



January 2, 2007

Chris Mobley, Superintendent
Channel Islands National Marine Sanctuary
NOAA National Marine Sanctuary Program
113 Harbor Way, Suite 150
Santa Barbara, CA 93109

Dear Mr. Mobley,

Chris

Thank you for the opportunity to submit the California Resources Agency's final comments on the Draft Environmental Impact Statement (DEIS) for the Consideration of Marine Reserves and Marine Conservation Areas in the Channel Islands National Marine Sanctuary. This letter supplements the letter I submitted to you on October 3, 2006. As I stated in our meeting with you on December 4, 2006, the Resources Agency supports Alternative 1c which limits federally designated MPAs to federal waters. Alternative 1c is the only option that is acceptable to the State of California.

As you know, the network of MPAs in the Channel Islands was developed through a joint state and federal process. The plan was for the state to designate MPAs within state waters first and the Sanctuary to follow with MPAs within federal waters. There was never any intent to duplicate jurisdiction between the two levels of government in this process. In fact, the record for the October 2002 Commission meeting states, "For areas outside of state waters, NOAA has indicated its intent to pursue establishment of marine reserves under the National Marine Sanctuaries Act." This fact is also referenced in both the California Environmental Quality Act (CEQA) Environmental Document and the Initial Statement of Reasons (ISOR) for the State regulatory process.

Section 2.1 of the CEQA document describes a "potential Federal waters phase" as part of the overview of the proposed project. Chapter 3 of the CEQA document (Project Description) specifically states (emphasis added):

This project that is before the Fish and Game Commission proposed to achieve the goals of the Marine Reserves Working Group by implementing a network of marine reserves and marine conservation areas within the waters in the jurisdiction of the State of California (from the mean high tide line to a distance of three nautical miles offshore). **Separate from this project, it is**

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>



anticipated that the federal government will propose and adopt a complementary network of resources within federal waters.
[Emphasis added.]

Similarly, the ISOR and other regulatory process documents make specific reference to a "federal waters" phase (three to 200 nautical miles from shore), as opposed to implantation of federal MPAs in "Sanctuary waters" (zero to six nautical miles from shore). The ISOR states (emphasis added):

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).**
[Emphasis added.]

As you know, the California Fish and Game Commission adopted a network of MPAs within state waters of the Channel Islands in October 2002 and these MPAs were implemented in April 2003. In supporting Alternative 1c, we are continuing our support for this joint state and federal process for the Sanctuary to designate MPAs within federal waters. The State supports the use of the most efficient means to establish MPAs in federal waters and we are ready to assist NOAA in any way we can.

We believe that the overlay of Sanctuary designations on top of existing state designations is unnecessary and duplicative. Further, the Fish and Game Commission can close the gaps between existing state MPA designations and federal waters using existing state jurisdiction. The Department of Fish and Game and I will initiate a process with the Commission to close these gaps as soon as possible. With the conclusion of this process using our respective authorities, the State and the Sanctuary Program will complete the process of designating these important marine resources for protection.

We have worked well with the sanctuaries over these years in joint management, education/outreach, monitoring, and enforcement programs. We believe that all the management considerations identified in the DEIS can be met by Alternative 1c through ongoing collaboration between the Department of Fish and Game and

the Sanctuary. The state is committed to working with the Sanctuary to achieve this purpose.

Thank you for the opportunity to comment on this document. Please contact Assistant Secretary for Ocean and Coastal Policy Brian Baird at brian.baird@resources.ca.gov or (916) 657-0198 if you have any questions regarding these comments.

Sincerely,



Mike Chrisman
Secretary for Resources

cc: Mr. Rodney F. Weiher, Ph.D.
NOAA NEPA Coordinator
NOAA/PPI, SSMC3, Room 15603
1315 East-West Highway
Silver Spring, MD 20910

L. Ryan Broddrick, Director, Department of Fish and Game
Raynor Tsuneyoshi, Director, Department of Boating and Waterways
Peter Douglas, Executive Director, California Coastal Commission