



## Pacific Fishery Management Council

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Mark Cedergreen, Chairman Donald O. McIsaac, Executive Director

VERSION 5  
2/10/2011 11:54 AM

DATE

Ms. Carol Bernthal, Superintendent  
Olympic Coast National Marine Sanctuary  
115 East Railroad Avenue, Suite 301  
Port Angeles, WA 98362

Dear Superintendent Bernthal:

The Pacific Fisheries Management Council (Council) is pleased to have the opportunity to comment on the Olympic Coast National Marine Sanctuary (Sanctuary) Draft Management Plan, Draft Environmental Assessment and Proposed Rule published in the Federal Register on January 14, 2011 (76 FR 2611).

The Council has two Habitat Committee members who sit on the Sanctuary Advisory Council. This has already been useful for communication purposes. The Council appreciates the Draft Management Plan's continued emphasis on collaboration and coordination among agencies, and notes that the plan appears to have little impact on fishing.

We offer the following comments:

### Draft Management Plan

- **Collaborative and Coordinated Sanctuary Management Action Plan** (p.36). The Council agrees that collaboration between the Sanctuary and the Council is vital. A clear definition of agency roles, responsibilities and authorities is key to such collaborative efforts. We expect that conservation issues that may require modification of fisheries management will be referred to the Council for appropriate action, because the Magnuson-Stevens Fisheries Conservation and Management Act and the Council process represent the appropriate authority and forum for developing fishing regulations within and outside of national marine sanctuaries.
- **Collaborative and Coordinated Sanctuary Management Action Plan** (p.39). The Council notes language that directs the Sanctuary to "locally implement national and regional initiatives" of the Office of National Marine Sanctuaries (ONMS). The marine protected area initiatives of other West Coast sanctuaries, such as the Channel Islands and Monterey Bay National Marine Sanctuaries, have been of great interest to the Council. The Council requests clarification as to what, if anything, implementation of regional and national ONMS initiatives will mean to the Sanctuary, and to Council-managed species.

- **Populations, Communities and Ecosystem Action Plan** (p. 59): The Council recommends involving a representative from the Northwest Fisheries Science Center as the Sanctuary develops a list of indicator species.
  - **Climate Change Action Plan (p. 86)**: The Council recommends that the Sanctuary define “Sentinel Site.”
  - **Climate Change Action Plan** (p. 86): The Council recommends rewording Activity A of the Resilient Ecosystem Strategy to read “...Establish a climate change working group to provide recommendations to ONMS, and to collaborate with tribal, federal, state and local governments on potential joint management responses to climate change impacts.”
  - **Wildlife Disturbance Action Plan (p. 91)**. This section does not appear to include any intent to manage fishing vessel activity. The Council recommends the Sanctuary inform the Council if wildlife protection requires changes to existing fisheries practices, and, if so, recommends the Sanctuary consult closely with the Council. The Council also recommends the Sanctuary continue to recognize existing fishery management plans and other fishery and gear regulations within the Sanctuary.
  - **Wildlife Disturbance Action Plan (p. 93)**. The Council recommends involving co-managers and fishing organizations when discussing strategies to study marine mammal and longline gear interactions. A significant opportunity exists for the Sanctuary, Council, co-managers and fishing organizations to cooperatively research marine mammal interaction within the Sanctuary and Council management area. For example, the Makah Tribe and the Nation Marine Mammal Laboratory of the Alaska Fisheries Science Center have conducted research on harbor porpoise interaction with tribal gill nets within the OCNMS (NMFS-AFSC-84). Such research in the Sanctuary, as well as future collaborative research, will undoubtedly contribute valuable data.
- Habitat Protection Action Plan (p. 97)**. These concepts are parallel to essential fish habitat (EFH) and habitat areas of particular concern outlined in the Council’s fishery management plans. EFH designations are used to reduce fishing gear impacts on habitat for managed species. Currently, the Council has EFH designations that include the entire exclusive economic zone, including the Sanctuary. For example, the water column is included in EFH for coastal pelagic species and salmon, the benthic habitats are included in EFH for groundfish. The Council recommends the Sanctuary coordinate with the Council early in the development of Habitat Protection Action Plans and to enhance the effectiveness of these plans.

#### Proposed Regulatory Amendments

- The Council supports the replacement of the term “traditional fishing” with “lawful fishing” in Sanctuary regulations [Section II Part 3], defining “lawful fishing” as “fishing authorized by a tribal, state or federal entity with jurisdiction over the activity.” The draft management plan notes that “By replacing the word ‘traditional’ with ‘lawful’ NOAA unambiguously recognizes fishing activities authorized by fisheries management authorities. This change is also consistent with terms used in the regulations for other national marine sanctuaries on the West Coast.” The Council concurs, and appreciates the Sanctuary’s comment that the wording change from “traditional” to “lawful” “makes clear that fishing activities authorized by regulations lawfully adopted by fishery management agencies are not subject to the prohibitions itemized in the Sanctuary regulations.”

- The Council supports the prohibition on discharge of treated and untreated water in the Sanctuary by cruise ships [Section II Part 4], and notes that this regulation does not address discharges from other oceangoing vessels, including fishing vessels. The Council also supports the continued exemption for discarding of fish, fish parts, chumming materials or bait by vessels participating in lawful fishing activities [§922.152 (a)(2)(i)(A)].

In closing, thank you for your consistent and continued commitment to a close working relationship with the Council process. The Council and their staff look forward to increased collaboration with the Sanctuary during the implementation of your revised management plan. If you or your staff have any questions about this letter, please contact me or Mr. Kerry Griffin, the lead Staff Officer on this matter at 503-820-2280.

Sincerely,

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