

ARNOLD SCHWARZENEGGER, Governor

STATE OF CALIFORNIA - THE RESOURCES AGENCY



DEPARTMENT OF FISH AND GAME

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Sacramento, CA 95814  
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March 13, 2007

Mr. Patrick Kruer  
Chair, California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

Re: Consistency Determination No: CD-072-06 for proposed federal regulations for marine protected areas in the Channel Islands National Marine Sanctuary.

Dear Chair Kruer:

The California Department of Fish and Game (Department) would like to provide you and other members of the California Coastal Commission with additional information regarding federal consistency determination number CD-072-06 for proposed actions to establish new marine protected areas (MPAs) within Federal waters of the Channel Islands National Marine Sanctuary (Sanctuary). This item is scheduled for discussion on March 16, 2007.

As you may know, the network of MPAs in the Channel Islands was developed through a joint state and federal process. The California Fish and Game Commission (Commission) established a network of MPAs in state waters around the Channel Islands in 2003 (less than 3 nautical miles from shore). At that time, there was uncertainty as to when the regulations for MPAs in federal waters would be adopted. For this reason, the Commission designated MPAs with straight line offshore boundaries, squared off inside of 3 nautical miles from shore. The purpose of squaring off such boundaries was to facilitate management and enforcement until such time as federal regulations were adopted.

The Sanctuary is now fulfilling their role in the process to complete the network in federal waters (greater than 3 nautical miles from the Islands' shoreline). As a result of the fact that state-designated MPAs boundaries had been squared off, there are currently areas or "gaps" between state-designated MPAs and proposed federally designated MPAs which lack protection. The Sanctuary proposed three alternative designations in the August 2006 draft environmental impact statement. Alternative 1a proposes an overlay of federal jurisdiction over existing state-designated MPAs. Alternative 1b proposes that federal jurisdiction overly the aforementioned "gaps". Alternative 1c proposes that federally designated MPAs be located in federal waters only.

*Conserving California's Wildlife Since 1870*

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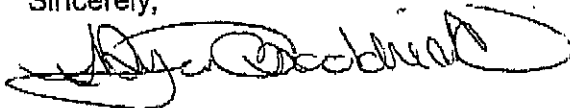
In a January 2, 2007 letter to the Superintendent of the Sanctuary, California Secretary for Resources, Mike Chrisman, states that the "overlay of Sanctuary designations on top of existing state designations is unnecessary and duplicative." The letter further states alternative 1c is the only option acceptable to the State of California and that the "gaps" can be closed using existing state jurisdiction. Secretary Chrisman directed the Department to initiate a process with the Commission to close these "gaps" as soon as possible.

Recognizing that the Commission is an independent, constitutionally-created regulatory body, the Department has already begun working with the Commission to address this issue. The Commission has scheduled the action on their rulemaking calendar. The process will begin with an initial statement of reasons (ISOR) regulatory notice at the May 2007 Commission meeting in San Diego. Proposed regulations to fill in the "gaps" will not require an additional review under the California Environmental Quality Act as the proposed regulations were analyzed in the 2002 Environmental Document. The proposed regulations may be adopted after hearings at three Commission meetings and should be complete by the August 2007 Commission meeting in Santa Barbara.

The Secretary for Resources and the Department working towards closing the "gaps" between existing State-designated MPAs and proposed federally designated MPAs. I urge you to approve alternative 1c without the condition #1, which we believe is unnecessary.

Please let the Department know if you have any questions about this process, or need further information. You may contact Mr. Sonke Mastrup, Deputy Director, Resource Management and Policy Division at (916) 799-0398 or by E-mail at [Smastrup@dfg.ca.gov](mailto:Smastrup@dfg.ca.gov). Thank you for your oversight of this important marine resource protection process.

Sincerely,



L. Ryan Broddrick  
Director

cc: Peter Douglas, Executive Director, California Coastal Commission