

Member/Alternate

Tourism

Lauri Baker / Andrea Moe

Business

William Spicer / <vacant>

Non-Consumptive Recreation

Warren Glaser / W. Scott Dunn

Commercial Fishing

Jim Marshall / Bruce Steele

Recreational Fishing

David Bacon / Merit McCrea

Education

Barbara LaCorte / Dan Powell

Research

Dr. Robert Warner / Dr. Daniel Brumbaugh

Conservation

Linda Krop / Greg Helms

Public At-Large 1

Phyllis Grifman / John Rennell

Public At-Large 2

Eric Kett / Matthew Lum

Chumash Community

Paulette Cabugos / Reggie Pagaling

National Marine Fisheries Service

Mark Helvey / Lyle Enriquez

National Park Service

Russell Galipeau / Gary Davis

U.S. Coast Guard

CWO Ronald Fien / MSTC John Luzader

Minerals Management Service

Dr. Fred Piltz / Dr. Ann Bull

U.S. Department of Defense

Steven Schwartz / Walter Schobel

California Department of Fish and Game

Marija Vojkovich / Kristine Barsky

California Resources Agency

Brian Baird / Leah Akins

California Coastal Commission

Rebecca Roth / Jack Ainsworth

County of Santa Barbara

Dianne Black / Michelle Gibbs

County of Ventura

Lyn Krieger / Jack Peveler

Channel Islands Nat'l Marine Sanctuary

Chris Mobley

Monterey Bay Nat'l Marine Sanctuary

Dr. Holly Price / Rachel Saunders

Gulf of the Farallones Nat'l Marine Sanctuary

Maria Brown

Chair

Dianne Black

Vice Chair

Linda Krop

Secretary

Eric Kett

Sanctuary Advisory Council

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

October 10, 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 Environmental Impact Statement for the Consideration of Marine Reserves and Marine Conservation Areas

Dear Mr. Mobley,

Thank you for the opportunity to comment on the Channel Islands National Marine Sanctuary (sanctuary) Draft Environmental Impact Statement (DEIS) for the Consideration of Marine Reserves and Marine Conservation areas. 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. We understand that the sanctuary will respond to all comments in the Final Environmental Impact Statement.

We look forward to receiving regular progress reports on the Final Environmental Impact Statement and any final regulations.

Respectfully,



Dianne M. Black
Chair, Channel Islands National Marine Sanctuary Advisory Council

Attachments:

1. Sanctuary Advisory Council comments (consensus and non-consensus)
2. Sanctuary Advisory Council voting results on motion to send Chris Mobley the Advisory Council's comments on the DEIS
3. Conservation Working Group comments on the DEIS
4. Recreational Fishing Working Group comments on the DEIS
5. Research Activities Panel comments on the DEIS
6. Additional comments from the Commercial Fishing and Education seats



EXECUTIVE SUMMARY

No comments.

INTRODUCTION AND BACKGROUND (SECTION 1.0)

Consensus Comments:

1. Consider adding NMSA language regarding traditional/compatible/sustainable use. (sec. 1.1)

PURPOSE AND NEED (SECTION 2.0)

Consensus Comments:

2. To add the biological goal in addition to the administrative goal of complementing the state action, add “and complement the protection afforded by the state and ensure protection of the full suite of habitat types” after “complement.” (Goal #5, Sec. 2.1)
3. Many of the references cited in this section are not in the reference list.

ALTERNATIVES (SECTION 3.0)

DEVELOPMENT OF ALTERNATIVES (SECTION 3.1)

Consensus Comments:

4. The names of the agencies on p. 8 and elsewhere should be reviewed for accuracy to ensure that the acting agency is correctly cited. There are a number of typos.
5. Clarify and/or identify the reason why Alternative 1A is the preferred alternative.

DESCRIPTION OF ALTERNATIVES (SECTION 3.2)

Consensus Comments:

6. Improve graphics so that map resolution does not present inaccuracies.
7. Clarify what the Federal conservation zones allow.
8. We encourage the consideration of adaptive management within conservation zones for all agencies.

Non-consensus Comments:

9. It does not make sense to have the rules in the state conservation zone apply to the adjacent Federal area.
10. There should be an opportunity for consultation with NMFS on the rules within a conservation area.
11. Recommend an alternative that exclusively includes no take zones for Federal waters.

COMPARISON OF ALTERNATIVES (SECTION 3.3)

Consensus Comments:

12. Black seabass is not an official common name – giant seabass is the official common name (p. 33). Recommend that still include “black seabass” in parentheses, since it is also known by that name.
13. Deepwater sponges and corals should be included as species of interest. They exist in The Footprint, and they are important as habitat building species.

AFFECTED ENVIRONMENT (SECTION 4.0)

OVERVIEW (SECTION 4.1)

Consensus Comments:

14. Acknowledge increases in certain species: e.g., certain pinnipeds and cetaceans. This is not currently mentioned, but should be. If such successes are documented and can be cited they should be included, e.g., sardines and pinnipeds.

Non-consensus Comments:

15. Recommend that successes/increases and decreases be looked at in terms of population status assessments, where possible.
16. Recommend a more balanced tone between species in decline, and species that are increasing. (The same comment applies to sections 4.2.4.3, 4.2.4.6.)

ECOLOGICAL ENVIRONMENT (SECTION 4.2)

Consensus Comments:

17. If better information is available for substrate analysis, use it to update Figure 11.

SOCIO-ECONOMIC ENVIRONMENT (SECTION 4.3)

Consensus Comments:

18. Would like clarification as to how the "Baseline person days of recreation activity" were determined (p. 55). Recommend re-evaluating these statistics. Discrepancies between the ratio of private and charter boat dives, and consumptive vs. non-consumptive divers seem inaccurate. Question whether trips in Santa Barbara are less expensive than in Los Angeles.
19. Recommend adding a heading to the top of p. 59 for consumptive diving.
20. Would like clarification as to meaning of employment in private boat diving.
21. Recommend providing citations with the tables.
22. Last year there were 7000 kayaking days at Santa Cruz Island, Scorpion Anchorage alone. The kayaking statistics seem inaccurate.
23. Recommend that tables be made easier to understand, and if appropriate presented as figures instead. If the numbers are estimates add confidence intervals. If differences are significant that should be noted, and at what level. Recommend clarifying the time period and area in which the data was gathered.
24. Recommend adding a statement about the impact of the closures on the sportfishing industry in terms of public perception.
25. Recommend adding an expenditure that represents guiding fees for kayaking (p. 58), e.g., a day kayaking trip is approximately \$180.00 (including boat fee).
26. Leeworthy's 2003 publication, which is cited as the source for much of the data provided in this section, is based on data actually collected in the 1990s; this may explain some of the above suggested discrepancies (e.g., comments #18, and #22). Recommend that make sure the tables in this section cite the date on which the data were collected.
27. Recommend adding data from the National Economics Project, National Park Service, and Chris LaFranchi.

MANAGEMENT (SECTION 4.4)

No comments.

ENVIRONMENTAL IMPACTS (SECTION 5.0)

ECOLOGICAL IMPACTS (SECTION 5.1)

Consensus Comments:

28. Recommend clarifying the definition of “adverse impact.”
29. If adverse is defined as declines in abundance, there will be declines in abundance. Ben Halpern’s colleague has a paper showing 20% decline in total abundance.
30. Recommend deleting the 1st sentence in the 2nd paragraph under Section 5.1.
31. Recommend moving the text in footnote #17 into the main body of the text.
32. Recommend that clarify that not all species decline, and not all species increase. Both trends are potential outcomes. Clarify after 1st sentence of 2nd paragraph (p.69) that some non-target species would be expected to decline. There is also unpublished evidence that targeted species are sometimes more abundant outside reserves (a study that Ugoretz participated in outside Big Creek).
33. Regarding end of 2nd paragraph (p. 68), “relatively little activity” doesn’t account for the fact that these areas are closed by other regulations. Recommend add “currently” before “relatively little activity....”
34. Recommend noting observed declines in species abundance within reserves for non-target species as well.
35. Recommend supporting this section with more references, and clarifying who is making these assertions and why (5.1.2 p. 74).
36. Recommend adding a reference for the statement regarding the distance between reserves (p. 76): MLPA Science Advisory Team.

SOCIOECONOMIC IMPACTS (SECTION 5.2)

Consensus Comments:

37. The impacts shown are partially an artifact of these areas being temporarily closed by fisheries management measures. Recommend noting that current EFH rules may change.

38. Recommend that cited studies quantify the impact to the recreational fishing industry due to perception problems (as previously noted above).

MANAGEMENT CONSIDERATIONS (SECTION 5.3)

Consensus Comments:

39. If there is a problem in terms of public perception that leads to adverse impacts on recreational fishing, than there should be some attention paid here to education and outreach attempts to address that particular problem.
40. Recommend clarifying that the whole sanctuary is not a preserve.
41. Recommend explaining whether or not enforcement partners have committed to enforcing these alternatives.
42. Recommend clarifying what “complementary regulations” are referred to under Alternative 1A (p.132).

PROPOSED RULE (APPENDIX A)

Consensus Comments:

43. Recommend that display boundaries graphically, rather than only using the 132 points currently listed, in the Federal Register notice, and show difference between current boundaries and proposed boundaries. Recommend displaying this map in larger format than 8 ½ x 11, e.g., on a chart.
44. Recommend that parenthetical in 2nd paragraph on p. 172 be stricken because it would be a hazard and is not feasible (i.e., keeping spear shafts separate from spear guns).
45. Recommend ensure that definition of “stowed and not available for immediate use” is practical and feasible.

Channel Islands National Marine Sanctuary Advisory Council – Voting Results

Below are the voting results of a Sanctuary Advisory Council motion to send a letter to Chris Mobley (Sanctuary Superintendent), including Advisory Council comments on the sanctuary's Draft Environmental Impact Statement for Consideration of Marine Reserves and Marine Conservation Areas.

SAC Seat	Representative	Vote
Tourism	Lauri Baker	Yes
Business	Bill Spicer	Yes
Recreation (non-consumptive)	Scott Dunn	Yes
Recreational Fishing	David Bacon	Yes
Commercial Fishing	Jim Marshall	Yes
Education	<not present at vote>	--
Research	Bob Warner	Yes
Conservation	Linda Krop	Yes
Public At-large (1)	Phyllis Grifman	Yes
Public At-large (2)	Eric Kett	Yes
Chumash Community	<not present at vote>	--
National Marine Fisheries Service	Lyle Enriquez	abstain
National Park Service	Russell Galipeau	Yes
U.S. Coast Guard	John Luzader	abstain
Minerals Management Service	<not present at vote>	--
U.S. Department of Defense	Steve Schwartz	Yes
California Department of Fish and Game	Marija Vojkovich	Yes
California Resources Agency	<not present at vote>	--
California Coastal Commission	<not present at vote>	--
County of Santa Barbara	Dianne Black	Yes
County of Ventura	<not present at vote>	--

Introduction

In considering establishment of the “federal portion” of the proposed marine reserves network within the Channel Islands National Marine Sanctuary, four core issues arise in the CWG’s consideration of the CINMS Marine Reserves DEIS:

- 1) Recognition of the intrinsic value of wild species, habitats and ecosystems
- 2) The type of zone to be established at each of the areas, i.e. limited take (conservation area), or no-take (marine reserve), that best accomplishes the conservation and research goals of zone establishment
- 3) The jurisdictional framework to be established for the coherent management, monitoring and enforcement of the zone network, and
- 4) The spatial extent of the network, with respect to reserve network function and performance; habitat representation and connectivity; protection against disturbance or disaster, and design considerations for effective zone monitoring, research and experimental design.

The CWG has specific rationale for the best choices CINMS staff can make for each issue, in order to best fulfill its mandate to protect, conserve, and enhance Sanctuary resources.

1. The Need to Recognize the Intrinsic Value of Ecosystems

Conservation, in addition to protecting flora and fauna is about overcoming anthropocentrism which primarily values nature for subsistence, economic development, and sport. A more biocentric view accepts intrinsic values in the natural world, independent of utilitarian or direct human value endowment. Spiritual, aesthetic, and non-consumptive nature values are important at this more (biocentric) end of the value spectrum. The National Marine Sanctuary Program as a whole embraces the goal of protecting the intrinsic values of the marine environment and the CINMS MRWG listed it as a major goal for the marine reserve network.

Intrinsic values are defined as those aspects of ecosystems and their constituent parts which have value in their own right, including their biological and genetic diversity; and the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience. However, in the DEIS, nonuse or passive-use values are measured primarily in economic terms. While putting a monetary value on the “passive” value of the CINMS natural resources is useful, it is incomplete. The economic approach used in the EIS is reminiscent of the historical utilitarian philosophy which began in the 1800s. The National Marine Sanctuary Program was formed in part to offset this historical ideology, being created with the goal of using a more ecologically-minded

approach to resource management that places a high priority on the intrinsic values of protected places and resources and views the ocean as something to be appreciated for its own sake (regardless of its economic value).

The CWG is concerned that the DEIS (at section 5.2.6: “Other Potential Benefits”) primarily values marine reserves for their economic value and not for their intrinsic natural value, independent of humans. Beyond the treatment of “non-use” value at DEIS pp. 125-6, which discusses methods for assigning value to various forms of appreciation of Sanctuary uses, there exists a host of aesthetic, spiritual and social values that are served by resource protection designations such as marine reserves. Among these are the intangible sense of responsibility and good-conscience derived from responsible treatment of living resources, the moral satisfaction of “doing the right thing”, the psychological and spiritual benefits of knowing that an untouched, ancient and wild area is present and available, and the growing sense within society that those that appreciate and assign value to intact ecosystems be given their “allocation” in the form of marine reserves alongside those traditionally seen as stakeholders (oil and gas operations, commercial and recreational fishers, municipal dischargers, etc.). These values are well described in the United States Wilderness Act¹.

To resolve this concern, the title of Section 5.2.6.3. could be changed to *Scientific, Intrinsic and Educational Values* (adding the word Intrinsic).

Within this section, the following could be added as potential non-economic benefits:

- ◆ Reserves will protect unique and representative areas of marine life habitat for their intrinsic value.
- ◆ Reserves will protect unique and representative marine life for its intrinsic value.
- ◆ Reserves will protect marine biodiversity and marine ecosystem integrity for its intrinsic value.

In turn, these additional factors must be integrated into the analysis conducted by NOAA to establish an environmentally preferred alternative, and be considered as support for promulgation of that alternative. Accordingly, the CWG believes that adoption of Alternative 2 would better reflect an appropriate level of recognition of the intrinsic value of CINMS’ natural resources, by protecting a greater quantity of living individuals, communities and systems that have long been overexploited and undervalued.

2. Establishment of Fully Protected MPAs best meets the DEIS Purpose and Need, Community-Developed Goals and Objectives, and Scientific MPA Design

CWG Recommendations

- Sanctuary zones should be based on principles of ecosystem based management, which recognizes and incorporates all components of a living system, including

¹ 16 U.S.C. 1131-1136, 78 Stat. 890

- the full complement of living resources along with their habitat, physical and biological processes and the interactions between them.²
- The community-developed goals and objectives developed during the MRWG process specifically call for inclusion of full ecosystems in reserve networks.
 - Marine reserves, as opposed to limited-take forms of zones, are much more easily and cost-effectively enforced, are suitable for collaborative, citizen, and inter-agency monitoring and enforcement, are suitable for remote and land-based compliance monitoring and can best be enforced using emerging forms of compliance monitoring technology (e.g. VMS, satellite technology)
 - Fully protected zones best match the Congressional mandate of the Sanctuary to protect resources using a “comprehensive approach.”
 - Fully protected reserves allow for decisive evaluation of zone performance because they exclude all forms of anthropogenic take, thereby removing them as variables in determining the causes of observed changes in ecological conditions within marine zones. Because the take (or prohibition of take) of species such as pelagics inevitably have effects on the natural system, allowing take confounds the ability to distinguish changes due to marine zone establishment from other sources of ecosystem change (e.g. natural disturbance or variability).
 - Limited forms of MPAs such as conservation areas cannot perform the important role as “research reference areas” since conservation areas do not result in areas free of fishing disturbance.
 - Scientific evidence reveals that while pelagic fish exhibit high mobility, they tend to aggregate in discrete areas such as banks or ridges^{3,4,5}. This spatially-explicit pattern of distribution makes pelagic species “protectable” by reserves at least during specific, critical life cycle stages.
 - Pelagic and other highly mobile species form a critical component of ecosystems through indirect and direct interactions with the benthic community, through their role as apex predators and by regulating the system through predation. Removal of these species will alter the composition and productivity of the system.⁶
 - Removal of these mobile predators may cause profound changes in community structure. Such “trophic cascades,” in which even subtle or indirect changes to the natural community reverberate throughout the food web, can change or weaken the ecosystem as a whole.
 - Full protection is especially critical for “the Footprint” area, which would be protected only through this federal process, due to the above-cited reasons.

² Grumbine, E.R. 1994. What is ecosystem management? *Conservation Biology* 8(1): 27–38

³ Heyman, W.D. 2004. Conservation of multi-species spawning aggregation sites. *Proceedings of the Gulf and Caribbean Fisheries Institute*. 55: 521-529.

⁴ Hooker, S. K., and L. R. Gerber. 2004. Marine reserves as a tool for ecosystem-based management: the potential importance of megafauna. *BioScience*. 54(1): 27-39.

⁵ Worm, B., M. Sandow, A. Oschlies, H. K. Lotze, and R. A. Myers. 2005. Global patterns of predator diversity in the open oceans. *Science*. 306: 1365-1369.

⁶ Sosa-Lopez, A., D. Mouillot, T. D. Chi, and J. Ramos-Miranda. 2005. Ecological indicators based on fish biomass distribution along trophic levels: an application to the Terminos coastal lagoon, Mexico. *ICES Journal of Marine Science*. 62(3): 453-458.

3. Reserve Networks Managed as a Cohesive Unit Best Meet the Management, Scientific and Conservation Goals of the Sanctuary; Sanctuary Zone Regulations Should Overlay State Designations

- An “overlay” of Sanctuary Act zone designation will create a unified, coherent regulatory framework that best meets the management needs of the public, the research and monitoring institutions, enforcement officials and management and regulatory agencies by providing a single jurisdictional framework.
- Jurisdictional coherence best advances management effectiveness by reducing management gaps, protecting against uneven and inconsistent enforcement, and integrating the full host of management responsibilities, technologies and capacities.⁷
- Alternative 1a would continue to bring the unique assets of the SAC to bear on zone outreach and awareness. Non-integrated alternatives would jeopardize and reduce the SAC’s contribution to community involvement in CINMS reserves, conservation areas and other zones.
- An overlain or integrated management framework is best suited to spatial management approaches in which ecological linkages are emphasized.
- An integrated management framework will best foster continued and enhanced management partnerships that extend financial and technical resources, enforcement capabilities and monitoring efforts.
- Overlaying Sanctuary Act zone regulations (e.g. Alternative 1a and 2) is most consistent with MPA policy recommendations such as the U.S. MPA Center recommendations, and the State of California’s Marine Managed Areas Improvement Act (AB 1600) which directed the State to consolidate and simplify the range of MPAs within California.⁸
- If CINMS zones do not overlay state MPAs, almost double the number of zonal management units will be created, thereby decreasing efficiency and increasing costs for all jurisdictions (and increasing jurisdictional conflicts).
- Alternative 1C would result in physical and administrative gaps in resource protection, potentially resulting in destructive conflicts in authority, enforcement and management, collectively resulting in outrageous obstacles to compliance.

4. The Spatial Configuration of Alternative 2 Best Meets the Community and Scientific Goals for Resource Protection, Species Sustainability and Restoration and Zone Performance

- Effective reserve design requires “networks” that promote sustainable populations better than stand-alone, isolated zones.^{9,10}

⁷ Crowder, L.B., G. Osherenko, O. R. Young, S. Aíramé, E. A. Norse, N. Baron, J. C. Day, F. Douvère, C. N. Ehler, B. S. Halpern, S. J. Langdon, K. L. McLeod, J. C. Ogden, R. E. Peach, A. A. Rosenberg, J. A. Wilson. 2006. "Resolving Mismatches in U.S. Ocean Governance." *Science* 313: 617-8.

⁸ 6, 7, 8, 10 of PRC sec 36601

⁹ Botsford, L. W., A. Hastings, and S. D. Gaines. 2001. Dependence of sustainability on the configuration of marine reserves and larval dispersal distances. *Ecology Letters* 4: 144–150.

¹⁰ Carr and Syms, 2006 (source?)

- Sufficient size and spacing of reserves is crucial so that production of larvae and recruitment of adult individuals is maximized through zone connectivity.¹¹
- Alternative 2 best achieves the above scientific design considerations by including larger, by connecting habitat areas across the range of depth and substrate-types. This is particularly the case at the Carrington Point area at Santa Rosa, at Anacapa Island, the South Point area off Santa Rosa, off Judith Rock on San Miguel Island and in the South-east area off Santa Barbara Island. Extended and full protection at Carrington Pt. is crucial because the area would be the only intermediate deepwater reserve on the north side of the islands for recruitment of larvae of deepwater, rocky bottom fishes – this configuration is essential for adequate reserve network performance.
- Alternative 2 incorporates needed replicate reserve areas that achieve the scientific requirement that reserve networks protect against disturbance of one part of the network by including additional areas.¹²
- As discussed in the Draft EIS, Alternative 1 suffers from the absence of contiguous or connected habitat areas, especially at Carrington Point.
- Species whose recovery, protection or restoration would be particularly advanced by the network design in Alternative 2, but not as well in Alternative 1, include: (Carrington Pt): mid-water bottom species such as bocaccio, vermillion, olive, yellowtail and canary rockfish; (Judith Rock): thresher shark, thornyhead, spot prawn, mackerel, sablefish and sardine; (Anacapa Island): species such as billfish and halibut; (South Point, Santa Rosa): bottom and pelagic species including white sea bass, California and warty sea cucumbers and spot prawn.

Conclusion

The DEIS has few deficiencies and provides excellent coverage of pertinent science with respect to the widely recognized need for ecosystem management and marine reserves. Both the analysis articulated in the DEIS, and the evidence and criteria identified by the CWG lead to the conclusion that NOAA should consider Alternative 2 the environmentally preferred alternative, and, accordingly, adopt it.

¹¹ O'Farrell, M. R. and L.W. Botsford. 2006. "Estimating the status of nearshore rockfish (*Sebastes* spp.) populations with length frequency data." *Ecological Applications* 16:977–986.

¹² Allison, G.W., Gaines, S.D., Lubchenco, J., and Possingham, H.P. 2003. "Measuring persistence of marine reserves: catastrophes require adopting an insurance factor." *Ecological Applications* 13: 8.

Report from Recreational Fishing Working Group members
in response to CINMS DEIS on MPA expansion into federal waters

By: Capt. David Bacon
Recreational fishing representative to the CINMS SAC
September 2006

I polled our representative organizations and individual anglers regarding the CINMS DEIS for expanding MPAs into federal waters. We met together as the Recreational Fishing Work Group and additionally considered the researched findings of the Pacific Fishery Management Council (PFMC). The PFMC is responsible for fisheries management in west coast federal waters and has fisheries managers and expert fisheries advisory bodies in place, unlike the CINMS. The PFMC manages fisheries under authority of the Magnuson Stevens Act. They are fully committed to amending appropriate Fisheries Management Plans to accomplish the goals of the CINMS, under the purview of the Magnuson Stevens Act, through truly adaptive fisheries management programs.

PFMC advisors have well-founded concerns over the impact of splintering the authority for fisheries management, should the CINMS be successful in its attempt to take control of fisheries management within Sanctuary waters under authority of the National Marine Sanctuaries Act. Remember, the CINMS has no fisheries manager position, no expert fisheries advisory bodies and no extensive stakeholder input process established for the recreational angling public. PFMC advisors feel that involving an agency (CINMS) lacking a track record or adequate organization for fisheries management may complicate or confuse the coordination of existing authorities responsible for the management of fisheries.

Recreational anglers participating in west coast federally managed Fishery Management Plans are regulated by a series of complex and interwoven management regulations. It is well recognize that we currently have a regulatory environment that sorely taxes the capacity of an angler to keep abreast of. Our Recreational Fishing Working Group worries that subjecting managers and anglers to another layer of bureaucracy and regulations will break the brain bank, by causing us to not only know precisely where we are on the water, but be capable of assuming a new mindset of complex regulations.

Our Recreational Fishing Working Group feels it inconsistent with good and sincere management principles that the Sanctuary has dropped sustainable fisheries as a goal, yet seeks to manage fisheries. We see no good coming from these conflicting actions.

These grave and valid concerns allow the recreational fishing community to circle around a unified statement and a sincere hope that the Sanctuary Advisory Council will appreciate our resulting position. Here is the statement, ratified by the United Anglers of

Southern California, the Recreational Fishing Alliance and the Sportfishing Association of California:

“The Sanctuary has done a great job of keeping oil exploration out of the Sanctuary and of making the public aware of what precious resources the Channel Islands are. We support that role. We do not support changes to the Designation Document, we do not support the Sanctuary assuming authority for fisheries management and we do not support expansion of the MPAs as a Sanctuary action. Such action should be under the purview of our knowledgeable and experienced fisheries managers, the Pacific Fisheries Management Council and under the authority of the Magnuson Stevens Act.”

With that unified statement we come to a position of strong conviction. We support the “No action” alternative of this DEIS. We will wait for our REAL fisheries managers, the Pacific Fishery Management Council to provide a solution under authority of the Magnuson Steven Act. That solution appears to coming soon enough. We ask the Sanctuary Advisory Council to please support our position by advising the Sanctuary to work through the PFMC to accomplish fishery management goals.

Subsequent discussion revealed that recreational anglers realistically expect, if not endorse, that MPAs will be expanded into federal waters. We will be losing something of great value to us here... places to fish. It is therefore fair and equitable to ask for mitigation as a form of environmental justice. We have two areas of interest for mitigation. One is considerable funding for truly collaborative research which involves the recreational fishing community. A good example of that is the calico bass tagging program funded through the CINMS Foundation. The beauty of collaborative research is that we all work together to get good data that we can all share. We may all put our own spin on it, because we are all only human, but the research data is considered valid by all because we worked together. The other area of interest for mitigation is for artificial reefs and rigs-to-reefs programs to create replacement fishing opportunities either within or without the Sanctuary. Sanctuary... what can we expect from you in terms of mitigation?

Research Activities Panel
A Working Group of the Channel Islands National Marine Sanctuary Advisory Council

Comments on the Channel Islands National Marine Sanctuary's Draft Environmental Impact Statement (DEIS) for the Consideration of Marine Reserves and Marine Conservation Areas

September 14, 2006

Compiled by Robert Warner (RAP Chair) from comments solicited from RAP members in August-September, 2006.

In general, the RAP is supportive of the DEIS, and appreciates the effort that has gone into the production of the document.

Section 2.0 Purpose and Need

The RAP notes that the six stated goals for the proposed action differ in some respects from those stated for the establishment of the State portion of the Marine Reserve network; the present goals lack any mention of sustainable fisheries, or the role that marine reserves might play in fisheries management. We are aware of the reasons for this, and will evaluate the DEIS based on the present goals. However, we reaffirm the need of the CINMS to be an active participant in management decisions regarding resources within the Sanctuary.

The present proposal cannot be viewed in a vacuum. To us, the most important aspect of the present proposal is the chance to complete a network of marine reserves within the CINMS, as originally envisioned by the Marine Reserves Working Group, the CINMS staff and SAC, and the California Department of Fish and Game. The political boundaries that forced this vision into two processes make no biological sense, but instead led to the creation in 2003 of a network of reserves that only protect nearshore habitats. The fact that many species utilize adjacent offshore habitats for part of their life cycles places special emphasis on completing plans for their full protection by extending the reserves into Federal waters, as originally envisioned. For this reason, the RAP does not support the no-action alternative.

Section 3.0 Alternatives

Given the recent NMFS rulings prohibiting bottom contact gear in areas corresponding to Alternatives 1 and 2, there is a compelling need for the CINMS to adopt NMSA area-based regulations that overlap with the NMFS rules (as in Alternatives 1 and 2).

The RAP concurs with the DEIS in their analysis of the potential effect of allowing limited (pelagic finfish) take in certain of the proposed reserves by declaring them Marine Conservation Areas rather than Marine Reserves. Given the potential ecological coupling between pelagic fishes and their (sometimes) benthic prey, and given that some important pelagic aggregation sites appear to exist within the proposed zones, it is advisable to limit pelagic take. We also note that enforcement of a reserve that is partially limited take and partially no-take is problematic.

The RAP supports the adoption of Alternative 2 (chosen because it affords the greatest amount of ecosystem protection). Alternative 1a (chosen over 1b or 1c because of the ease of managing areas with overlaying rules, as opposed to managing two abutting areas with different rules) may also be acceptable. As noted in the comparison of the alternatives, both Alternatives 1 and 2 provide substantial protection for the deeper water habitats that are not currently under protection in the State reserves, and both provide these habitats in areas adjacent to areas currently under protection. However, Alternative 2 provides substantially more protection and habitat representation, especially in the ecologically rich Oregonian biogeographic region, and is therefore more congruent with the stated goals of the proposal. Given that the socioeconomic cost/benefit analysis indicates very little difference in the impact of these two alternatives, it is difficult to comprehend why Alternative 1a is the NMSP's preferred alternative. Some justification for this preference should be provided.

The RAP generally concurs with the criteria outlined in Table 1, as developed by the Science Advisory Panel for the MRWG process and the Science Advisory Team for the MLPA process. Criterion 5, size of marine reserves based on species home range sizes, and criterion 6, spacing between reserves based on larval dispersal, are less well supported than criteria based on habitat and species representation. However, the size and spacing of the reserves in this proposal are determined principally by the location and size of existing State reserves and the CINMS boundary. We note that the combined State and Federal portions of the reserve network will go much further in fulfilling the overall criteria than did the State portion alone.

Section 4.0 Affected Environment

The RAP found the description of the ecological environment adequate; it had no comment on the socio-economic environment.

Section 5.0 Environmental Impacts

The RAP found the description of the general ecological effects of reserve establishment quite well done, and noted that some species will be expected to decline in reserves. The predicted biological responses (impacts) of reserve establishment were reasonable, even cautious. However, we point out that fishing pressure is not great at present in the proposed reserve areas. Just as this indicates that the economic impact of reserve establishment will be minimal, equally it suggests that ecological response to protection will likely be less than that predicted for protection of more heavily fished areas in State reserves.

**Channel Islands National Marine Sanctuary
Sanctuary Advisory Council
Commercial Fishing and Education Seats**

**Comments on the Sanctuary's Draft Environmental Impact Statement for the
Consideration of Marine Reserves and Marine Conservation Areas
September 22, 2006**

Sanctuary Advisory Council representatives from both the Commercial Fishing and Education seats announced that they had not had formal working group meetings on this topic, but that they did have some comments to share. Their verbal comments are summarized below.

Commercial Fishing Comments

- Former Commercial Fishing Seat member Chris Hoeflinger is soliciting comments from the commercial fishing community and will submit written comments to the sanctuary.
- Approve of the sanctuary not selecting Alternative 2 as the preferred alternative, and acknowledge that by doing so the sanctuary honored negotiations made during the Marine Reserves Working Group phase.
- Recommend that the reserves be managed in an adaptable manner as species increase and decrease in response to protection and climate variability.

Education Comments

- The Sanctuary Education Team continues to evaluate the possibility of creating materials to educate sanctuary users about natural boundary markers.
- Recommend that the sanctuary work with the Department of Fish and Game to consider some slight shoreline MPA boundary adjustments (in order to be more precise and potentially line up with natural landmarks), before finalizing adjacent federal boundaries.