
Michael Flores  
Sacramento

GRAY DAVIS  
Governor

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ROBERT R. TREANOR  
EXECUTIVE DIRECTOR  
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PFGC

STATE OF CALIFORNIA

Fish and Game Commission



January 3, 2002

D.O. McIsaac, Ph.D.  
Executive Director  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384

*DM*  
Dear Dr. McIsaac:

This is to acknowledge receipt of your recent letter sent on behalf of the Pacific Fishery Management Council (Council) requesting the Commission not take any final action on the proposal to create marine protected areas within the Channel Islands National Marine Sanctuary. Your letter also transmitted the Council's Scientific and Statistical Committee's (SSC) "Report on Status of Marine Reserves Proposals For Channel Islands National Marine Sanctuary" and comments of the Groundfish Advisory Panel. Copies of your letter and attached reports will be provided to the Commission for its information and consideration.

The Commission will be receiving public comments on the identified options at its February 8, 2002, meeting in Sacramento. No date for possible adoption has been set. We would appreciate it if Ms. Cindy Thomson or another member of the SSC could attend our meeting to summarize the SSC's report and analysis of the Science Panel's recommendations to the Marine Reserve Working Group as well as answer questions from the Commission and the public. I anticipate a member of the Science Panel will present a summary of their recommendations.

Once the draft regulatory language for each option and the draft environmental document are completed, I'll provide you copies to distribute to your Council members and Council advisors for their review and comments.

The Commission looks forward to receiving the Council's comments. To allow time for review and adequate consideration, the Commission would appreciate receiving the Council's comments and any recommendations at least 15 days prior to a Commission meeting, one preferably located in a coastal community. I have enclosed a copy of the Commission's 2002 Meeting Schedule for your use. In addition, the Commission would appreciate the Council giving appropriate consideration of any regulations which the Commission may adopt regarding marine protected areas.

Mr. McIsaac  
January 3, 2002  
Page Two

On behalf of the Commission, thank you for providing the Council's comments, the SSC's report, and comments from the Groundfish Advisory Panel. The Commission also looks forward to working with the Council on this issue.

Sincerely,

A handwritten signature in black ink that reads "Bob Treanor". The signature is written in a cursive, flowing style.

Robert R. Treanor  
Executive Director

Enclosure

cc: All Commissioners  
Deputy Director Brazil  
LB Boydston, Intergovernmental Affairs Office  
Patty Wolf, Regional Manager-Marine Region  
John Ugoretz, Marine Region-Santa Barbara

# 2002 FISH AND GAME COMMISSION MEETING SCHEDULE

[http://www.dfg.ca.gov/fg\\_comml/](http://www.dfg.ca.gov/fg_comml/)

DATE	LOCATION
February 8 (Fri. 10:00 a.m.) February 9 * (Saturday 8:30 a.m.) (Receive Mammal Hunting Recommendations)	Resources Building Auditorium 1416 Ninth Street Sacramento
March 7 (Thurs. 10:00 a.m.) March 8 * (Fri. 8:30 a.m.) (Discuss Mammal Hunting Proposals)	Hubbs-Sea World Research Institute Shedd Auditorium 2595 Ingraham Street San Diego
April 4 (Thurs. 10:00 a.m.)  April 5 * (Fri. 8:30 a.m.) (Discuss Mammal Hunting Proposals)  April 25 (Thurs. 10:00 a.m.) (Adopt Mammal Hunting Regulations)	California State University Office of the Chancellor, Dumke Auditorium 401 Golden Shore, Long Beach City Council Chambers 333 W. Ocean Boulevard Long Beach  Resources Building Fish and Game Commission 1416 Ninth St., Room 1320 Sacramento - Teleconference Call
May 7 (Tues.) Jt. Field Trip w/Board of Forestry May 8 (Wed. 8:00 a.m.) Jt. Mtg w/Bd. of Forestry May 9 (Thurs. 9:00 a.m.) Commission Meeting	Fresno
June 20 (Thurs. 10:00 a.m.) (Receive Resident Game Bird/Waterfowl Recommendations) June 21 (Fri. 8:30 a.m.) Jt. Mtg. with Nevada	South Lake Tahoe
August 1 (Thurs. 10:00 a.m.) August 2 (Fri. 8:30 a.m.) (Discuss Waterfowl Hunting Proposals) (Adopt Resident Game Bird Regulations)	City Hall, City Council Chambers 990 Palm Street San Luis Obispo
August 29 (Thurs. 10:00 a.m.) August 30 (Fri. 8:30 a.m.) (Adopt Waterfowl Hunting Regulations)	Elihu Harris State Building 1 <sup>st</sup> Floor Auditorium 1515 Clay Street Oakland
October 24 (Thurs. 10:00 a.m.) October 25 (Fri. 8:30 a.m.)	Board of Supervisors Chambers 981 "H" Street, Suite 100 Crescent City
December 5 (Thurs. 10:00 a.m.) December 6 (Fri. 8:30 a.m.)	Monterey

\* Meeting location and/or date set in Fish and Game Code.

January 4-6, 2002	Mid Winter WAFWA-Las Cruces, New Mexico
April 2-3, 2002	Portland/Five State Meeting with Alaska, Idaho, Oregon and Washington
April 3-7, 2002	North American Wildlife Natural Resources-Dallas, Texas
July 11-17, 2002	WAFWA-Albuquerque, New Mexico
Sept. 11-14, 2002	IAFWA-Big Sky, Montana

# PACIFIC FISHERY MANAGEMENT COUNCIL

7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384

CHAIRMAN  
Jim Lone

EXECUTIVE DIRECTOR  
Donald O. McIsaac

Telephone: 503-326-6352  
Fax: 503-326-6831  
[www.pcouncil.org](http://www.pcouncil.org)

November 29, 2001

Mr. Robert R. Treanor, Executive Director  
California Fish and Game Commission  
PO Box 944209  
Sacramento, CA 94244-2090

Dear Mr. Treanor:

At its recent meeting in San Francisco, California, the Council reviewed the maps of scenarios for marine reserves in the Channel Island National Marine Sanctuary (CINMS) area and received presentations from the California Department of Fish and Game and CINMS staff on the next steps in the process for considering reserves for the CINMS area. Additionally, the Council's Scientific and Statistical Committee (SSC) presented a review of the scientific basis for recommendations on size of marine reserves for the CINMS area. The Council has been receiving ongoing updates on this process and feels there are important issues of merit and precedent at stake. Please consider the following Council comments to the Commission on this matter.

The Council would like to request that you not take final action on any of the Channel Island National Marine Sanctuary area marine reserve scenarios you have sent out for public review until after the Council has a chance to review supporting environmental analysis. Marine reserves in the CINMS area will likely require both federal and state actions. The Council anticipates serious involvement in the consideration of fishing restrictions for marine reserves in the federal waters of CINMS area and has direct responsibility for any complimentary or compensatory regulations in contiguous federal waters outside the CINMS area. The Council respects the strong interest of the state on this issue. In the event state action proceeds in advance of federal action, reserves implemented for state waters will substantially limit and determine the scope of reasonable options for reserves in federal waters. Therefore, the opportunity to fully participate in the state public review process may be the most effective way for the Council to exercise its responsibility with respect to the consideration of marine reserves in contiguous federal waters of national marine sanctuaries. Further, Council participation in the review would provide an opening for communication that may reduce the potential for conflict between the Council and commission when it comes time to consider reserves for contiguous federal waters. Our request also provides the administrative opportunity for the state to address any serious and legitimate concerns identified by the Council prior to the time the state takes final action.

Council opportunity for consideration of policy issues occurs during Council meetings. I have enclosed a schedule of the meetings for the coming year. In order to have a meaningful opportunity for review by Council members and Council advisors, photocopy ready documents should be received at the Council office at least 11 working days prior to the start of the Council meeting. When you have analytical or other documents appropriate for our consideration, we would appreciate receiving them by this deadline.

This fall, the Council's SSC reviewed the recommendations of the Science Panel established to support the Marine Reserve Working Group process for considering marine reserves in the CINMS area. The SSC had previously reviewed siting algorithms developed by the Science Panel and provided positive comments on that work. The focus of the review this fall was the Science Panel recommendations on reserve size. The SSC found that in making its recommendation on reserve size, the balancing of goals by the Science Panel made the recommendation a policy rather than science recommendation. However, the SSC review concluded that "Given the mandate of the Science Panel and the constraints under which they conducted their deliberations, the SSC is generally supportive of their reserve size recommendation as it relates to the biodiversity and sustainable fisheries goal as defined in the specific context of the CINMS. Beyond that context, however, the methodology used by the Science Panel will require substantial modifications and extensions to be more broadly useful to the Council in considering marine reserves for the groundfish fishery and other resources under its authority." A complete copy of the SSC report is enclosed. Also enclosed are the comments of the Council's Groundfish Advisory Subpanel on this issue. The Groundfish Advisory Subpanel is comprised of private citizens representing members of the commercial and recreational fishing industry as well as environmentally oriented interest groups.

Thank you for considering the Council's comments. We look forward to working with you on this issue.

Sincerely,

D. O. McIsaac, Ph.D.  
Executive Director

JLS:kla

c: Ms. Jennifer Bloeser, Co-Chair, Habitat Steering Group  
Dr. Matthew Cahn, CSU Northridge  
Congresswoman Lois Capps  
LT David Cleary, Chair, Enforcement Consultants  
Dr. John Coon, Council Staff  
Council Members  
Council Staff Officers  
Mr. Steve Croke, Co-Chair, Highly Migratory Species Plan Development Team  
Mr. Brian Culver, Co-Chair, Groundfish Management Team  
Mr. Robert Fletcher, Chair, Highly Migratory Species Advisory Subpanel  
Dr. James Hastie, Co-Chair, Groundfish Management Team  
Dr. Kevin Hill, Chair, Coastal Pelagic Species Management Team  
Rod Moore, Chair, Groundfish Advisory Subpanel  
LCDR Matthew Pickett, CINMS  
Ms. Michele Robinson, Co-Chair, Habitat Steering Group  
Mr. John Royal, Chair, Coastal Pelagic Species Advisory Subpanel  
Dr. Dale Squires, Co-Chair, Highly Migratory Species Plan Development Team  
Cindy Thomson, Chair, Scientific and Statistical Committee

Enclosures



**NATURAL RESOURCES DEFENSE COUNCIL  
THE OCEAN CONSERVANCY  
AMERICAN OCEANS CAMPAIGN**

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February 21, 2002

Dr. Donald McIsaac  
7700 NE Ambassador Place  
Portland, OR 97220-1384

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FEB 22 2002

PFMC

Dear Dr. McIsaac,

The California Department of Fish & Game (Department) has released its draft regulatory package, which the Council should have in its March briefing book. In the Initial Statement of Reasons for Regulatory Action, the Fish & Game Commission has set an adoption date of August 2, 2002.


For the past two years, the Council has received updates on the process to establish marine reserves in the Channel Islands, culminating in the formal discussions by the Council and its advisory bodies at the October 2001 meeting. At this time, the Council drafted a letter requesting the California Fish & Game Commission provide the Council with the opportunity to comment on the alternative proposed for state waters, before the Commission makes a final decision. We are pleased the Council has initiated its role under the National Marine Sanctuaries Act by taking this first step of coordinating with the State of California's effort to designate marine reserves within the state waters of the Sanctuary.


The Commission's adoption schedule gives the Council three meetings—March, April, and June—to formally consider the regulations. This provides ample opportunity for both the Council and its advisory bodies to review and comment on the regulations. Many additional opportunities also exist for dialogue between the State and members of the Council. For example, Dr. Cindy Thomson, of the SSC, gave a presentation at the Commission meeting in February. The Council should take full advantage of the next five months to ensure that their comments meet the Commission's deadlines. We urge you to examine the draft regulations as soon as possible and begin passing them on to your advisory bodies, even if you have not yet received the full CEQA analysis. This will ensure that the entire Council family is prepared to make any comments to the State by your June meeting, and help the Council with its role in developing federal regulations for the Sanctuary.

We strongly encourage the Council to support the preferred alternative drafted by the Department and the federal managers of the Sanctuary, in recognition of the extensive public process, and socioeconomic and ecological analysis behind that alternative. The preferred alternative is the only alternative that marginally meets the guidelines established by the MRWG Science Panel, which were endorsed by the SSC. We also ask the Council to provide its recommendations to the Commission by the Commission's June 20<sup>th</sup> meeting. In light of the ongoing involvement of the Council in this process, we believe that the people of California deserve a timely response.

Sincerely,

  
Kate Wing  
Natural Resources Defense Council

  
Joe Geever  
American Oceans Campaign

  
Greg Helms  
The Ocean Conservancy



**Subject: Fwd: RE reserves in Channel Islands Marine Sanctuary**

**Date:** Thu, 13 Dec 2001 14:12:41 -0800

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

**To:** jim.seger@noaa.gov

**Subject: RE reserves in Channel Islands Marine Sanctuary**

**Date:** Wed, 12 Dec 2001 21:12:26 EST

**From:** <Sedwa4@aol.com>

**To:** pfmc.comments@noaa.gov

As a private citizen who enjoys fishing in CINMS I am very concerned about the process that is leading to closures at the islands. My training is in business so I must confess that I can't begin to assess the data and studies that are being cited as supporting large areas of closure but I am very good at sensing when someone is trying to pull the wool over my eyes. That is the situation that I think exists now with Mr. Pickett et al. I am quite sure that Mr. Pickett and his minions would prefer no fishing in CINMS (probably in all of California) and they are more than happy to foist these studies and data on all of us as supportive of their position. The plight of fishing in California, in my opinion, is more a function of overpopulation and attendant pollution and not likely to be solved by shutting the populace out of major areas. With implementation of MLPA/MLMA and the huge closures at the islands most of the fishable waters of California will be off limits to us common folks. It makes you wonder. Steve Edwards/1308 Ocean Drive, Oxnard, California - 805-985-6677

## STATUS OF NATIONAL MARINE SANCTUARY PROCESSES PERTAINING TO MARINE RESERVES

Situation: The paragraphs below provide a summary of the current status of consideration of marine reserves within the boundaries of national marine sanctuaries off the coast of California. As of the drafting of this summary, no Council action is anticipated at the March meeting. The next Council action on marine reserves for the Channel Islands National Marine Sanctuary (CINMS) is expected to occur when either state analytical documents are released for public review or the CINMS program initiates amendment of its designation documents to allow it to regulate fishing (regulations would be established only after proper consultation with the Council as required under the National Marine Sanctuaries Act). State analytical documents may be released prior to the April 2002 Council meeting.

National Marine Sanctuaries off central and northern California are initiating a joint review of their sanctuary management plans that may lead to consideration of marine reserves for these areas (Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries, Exhibit D.1.a, Attachment 1). The Council staff will track this process and notify the Council if marine reserves come under consideration during the joint review.

### CINMS

#### State Process

In accordance with Council direction at its November 2001 meeting, a letter was sent to the California Fish and Game Commission (CFGF) stating the Council would like a meaningful opportunity for comment on proposals to create marine reserves within the state waters of CINMS. A reply was received from the Commission indicating that it would provide the Council with the requested opportunity (Exhibit D.1.b, CFGF Letter).

On December 17, 2001, California Department of Fish and Game (CDFG) provided notice of its intent to develop a California Environmental Quality Act (CEQA) "Equivalent Environmental Document" on marine protected areas for state waters of the CINMS. This notice initiated a 30-day public comment period on the scope and content of the environmental information that should be considered in the document. The state has also requested comment on the regulations that have been drafted to implement each of the marine reserve options under consideration (see "Initial Statement of Reason", Exhibit D.1.b, CDFG Notice). The comment period on the draft regulations will remain open until the CFGF takes final action. Based on direction from the Council in the fall of 2001, the staff will continue to track this process and provide updates, but does not expect to bring the state options before the Council for full consideration and comment until state analytical documents have been completed.

#### Federal Process

The National Marine Sanctuary Program process for creating marine reserves within the CINMS area will involve amendment of the CINMS designation document ("sanctuary charter"), the sanctuary management plan, and management regulations. At its November 2001 meeting, the Council heard that during the California process for considering marine reserves for the state waters of the CINMS, the sanctuary intends to proceed with modification of its designation documents to allow the creation of marine reserves. After the state process is completed, the sanctuary would then proceed with the National Environmental Policy Act (NEPA) process to amend its sanctuary management plan, as necessary, and draft regulations to create marine reserves in CINMS federal waters. The CINMS plans to consult with the Council in each of these steps and provide the Council an opportunity to draft regulations as required by the National Marine Sanctuaries Act. As of mid-February, the CINMS has not initiated the process for amending its designation documents. On a separate track, the CINMS will likely be developing NEPA documents this spring to consider other amendments to its sanctuary management plan.

## **National Marine Sanctuaries Joint Management Plan Review for Northern and Central California**

The National Marine Sanctuary Program is undertaking a joint review of the sanctuary management plans for Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries (Exhibit D.1.a, Attachment 1). The review will include evaluation of sanctuary regulations and boundaries. Scoping meetings have been held to identify issues and management problems. The scoping process concluded January 31, 2002. The next steps are for the sanctuaries to summarize the scoping comments, seek advice from the sanctuary advisory councils, and use work groups to develop "action plans". Action plans will provide the basis for developing draft amendments to the sanctuary management plans. Changes to allow the creation of marine reserves would require amendment of the sanctuary designation documents to allow the regulation of fisheries.

**Council Task:** 1. Discussion and Guidance.

### Reference Materials:

1. Letter from Monterey Bay National Marine Sanctuary on National Marine Sanctuaries Joint Management Plan Review, dated November 20, 2001 (Exhibit D.1.a, Attachment 1).
2. Letter from the California Fish and Game Commission dated January 3, 2002 (Exhibit D.1.b, CFGC Letter).
3. Notice of Preparation and Initial Statement of Reasons for Regulatory Action from California (Exhibit D.1.b, CDFG Notice)
4. Exhibit D.1.d, Public Comment 1.

### Agenda Order:

- a. Agendum Overview
- b. Agency Reports and Comments
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Task: Discussion and Guidance

Jim Seger

### **Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis**

The GFSP 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."