



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
PAS 2819.4244.6306

November 7, 2006

William J. Douros, Acting Regional Superintendent
National Oceanic and Atmospheric Administration
National Marine Sanctuary Program, West Coast Region
99 Pacific Street, Building 200, Suite K
Monterey, California 93940

Subject: Establishment of a Network of Marine Zones within the Channel Islands National Marine Sanctuary

Dear Mr. Douros:

We are responding to your request, dated August 25, 2006, and received in our office August 31, 2006, for our concurrence that the establishment of a network of marine zones within the Channel Islands National Marine Sanctuary (Sanctuary) may affect, but is not likely to adversely affect, federally listed species or critical habitat. Your request did not specify which species in particular to address; therefore, we will only address federally listed species for which we are responsible. Furthermore, we understand that you have requested the National Oceanic and Atmospheric Administration (NOAA)'s National Marine Fisheries Service (NOAA Fisheries) concurrence with your determination that the subject project may affect, but is not likely to adversely affect, federally listed species under their jurisdiction.

NOAA is proposing to establish a network of marine zones within the Sanctuary. Two types of zones are being proposed: marine reserves and marine conservation areas. All extractive activities (e.g., removal of any Sanctuary resource) and injury to Sanctuary resources would be prohibited in the marine reserves. In the marine conservation areas, lobster harvest and fishing for pelagic species (with hook and line only) would be allowed while all other extraction would be prohibited. These marine zones would complement the existing network of marine zones established by the State of California in 2002. The proposed action would establish approximately 232.5 square nautical miles of marine reserves and 8.6 square nautical miles of marine conservation areas.

The federally endangered brown pelican (*Pelicanus occidentalis*) and California least tern (*Sterna antillarum browni*), as well as the federally threatened southern sea otter (*Enhydra lutris nereis*) and bald eagle (*Haliaeetus leucocephalus*), occur within the proposed marine zones.

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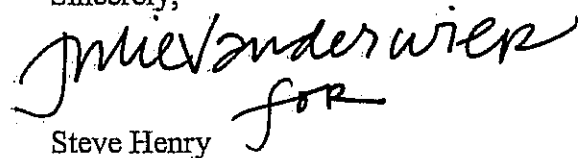
There is no proposed or designated critical habitat within the proposed marine zones. We concur with your determination that the establishment of marine zones and subsequent prohibitions on extractive activities is not likely to adversely affect the above listed species. The establishment of marine zones is expected to help rebuild depleted populations of fish and other marine organisms and result in increases in biomass, biodiversity, abundance, and size of organisms within the zones. The only impact on listed species as a result of establishing marine zones is expected to be beneficial in the form of increased abundance and availability of prey resources. In addition, the marine zones would be expected to provide foraging areas for the above listed species that are safe from potential fishery interactions and disturbances.

Lastly, we offer the following comments regarding the proposed marine zones. We believe that marine zones could be used to reduce threats to Xantus's murrelets (*Synthliboramphus hypoleucus*), a candidate species for listing as threatened or endangered. Xantus's murrelets are attracted to lights at night, and can become exhausted from continual attraction and fluttering near lights or collide with lighted vessels, resulting in injury or death. Lights also make them more vulnerable to predation by western gulls (*Larus occidentalis*) and barn owls (*Tyto alba*), and Xantus's murrelet chicks have been known to become disoriented and separated from their parents due to vessel lights, resulting in the death of dependent chicks. A specific concern involves the high wattage lights used on squid fishing vessels (about 30,000 watts per boat) to attract squid (*Loligo opalescens*) to the surface. At night during the breeding season, large numbers of Xantus's murrelets congregate in the nearshore waters along the south side of Anacapa Island. This area is not included in a proposed marine zone; as a result, the use of bright lights in this area could negatively impact the population. Inclusion of the south side of Anacapa Island within a marine zone to limit squid fishing operations would reduce potential impacts to Xantus's murrelets and possibly preclude the need for designating the species as threatened or endangered.

This letter fulfills our requirements under section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act). Based upon our concurrence, no further consultation pursuant to the Act is required. If the proposed action changes in any manner that may affect a listed species or critical habitat, you must contact us immediately to determine whether additional consultation is required.

If you have any questions, please contact Christine Hamilton of my staff at (805) 644-1766, extension 369.

Sincerely,

A handwritten signature in black ink that reads "Steve Henry" followed by a stylized flourish that includes the word "for" written below it.

Steve Henry
Assistant Field Supervisor

William J. Douros

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cc: Chris Mobley, NOAA Fisheries