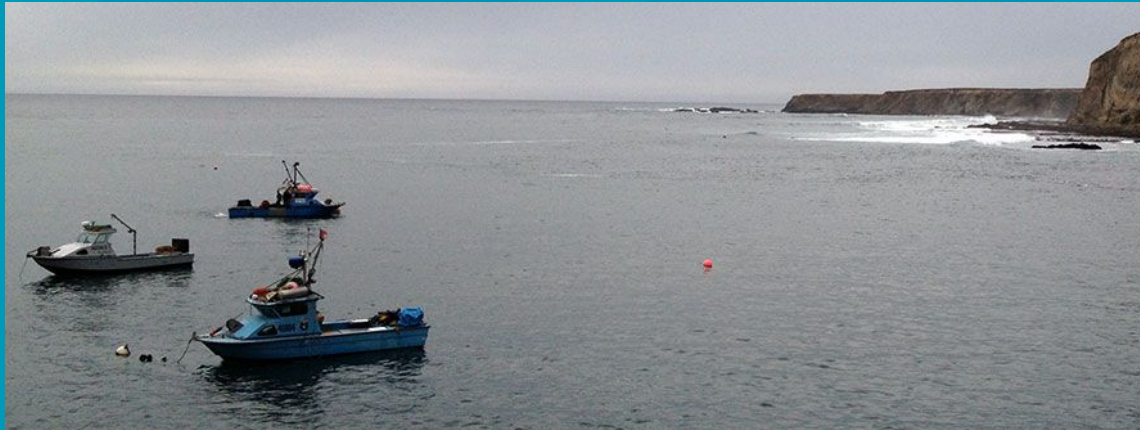




Sanctuary Coordination with FMCs



Presentation to Council Coordination Committee
May 24, 2023

John Armor, Director
NOAA's Office of National Marine Sanctuaries

NATIONAL MARINE SANCTUARY SYSTEM



OUR MANDATES

A diver in a blue wetsuit and white cap is underwater, using a yellow net to collect a yellowish, spherical object from the seabed. The water is clear and blue, with sunlight filtering through the surface.

Resource Protection

Two young girls in blue t-shirts and white caps are on a beach at sunset, participating in a cleanup. One girl is holding a dark piece of clothing, and the other is holding a large, clear plastic bag. Other people are visible in the background on the beach.

Education and Outreach

A diver in a black wetsuit and mask is underwater, holding a clear plastic bag filled with a brown, textured substance. The diver is positioned in front of a vibrant, colorful coral reef.

Research and Monitoring

A large group of people, including men, women, and children, are seated in a room, attending a community meeting. They are looking towards the front of the room. In the background, there are several informational displays or posters on the wall.

Community Engagement

DESIGNATION PROCESS



1

SCOPING



2

SANCTUARY PROPOSAL



3

PUBLIC REVIEW



4

SANCTUARY DESIGNATION

Recent & Current Designations



- Two new designations since 2000
 - Mallows Bay-Potomac River
 - Wisconsin Shipwreck Coast
- Ongoing NMS designations
 - Lake Ontario
 - Chumash Heritage (PFMC)
 - Hudson Canyon (NEFMC & MAFMC)
 - Papahānaumokuākea (WPFMC)
 - Pacific Remote Islands (WPFMC)



Process for Fishing Regs.



Section 304(a)(5) of the National Marine Sanctuaries Act requires:

“The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft fishing regulations for fishing within the Exclusive Economic Zone as the Council may deem necessary to implement the proposed designation. ... Any amendments to the fishing regulations shall be drafted, approved, and issued in the same manner as the original regulations.”

NOAA Submits 304(a)(5) Package to Regional Fishery Management Council (RFMC)

RFMC Response

RFMC Determines Fishing Regulations Not Necessary

RFMC Prepares Draft Fishing Regulations

RFMC Declines to Act

NOAA Analysis

RFMC Action Accepted

NOAA Determination

RFMC Declines to Act or RFMC Action Rejected

Recent Activity



Partial list of NOAA & FMC 304(a)(5) engagements since 2000

- FKNMS (1999): Tortugas Ecological Reserve (GMFMC)
- CINMS (2005): Network of Marine Reserves & Conservation Areas (PFMC)
- NW Hawaiian Islands (2004): Sanctuary Designation (WPFMC)
- MBNMS (2006): Davidson Seamount Expansion (PFMC)
- GRNMS (2008): Creation of Research Area (SAFMC)
- GF/CBNMS (2014): Expansion (PFMC)
- FGBNMS (2016): Expansion (GMFMC)
- FKNMS (2019): Restoration Blueprint (SAFMC & GMFMC)
- Papahānaumokuākea (2021): Sanctuary Designation (WPFMC)
- Chumash Heritage (2022): Sanctuary Designation (PFMC)
- Hudson Canyon (2022): Sanctuary Designation (NEFMC, MAFMC & SAFMC)
- Pacific Remote Islands (2023): Sanctuary Designation (WPFMC)



Resulting Actions



- NOAA has accepted nearly all FMC recommendations over the last 20+ years
- Only a few instances when FMC recommendations were *partially* rejected



Additional Engagement



NOAA also collaborates with FMCs to protect sanctuary resources and promote the role of FMCs in sanctuary communities

- Ban on commercial harvest of krill (West Coast)
- Additional MSA protections for corals and habitat inside NMSs
- FMC reps sit on Sanctuary Advisory Councils & working groups
- ONMS staff sit on RFMC working groups
- Collaborative work on education and outreach programs



Case Studies

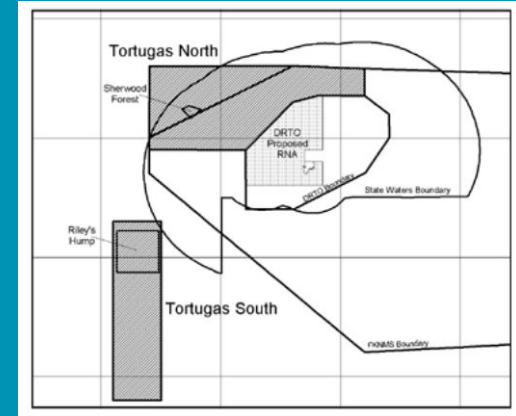


Florida Keys Expansion / MPR



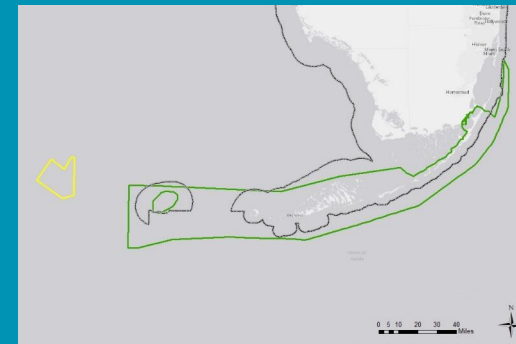
Tortugas Ecological Reserve Designation (2000)

- GMFMC accepted NOAA request to prohibit fishing in the Tortugas Ecological Reserves under NMSA at 15 CFR 922.164
- GMFMC's FMP amendment under MSA is consistent with FKNMS regulations



Restoration Blueprint

- NOAA initiated 304(a)(5) consultation with GMFMC & SAFMC upon release of DEIS/DMP.
- To inform comment letters, staff briefed FMCs and 5 advisory panels.

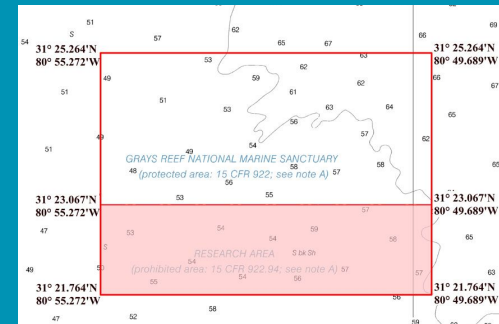


Proposed Boundary Expansion

Gray's Reef Research Area



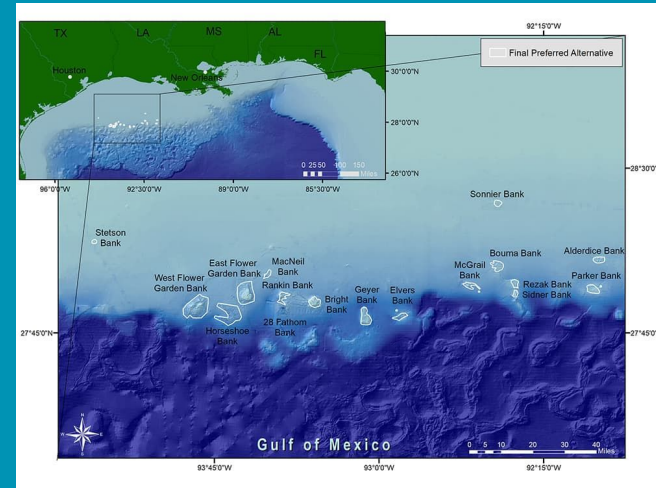
- ONMS initiated the 304(a)(5) process with SAFMC to provide them the opportunity develop fishing regulations to implement goals of a research area.
- SAFMC passed a motion in 2009 to defer to GRNMS to develop regs. under the NMSA to establish the research area.
- The final rule was published by ONMS in Dec. 2011, which established the research area



Flower Garden Banks Expansion



- GMFMC provided recommendations on the DEIS & proposed rule to modify fishing regs. in the proposed expansion areas.
- GMFMC requested an exception for spearfishing in the expansion area and an endorsement program to allow anchoring for some commercial vessels.
- NOAA considered the Council's recommendations and decided not to allow spearfishing. NOAA extended existing FGBNMS fishing regulations under NMSA to the expansion areas.



NW Hawaiian Islands & Pāpahānaumokuākea



NW Hawaiian Islands NMS Designation (1999)

- NOAA rejected Council's draft regulations - failed to fulfill the proposed sanctuary's goals & objectives / NMSA's purposes & policies
- Sanctuary designation was not completed due to PMNM designation

Pāpahānaumokuākea NMS Designation (2021)

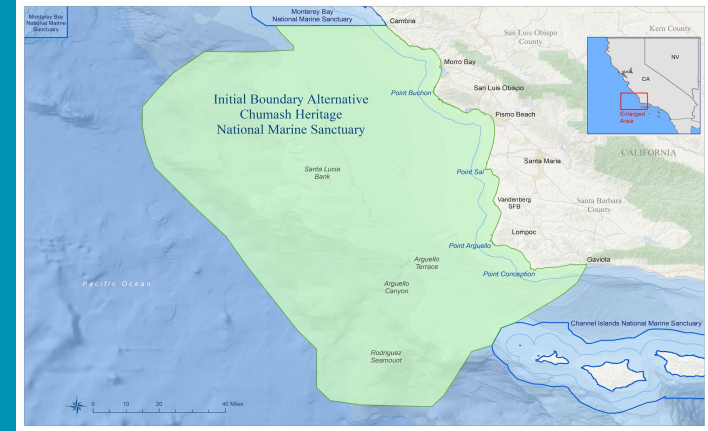
- NOAA initiated the 304(a)(5) process in Nov. 2021
- Council provided recommendations in Dec. 2022; NOAA determined they were not consistent with proposed sanctuary's goals & objectives
- NOAA gave Council opportunity to provide revised recommendations
- NOAA is reviewing the Council's revised recommendation



Proposed Chumash Heritage



- NOAA initiated 304(a)(5) process and provided PFMC an opportunity to prepare fishing regulations for proposed designation.
- In Nov. 2022, PFMC decided not to recommend any fishing regulations to implement the proposed designation, but expressed a willingness to reconsider in the future.
- NOAA is striving to release draft designation documents for public comment in late spring 2023.



Resources

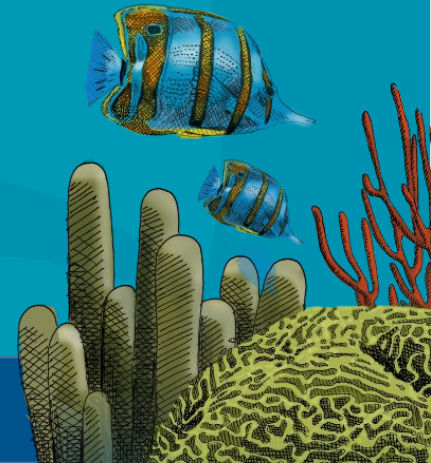
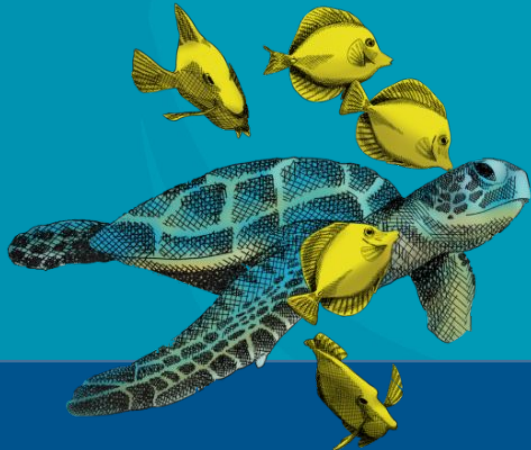


- **NOAA's National Marine Sanctuaries,** <https://sanctuaries.noaa.gov/>
- **National Marine Sanctuaries Act,** <https://sanctuaries.noaa.gov/about/legislation/>
- **NMS Designations,** <https://sanctuaries.noaa.gov/management/designations.html>
- **NMS Nominations,** <https://nominate.noaa.gov/>





NATIONAL MARINE SANCTUARIES

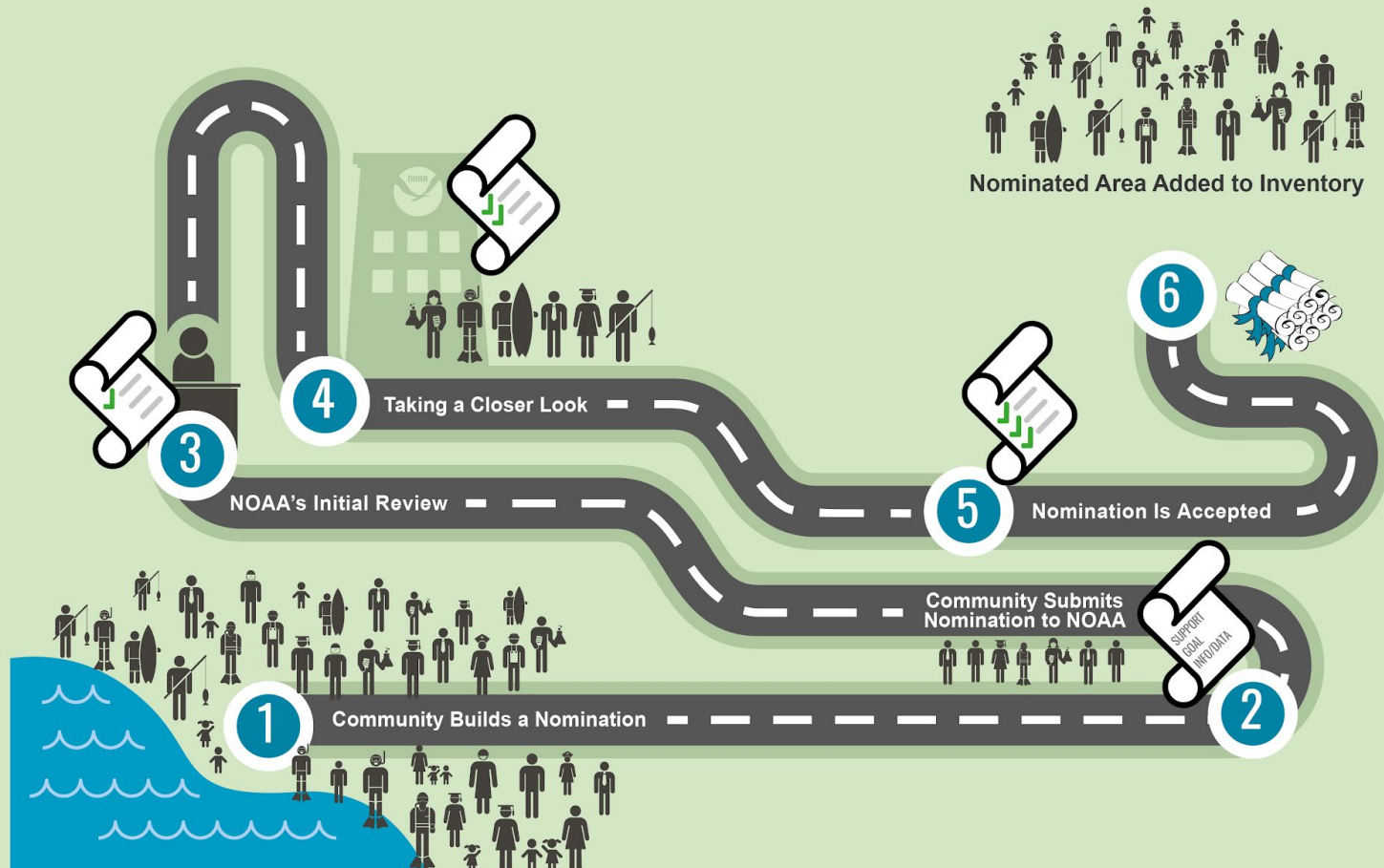


<http://sanctuaries.noaa.gov>



EXTRA SLIDES

ROAD TO NOMINATION



Channel Islands Marine Reserves



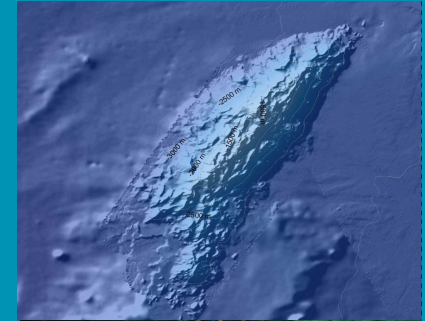
- NOAA extensively coordinated with PFMC, NMFS, and State of Calif. to develop a network of marine reserves and conservation areas in CINMS.
- PFMC worked with NMFS to implement fishery closures within the CINMS zones consistent with Calif. law.
- NOAA promulgated regs. prohibiting the use of bottom-contact fishing gear in these areas under MSA. The NMSA was used to complement the bottom contact gear prohibition and create no take zones that prohibit all extractive activities, including fishing.



Monterey Bay Expansion - Davidson Seamount



- NOAA consulted with the PFMC on the appropriate level of resource protection needed to protect the sensitive benthic habitat on Davidson Seamount.
- As a result, PFMC recommended designated Davidson Seamount as Essential Fish Habitat (EFH) under MSA and NOAA prohibited all fishing below 3000 feet under MSA at 50 CFR 660.
- To complement the Council's action, NOAA further adopted regulations under the NMSA that prohibits any resource extraction below 3,000 ft, including harvesting fish, not already limited by MSA.



Cordell Bank and Greater Farallones Expansion



- NOAA provided updates about proposed expansion at PFMC meetings. No fishing regulations were proposed or considered. However, PFMC submitted input about proposed expansion expressing concern about potential indirect impacts on fishing.
- NOAA considered the PFMC's input and addressed concerns regarding indirect fishing impacts between the draft and final phases of the expansion.
- No fishing regulations were established as part of this sanctuary expansion.

