Sanctuary Advisory Council

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

July 21, 2006

Mr. Chris Mobley, Sanctuary Superintendent
Channel Islands National Marine Sanctuary
113 Harbor Way, Suite 150
Santa Barbara, California 93109

Re: Sanctuary Advisory Council and Working Group Comments on the Draft Management Plan / Draft Environmental Impact Statement

Dear Mr. Mobley,

Thank you for the opportunity to comment on the Channel Islands National Marine Sanctuary (sanctuary) Draft Management Plan / Draft Environmental Impact Statement. Sanctuary Advisory Council (Advisory Council) representatives and several Advisory Council Working Groups have worked diligently to provide insightful and thoughtful comments on these documents. Our comments are included as attachments to this letter. Advisory Council representatives may also wish to submit their individual comments to you, apart from those comments submitted with this letter. We understand that the sanctuary will respond to all comments in the Final Management Plan / Final Environmental Impact Statement.

We look forward to receiving regular progress reports from your staff regarding future steps of the management plan review process.

Respectfully,

Dianne L. Meester

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Channel Islands National Marine Sanctuary
Sanctuary Advisory Council
Comments on the Sanctuary's Draft Management Plan / DEIS
July 21, 2006

The following pages provide numbered comments that Sanctuary Advisory Council representatives provided on the sanctuary's Draft Management Plan / Draft Environmental Impact Statement (DMP/DEIS) during the July 21, 2006 Advisory Council meeting. A meeting attendance record is included at the end of this attachment and shows which Advisory Council representatives were present at the time the Advisory Council passed a motion to submit these comments to Chris Mobley (Sanctuary Superintendent). Comments are grouped by section of the DMP/DEIS, then according to whether or not the Advisory Council representatives present agreed to them by consensus.

VOLUME II: DRAFT ENVIRONMENTAL IMPACT STATEMENT

Introduction (Section 1.0)

Consensus Comments:

1. Update boundary description to recognize the completion of the biogeographic study.
2. Any new regulations should be enforced.

Proposed Action and Alternatives (Sections 2.0 and 4.0)

CINMS Boundary Description Clarification

No comments.

Prohibition 1 (Oil and Gas)

No comments.

Prohibition 2 (Mineral Activities)

No comments.

Prohibition 3 (Discharging or Depositing)

Consensus Comments:

3. Support the proposed changes with modifications. Support Alternative 1 and prohibition that would exclude discharge of treated sewage from vessels of 300 GRT or more.
4. Recommend deleting graywater exception for vessels of 300 GRT or more.
5. Exception for discharge of fish, fish parts, chumming materials (bait) during lawful fishing activities: want to add words to clarify that recreational anglers can clean fish and discard the scraps following fishing activities. Perhaps "used in or resulting from lawful fishing"
6. Concerned about compliance with discharge regulation (e.g., feeding wildlife food scraps)
7. Reflect Coastal Commission's conditional concurrence statement: "Cruise ship discharges. NOAA will revise CINMS regulation number 3 (Discharge and Depositing) to prohibit vessels of 300 gross registered tons or more from discharging sewage or graywater into the waters of the Sanctuary."
8. Remove exception for military vessels regarding discharge of sewage and sewage sludge.
9. Would like to see the sanctuary do its own enforcement in addition to other enforcement efforts.

Non-consensus Comments:

10. Concern about costs and benefits of requiring small boats (smaller than 150 GRT) with Type III MSDs to go from 3 NM to the outer sanctuary boundary to discharge sewage. There may be additional environmental impacts associated with the additional travel required. Other laws are sufficient and we don't need to go further than existing law.
11. No significant water quality issues have been noted regarding discharges by small vessels (under 150 GRT) for our certified MSDs Type I, II, or III. Therefore, use of current discharge regulations should be mirrored.
12. Sanctuary should rely on existing regulation with respect to the deposition of materials into sanctuary water, especially regarding black water.
13. Most small vessels (less than 100') do not retain their black water consistently. Increasing the legal burden on the good guys will change them into bad guys. Rather than making regulations stronger, the sanctuary should focus on enforcing existing regulations.

Prohibition 4 (Altering the Seabed)

No comments.

Prohibition 5 (Abandoning)

Non-consensus Comments:

14. The sanctuary should establish guidelines to delineate the difference between an abandoned vessel and an archaeological resource. (e.g., Gus D, already a historical vessel as it floats)

Prohibition 6 (Nearshore Operation of Vessels)

Consensus Comments:

15. Support Alternative 1.
16. Remove fishing exception for large vessels (150 GRT or greater).

Prohibition 7 (Disturbing a Seabird or Marine Mammal by Aircraft Overflight)

Non-consensus Comments:

17. Recommend that requiring demonstration of disturbance would be difficult and after the fact; prefer that first phrase be removed to say "prohibition on flying motorized aircraft at less than 1000 feet" while maintaining exception as is.
18. Consider whether there are other areas beyond the 1 NM area that include species that would be vulnerable to these activities.

Prohibition 8 (Moving, Removing, Possessing or Injuring a Sanctuary Historical Resource)

No comments.

Prohibition 9 (Taking a Marine Mammal, Sea Turtle, or Seabird)

Non-consensus Comments:

19. Suggest wording revision to provide exception for unintentional hooking.
20. Redundant with existing regulations, and confusing (status of species might change over time); would like explicit explanation as to whether intent of regulation is to track other laws; should be explicit that applies to all protected marine mammals, sea turtles, or seabirds

Prohibition 10 (Possessing a Marine Mammal, Sea Turtle, or Seabird)

Consensus Comments:

21. Suggest contacting USFWS and CDFG to determine whether there is an exception as in #23 below, for their regulations.

Non-consensus Comments:

22. Suggest wording revision to provide exception for unintentional hooking.
23. Redundant with existing regulations, and confusing (status of species might change over time); would like explicit explanation as to whether intent of regulation is to track other laws; should be explicit that applies to all protected marine mammals, sea turtles, or seabirds

Prohibition 11 (Tampering with Signs

No comments.

Prohibition 12 (Releasing an Introduced Species)

Consensus Comments:

24. Concerned about catch and release fishing with regard to introduced species that are not legal to catch.
25. Enforcement interpretation is overly broad. Enforcer has ability to determine violations. Concern about invasive species found in harbors being transported on hulls. Suggest add "intent to release"

Prohibition 13 (Operation of Motorized Personal Watercraft)

Non-consensus Comments:

26. Problem is behavior of operator, so behavior should be addressed and USCG is probably best suited to do so.
27. Support regulation as is.
28. Consider whether there are other areas beyond the 1 NM area that include species that would be vulnerable to these activities.
29. MPWC have no place in the sanctuary. Encourage extending prohibition further.

Lightering

Consensus Comments:

30. Recommend adoption of this prohibition.

Department of Defense Military Activities

No comments.

Regulation on Permit Procedures and Issuance Criteria

Consensus Comments:

31. Recommend include provision for notification of permit applications (e.g., on web site), public review and monitoring of permits.
32. Would like to see the permit requirements include a statement that "Applicant should use appropriate licensed vessels and operators if engaging vessels for hire or soliciting assistance in fulfilling permitted activity."

CINMS Designation Document Changes

Non-consensus Comments:

33. Ability of sanctuary to protect resources is overly limited by Designation Document.
34. Support the sanctuary's current role: focuses attention on public and scientific awareness. Fishing community adamantly opposed to changing the Designation Document.

VOLUME I: THE DRAFT MANAGEMENT PLAN

Introduction (Section I)

Consensus Comments:

35. On p. 4 there is a list of purposes and policies of the NMSA; recommend that include a statement as to whether this is an all inclusive list and if it's not then explain how this list was arrived at.

Non-consensus Comments:

36. On p. 5 there is a reference to ecosystem based management and there is no mention of that in the NMSA.
37. Recommend that use the definition of ecosystem based management from the scientific consensus statement (by authors such as Jenn Casselle, Jennie Dugan, Ben Halpern, Jeremy Jackson, Satie Airame, Hunter Lenihan, etc...), instead of Grumbine.
38. Grumbine 1994 and 1997 entries in the sources consulted are mixed up.
39. Goals on p. 7 state to provide comprehensive and coordinated management, suggest add "but not duplicating"
40. State who decided on the sanctuary goals.
41. Explain why the new goals are so much different from the old goals.
42. With respect to goal 6, the DMP says "allow to extent compatible" but in the NMSA that same goal says "facilitate" rather than allow.

Action Plans (Section III)

Public Awareness & Understanding Action Plan

Consensus Comments:

43. Recommend increase education of concessionaires (businesses bringing visitors to sanctuary), owners, employees regarding proper practices.
44. Suggestion that provide incentive to participate in something like in comment above to increase participation and reduce hardship on affected businesses.

Conservation Science Action Plan

Consensus Comments:

45. Recommend effort be made to prioritize management relevant science applied to "here and now" issues. Recommend that add statement to this effect. (Some scientific inquiry is more abstract; some is focused on management priorities and resource protection)

46. Recommend that sanctuary look at/incorporate research and monitoring recommendations from the SAC-adopted acoustic and water quality reports.
47. Shortfalls in science and monitoring that the RAP has pointed out; important that funding be found for monitoring programs so that scientific community does not lose its integrity by not being able to fulfill the monitoring requirements.
48. Recommend making stronger link between Conservation Science and Emerging Issues action plans (e.g., develop criteria for determining when an issue is emerging vs. when it has emerged).
49. Need for further overall coordination in marine science and data management.

Boundary Evaluation Action Plan

Consensus Comments:

50. Update the plan to note the completion of the biogeographic assessment.

Marine Zoning Action Plan

Consensus Comments:

51. There is more zoning in the sanctuary than was talked about in this action plan. Recommend depict spatially explicit regulations and other existing programs. Use this as basis to look at biological features/hot spots/threat zones, etc… as mechanism to advance what we might do in future under zoning.

Water Quality Action Plan

Consensus Comments:

52. Given that land-based activities can have dramatic effect on water quality suggest have watershed approach to address water quality issues in sanctuary in coordination with other agencies and groups involved in water quality management. Consider developing a task force to better coordinate, e.g., as in Monterey Bay NMS MOU and reflect CA non-point source pollution program. Consider creating a water quality specialist position at this sanctuary.
53. Would like specific support for research and monitoring programs (e.g., Plumes and blooms, SB Channelkeeper, Bight studies)
54. Process and analyze existing water samples from Bight '03 survey.
55. Provide for systematic monitoring of anthropogenic marine debris.
56. Concerned about funding for water quality protection planning.
57. Incorporate recommendations from SAC-approved water quality needs assessment.

Emergency Response & Enforcement Action Plan

Consensus Comments:

58. Regarding oil spills recommend develop a means for more timely response to oil spills within the sanctuary by: 1) identifying vessels capable of boom deployment and skimming systems, 2) investigate the feasibility of the sanctuary becoming a Clean Seas client, 3) provide spill cleanup equipment cached at various locations in the Channel Islands.
59. Look into whether oil facilities can store cleanup equipment; inventory equipment already there and consider whether can develop agreement between oil companies and sanctuaries to use that equipment.
60. Concerned about whether or not proposed funding will be adequate for enforcement of both existing and proposed regulations.
61. Concerned that we look towards the future of emergency response. Currently response is paid for by oil companies so if facilities are decommissioned then Clean Seas not likely to be here; so recommend find funding to keep Clean Seas where it is.

Maritime Heritage Resources Action Plan

Consensus Comments:

62. Recommend revise wording that refers to Chumash people in past tense.
63. Stories presented in written form should be told by Chumash first hand, not by others.
64. Recommend find more appropriate language that is mutually respectful regarding relationship between the sanctuary and the Chumash community (a community that is very large and geographically widespread so we need to be more inclusive rather than exclusive).
65. Regardless of whether or not a government to government relationship is outside the scope of the sanctuary's regulations, we should begin to explore that relationship, even if it is in its embryo form. There are many different Chumash bands that can give advice to the sanctuary.
66. "Promoting Public Education of Chumash Native American Culture": recommend that sanctuary establish an internship for high school/college Chumash youth.
67. It is confusing to have shipwreck information mixed with Chumash cultural information and recommend that separate those two sections.

Channel Islands National Marine Sanctuary Advisory Council – Voting Results

Voting results on a motion to send a letter to Chris Mobley (Sanctuary Superintendent), including Advisory Council comments on the sanctuary's Draft Management Plan/Draft Environmental Impact Statement.

SAC Seat	Representative	Vote
Tourism	<*absent for vote*>	--
Business	<*absent for vote*>	--
Recreation (non-consumptive)	<*absent for vote*>	--
Recreational Fishing	David Bacon	YES
Commercial Fishing	Jim Marshall	YES
Education	<*absent for vote*>	--
Research	<*absent for vote*>	--
Conservation	Linda Krop	YES
Public At-large (1)	Jim Knowlton	YES
Public At-large (2)	Eric Kett	YES
Chumash Community	Paulette Cabugos	YES
National Marine Fisheries Service	<*absent for vote*>	--
National Park Service	Russell Galipeau	YES
U.S. Coast Guard	<*absent for vote*>	--
Minerals Management Service	Ann Bull	YES
U.S. Department of Defense	Steven Schwartz	YES
California Department of Fish and Game	Kristine Barsky	YES
California Resources Agency	<*absent for vote*>	--
California Coastal Commission	<*absent for vote*>	--
County of Santa Barbara	Dianne Meester	YES
County of Ventura	<*absent for vote*>	--