

Channel Islands National Marine Sanctuary Management Plan Review Process History

In 1998 the Channel Islands National Marine Sanctuary (CINMS or Sanctuary) became the first sanctuary site to initiate a comprehensive management plan review process. The history of that process is described below.

Outline of the Management Plan Review Process History:

- * Reviewing the 1983 CINMS Management Plan
- * Informing Sanctuary Constituents
- * Seeking Input from Sanctuary Constituents
- * The Draft Environmental Impact Statement (EIS)
- * The Draft Management Plan
- * Delays and Process Changes
- * Boundaries, Marine Reserves and the Management Plan
- * Chronology of Major Events

Reviewing the 1983 CINMS Management Plan

Following the designation of Channel Islands National Marine Sanctuary (CINMS or Sanctuary) in 1980, the CINMS Management Plan was published in 1983. In 1998 CINMS staff reviewed the 1983 Management Plan and evaluated Sanctuary programs and policies toward meeting: 1) Sanctuary goals and objectives, and 2) the directives set out by the National Marine Sanctuaries Act. CINMS and National Marine Sanctuary Program (NMSP) staff determined that significant advances in science, technology, and marine resource management since 1983 rendered the 1983 Management Plan obsolete. Furthermore, the 1983 Management Plan did not identify performance measures for evaluating CINMS or the NMSP. For these reasons CINMS developed a new Management Plan, and the new plan is based in part on review of and revisions to the 1983 Plan.

Informing Sanctuary Constituents

Sanctuary staff have provided updates on the management plan review at Sanctuary Advisory Council (SAC) meetings, public forums, briefings and consultations with other agencies. The third SAC meeting, convened March 26, 1999, marked the SAC's introduction to the management plan review process. A public briefing on the management plan review occurred at the January 20, 2000 SAC meeting. At that meeting Sanctuary staff detailed what the management plan is, and why and how it is being revised. Additional public meetings in 2000 included: a public forum on military activities in the study area (April 19, Ventura); a presentation by Tetra Tech, Inc. on the status of resources in the study area (May 9, Santa Barbara); and two forums on boundary redefinition alternatives (May 17, Lompoc and May 24, Santa Barbara). At the invitation of the Morro Bay City Council CINMS held a public meeting in Morro Bay on February 15, 2000. Since 2000 the SAC has provided the main forum for public updates on the management plan review.

Beyond SAC and general public meetings CINMS used other meeting formats to brief other governmental agencies and offices. Since the CINMS management plan review process began Sanctuary and National Marine Sanctuary Program (NMSP) staff have held briefings with the U.S. Navy, Vandenberg Air Force Base, the Minerals Management Service, the National Park Service (Pacific Regional Headquarters), Channel Islands National Park, the U.S. Forest Service and Los Padres National Forest, along with the Governor's Office of the State of California, and the offices of U.S. Representatives Elton Gallegly and Lois Capps, former State

Assemblymember Hannah Beth Jackson, and former State Senator Jack O'Connell, the California Department of Fish and Game, the Counties of Ventura and Santa Barbara, and local port and harbor authorities, among others. These meetings and briefings have taken place regionally within California, as well as in Washington, D.C. and at NMSP Headquarters in Silver Spring, Maryland. CINMS and NMSP staff have continued to meet with and brief federal, state and local agency representatives, as needed or requested, leading up to the formal agency consultation process that recently began in May 2003.

In early May 2003 CINMS sent consultation letters to over forty congressional representatives, federal, regional, state, county and municipal agency administrators. The consultation letters were sent in order to maintain the Sanctuary's history of communication with congressional and agency representatives, and to meet consultation requirements of the National Environmental Policy Act, National Marine Sanctuaries Act and other applicable laws. These letters briefly explained the CINMS management plan review process and informed recipients that they have 60 days during which to formally comment on that process. NMSP and CINMS staff have been fielding questions and holding meetings with congressional and agency representatives to discuss the management plan review and respond to questions and concerns. Comments received during this consultation period are discussed below under "Seeking Input from Constituents."

In November 2003 CINMS and NMSP staff developed a Strategic Communication Plan that will serve as the guiding document for communications regarding the upcoming public release of the DMP and DEIS. The Strategic Communications Plan includes: outreach plans for constituents, media and the broader community; staff and volunteer communications training needs; outreach tools; communications process steps and timeline; key messages; and lists of constituent and media contacts.

In May, 2006 the Sanctuary released the DMP and DEIS for public review and comment. In order to inform constituents about this review opportunity the Sanctuary placed advertisements in four local papers; distributed a press release to television, radio, and print media; developed and distributed a summary guide to the DMP and DEIS; made announcements on all Sanctuary list-servs; sent information post cards to all individuals and organizations on the management plan mailing list whom had not yet requested a document; and provided an overview presentation at the May 15th Sanctuary Advisory Council Meeting.

In March, 2008 the Sanctuary released a Supplemental Draft Environmental Impact Statement and Supplemental Proposed Rule for public review and comment. In order to inform constituents about this review opportunity the Sanctuary made announcements on all Sanctuary list-servs, distributed a press release, and sent information post cards to all individuals and organizations on the management plan mailing list.

Seeking Input from Sanctuary Constituents

The Sanctuary has sought constituent input at every step of the management plan review from issue identification, to addressing non-regulatory actions in the management plan, to developing alternatives for the Environmental Impact Statement (EIS). The Sanctuary Advisory Council (SAC) has played a central role in the flow of information between the Sanctuary and our constituents.

Early constituent input focused on identifying resource management issues to be addressed during the management plan review. On March 26, 1999 Sanctuary staff asked SAC members

to consult with their constituents about resource management issues. The Sanctuary then held seven public scoping meetings in the summer of 1999 to gather similar information directly from the public. Scoping meetings were held in San Luis Obispo, Santa Barbara, Ventura and Los Angeles counties, as well as in Washington, D.C. Individuals who attended these meetings raised a wide range of local, regional and national resource management issues. Subsequently, CINMS staff organized the issues raised during scoping according to the following categories: water quality; education and outreach; research, monitoring and enforcement; boundary redefinition; military activity; oil and gas; marine reserves; sea otters; and, other issues.

In early May 2003 CINMS sent consultation letters to over forty congressional representatives, federal, regional, state, county and municipal agency administrators. The consultation letters initiated a 60-day interagency consultation period (see also "Informing Constituents"). Ten Federal, State and local agencies provided the sanctuary with formal written comments covering a range of issues to be addressed through the management plan review. The Sanctuary has drafted a formal response letter to address each comment and concern raised by those agencies.

The Sanctuary released the DMP and DEIS to the public on May 15, 2006, and accepted public comments on the documents from that date through July 21, 2006. During that time members of the public submitted written comments on the DMP and DEIS via email, mail, and fax, and provided verbal comments during two public hearings. The Sanctuary held one public hearing in Ventura on June 26, 2006, and one public hearing in Santa Barbara on June 29, 2006. The Sanctuary Advisory Council and several of its working groups provided comments on the DMP and DEIS at the July 21, 2006 Sanctuary Advisory Council meeting.

The Sanctuary released the Supplemental Draft Environmental Impact Statement (SDEIS) and Supplemental Proposed Rule to the public on March 28, 2008, and accepted public comments on these documents from that date through May 30, 2008. During that time members of the public submitted written comments on the SDEIS and Supplemental Proposed Rule via email and mail. The Sanctuary Advisory Council provided comments on the SDEIS and Supplemental Proposed Rule at the May 30, 2008 Sanctuary Advisory Council meeting.

More information about constituent input on the EIS and Draft Management Plan is provided below.

The Environmental Impact Statement (EIS)

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations require a lead agency to prepare an Environmental Impact Statement (EIS) for federal actions that may have significant impacts on the surrounding environment or that may be controversial in nature. The basic elements of an EIS include: the purpose and need for the proposed action, a description of alternatives including the proposed action, the affected environment, and the environmental consequences of the alternatives. While the NMSP has determined that the actions proposed within the DMP individually and cumulatively have no potential for significant impact on the environment and, therefore, qualify for a categorical exclusion from NEPA's general requirement for conducting an environmental assessment or preparing an EIS, the proposed regulatory changes do require a NEPA analysis. Thus, the DEIS focuses on an evaluation of regulatory alternatives, but excludes an analysis of the DMP's planned activities.

The first steps towards developing an EIS occurred between late 1999 and early 2000. In the

fall of 1999 the Sanctuary contracted the University of California, Santa Barbara's Ocean and Coastal Policy Center to recommend a management plan review study area (including the existing Sanctuary). The Ocean and Coastal Policy Center produced their findings on January 14, 2000, entitled, "A Recommended Study Area for the CINMS Management Planning Process: Ecological Linkages in the Marine Ecology from Point Sal to Point Mugu." This study area was presented publicly to the Sanctuary Advisory Council (SAC) at the November 18, 1999 SAC meeting. Several months later, at the January 20, 2000 SAC meeting, the Sanctuary announced that it had selected Tetra Tech, Inc. to develop the EIS.

Through the SAC CINMS continued to update the public on the development of the draft EIS (or DEIS) including its contents, organization, and timeline. On April 19, 2000 Tetra Tech, Inc. staff provided the SAC with an overview of the DEIS Affected Environment chapter, describing the physical, biological and cultural aspects of the study area, and human uses of these. Initial plans for content of the DEIS alternatives included coupling regulatory alternatives with alternatives for Sanctuary boundary redefinition (see March 15, 2000 SAC meeting minutes). To seek input on these alternatives CINMS held the following SAC DEIS workshops: 1) a May 30, 2000 workshop on boundary alternatives, and 2) a June 14, 2000 workshop on regulatory alternatives. Finally, on August 16, 2000 the SAC recommended that CINMS consider two different boundary/regulation packages as preferred alternatives in the DEIS. However, National Marine Sanctuary Program staff determined that a rigorous analysis of boundary alternatives requires additional biogeographic information (explained in greater detail under the heading: Boundaries, Marine Reserves and the Draft Management Plan). Thus regulatory alternatives will be analyzed in the DEIS, while boundary alternatives will be deferred to a supplemental EIS (or SEIS). Past public participation and input on boundary redefinition will be revisited during preparation of that SEIS. In early 2003 CINMS and Tetra Tech, Inc. staff revised the DEIS to reflect the deferral of boundary analysis to an SEIS, and to make necessary updates to outdated information that was included when the DEIS was first developed in 2000. CINMS and National Marine Sanctuary Program staff reviewed the Draft Management Plan (DMP) and Draft Environmental Impact Statement (DEIS) from May of 2003 through December of 2004. This review provided the opportunity to ensure consistency and compatibility between the DMP and DEIS and to make final edits to both documents. The DEIS is currently in internal clearance review, which began with the National Marine Sanctuary Program, followed by the National Ocean Service, NOAA, the Department of Commerce and the Office of Management and Budget. Once public clearance is granted the Sanctuary will announce a formal public comment period for the DMP/DEIS of at least 60-days. The Sanctuary will also set dates for public hearings, including one public hearing in Ventura and one in Santa Barbara, in addition to two Advisory Council meetings that will focus on understanding and commenting on the DMP/DEIS.

On September 23, 2005 Sanctuary staff provided the SAC with an overview of the management plan revision process and DMP/DEIS documents. The overview included explanations of: the project's status, summary of proposed Action Plans, summary of proposed regulatory changes, next steps in the process, and discussion of the role of the SAC and its Working Groups during the public comment period. Notes from this presentation are available by clicking [here](#). Between December 2005 and March 2006, the National Ocean Service, NOAA, Department of Commerce, and Federal Office of Management and Budget granted approval for the DEIS and Draft Management Plan to be made available for public review.

The Sanctuary released the DMP and DEIS to the public on May 15, 2006, and accepted public comments on the documents from that date through July 21, 2006. During that time members of the public submitted written comments on the DMP and DEIS via email, mail, and fax, and

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After receiving comments on the DEIS, NOAA determined that the DEIS's original range of alternatives needed to be modified to better address potential impacts of sewage and graywater discharges from large vessels (300 gross registered tons or more). Consequently, in March 2008 the Sanctuary released a Supplemental Draft Environmental Impact Statement (SDEIS) that provides information to supplement and where indicated to replace information contained in the May 2006 DEIS. The SDEIS modified the range of regulatory changes under consideration and discussed the potential environmental consequences of a revised discharge regulation. The proposed revisions to the discharge regulation are now incorporated into the original proposed action and constitute NOAA's "revised proposed action." NOAA did not take final action with the SDEIS, but rather analyzed and put forth for public review and comment a revision to the discharge regulation proposed in the DEIS. Details of the revised discharge regulation are provided in a supplemental **proposed rule** NOAA accepted comments on the SDEIS and proposed rule during a public comment period that ran from March 28 through May 30, 2008.

The Draft Management Plan

The Draft Management Plan (DMP) focuses on the Sanctuary's program areas, daily operations, and activities. It contains four principal sections: an introduction to the National Marine Sanctuary Program and CINMS, an overview of the Sanctuary setting (including physical, biological, human and operational components), a set of ten action plans, and a series of appendices. Action plans are the means by which a sanctuary identifies and organizes the wide variety of management tools it employs to manage and protect its marine resources. Action plans allow the Sanctuary to clearly articulate the programs, projects and regulations it uses to address the resource issues identified for this management plan and to fulfill the purposes and policies of the National Marine Sanctuaries Act. Each action plan addresses a priority resource management issue through a series of strategies. Within each strategy is a suite of related activities that Sanctuary staff will engage in over the next five years. For example, within the Public Awareness and Understanding action plan, the Multicultural Education strategy houses activities relevant to multicultural education.

The Draft Management Plan has been in development since 1999. In October of 1999 CINMS staff and SAC members participated in a facilitated discussion about Sanctuary activities, and opportunities for coordination and partnerships to enhance implementation of the Draft Management Plan. (The discussion is summarized in the November 18, 1999 SAC meeting minutes. The discussion took place during a retreat. No formal advice or SAC decision-making occurred at this retreat.)

Based on the 1999 public scoping issue categories, CINMS staff began working with the Sanctuary Advisory Council (SAC) to identify a set of priority issues for the draft management plan. At the January 2000 SAC meeting CINMS staff detailed the process used to develop the following list of priority issues: 1) water quality; 2) military activity; 3) oil and gas activity; 4) large vessel traffic; 5) emergency response; 6) recreational and commercial uses; 7) research uses; 8) submerged cultural resource protection; 9) boundary redefinition; and 10) education and outreach. Two important issues that emerged from the 1999 scoping meetings, marine reserves and sea otters, were excluded from this list for specific reasons. Marine reserves have been

addressed primarily through a separate process and sea otters were deferred to the US Fish and Wildlife Service (the federal agency charged with managing sea otters).

Throughout 2000 CINMS staff drafted the action plans to address the ten priority resource issues. Initially staff drafted four action plans organized programmatically: Research and Monitoring, Marine Resource Protection, Education and Outreach, and Submerged Cultural Resources. On November 16, 2000 staff introduced the marine resource protection action plan. On March 14, 2001 staff introduced the submerged cultural resources action plan. Staff and SAC members continued their discussion of the draft action plans at the November 13, 2002 SAC meeting as SAC members provided input on future SAC involvement in implementing action plan strategies, and potential partnerships for specific actions. In January of 2003 CINMS and National Marine Sanctuary Program staff added a fifth action plan specifically for site evaluation in meeting objectives and performance targets. Sanctuary staff had discussed performance measures with the SAC on January 9th, 2002. At the November 13th, 2002 meeting the SAC participated in an exercise to indicate the relative importance of performance measurement for specific actions, and formed a performance measurement subcommittee to develop advice on Sanctuary performance measurement.

Since the action plans were first drafted in 2000, the NMSP initiated a directed and comprehensive overhaul of the internal processes and criteria used for building management plans. As such, the CINMS action plans have undergone numerous iterations to ensure that they incorporate the latest programmatic standards for action plans. While the activities and strategies contained across action plans have remained largely unchanged, they have been repackaged into the current set of action plans: Public Awareness and Understanding; Conservation Science; Boundary Evaluation; Marine Zoning; Water Quality; Emergency Response and Enforcement; Maritime Heritage Resources (formerly Submerged Cultural Resources); Emerging Issues; Evaluation; and Operations.

CINMS and National Marine Sanctuary Program staff reviewed the Draft Management Plan (DMP) and Draft Environmental Impact Statement (DEIS) from May of 2003 through December of 2004. This review provided the opportunity to ensure consistency and compatibility between the DMP and DEIS and to make final edits to both documents. The DMP is currently undergoing internal clearance review, which began with the National Marine Sanctuary Program headquarters followed by the National Ocean Service, NOAA, the Department of Commerce and the Office of Management and Budget. Once public clearance is granted the Sanctuary will announce a formal public comment period for the DMP/DEIS of at least 60-days. The Sanctuary will also set dates for public hearings, including one public hearing in Ventura and one in Santa Barbara, in addition to two Advisory Council meetings that will focus on understanding and commenting on the DMP/DEIS.

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Delays and Process Changes

The Draft Management Plan (DMP) and Draft Environmental Impact Statement (DEIS) require review and clearance from the National Marine Sanctuary Program, National Ocean Service, NOAA, the Department of Commerce, and the Office of Management and Budget prior to public release. Clearance and release of the DMP/DEIS has been delayed in part due to the following factors: time required to appoint and brief new NOAA officials as a result of the 2000 Presidential Election, and the need for additional biogeographic information and analysis. (Please see March 15, 2002 SAC meeting minutes). Throughout these delays CINMS and National Marine Sanctuary Program staff continued to refine and update the DMP and DEIS in preparation for the public release of these documents.

Boundaries, Marine Reserves and the Management Plan

Boundary redefinition and marine reserves (or fully protected zones) were major issues that emerged from the 1999 public scoping meetings. The Sanctuary continues to evaluate these issues with input from the SAC and the public. CINMS held two public forums (May 17, 2000 in Lompoc and May 24, 2000 in Santa Barbara), and a May 30, 2000 workshop on boundary alternatives. Also during that time, the SAC formed a Marine Reserves Working Group (MRWG) to evaluate the potential establishment of marine reserves within the original CINMS boundary. [Click here to learn more about marine reserves in the Sanctuary.](#) Several activities in the Draft Management Plan provide flexibility for Sanctuary staff to address marine reserves through non-regulatory activities. Staff and the SAC discussed the development of and relationship between the marine reserves and management plan review processes at the March 15, 2002 SAC meeting.

On August 16, 2000 the SAC recommended that CINMS consider two different boundary/regulatory packages as preferred alternatives in the DEIS. However, following the direction of the new NOAA Administrator, National Marine Sanctuary Program Director (NMSP) Daniel J. Basta announced on July 12, 2002 that boundaries would be analyzed in a supplement to the DEIS, known as a supplemental EIS (or SEIS). Thus the DEIS will solely analyze regulatory alternatives for the current Sanctuary boundary. Meanwhile, NOAA's National Centers for Coastal Ocean Science (NCCOS) are conducting a biogeographic study entitled, "A Biogeographic Assessment of the Channel Islands National Marine Sanctuary and Surrounding Areas: A Review of Boundary Expansion Alternatives for NOAA's National Marine Sanctuary Program," that will be incorporated in the SEIS. Anticipated products of the biogeographic study include: 1) a biogeographic analysis and development of a marine geographic information system (GIS); 2) a quantitative ecological "cost-benefit" analysis of boundary alternatives for resources in the study; and 3) development of a custom GIS tool to support Sanctuary management in future analyses of biological resources. In March of 2003 NCCOS Staff met with academic and agency representatives (including SAC members) to assess the availability of local data. By September of 2003 NCCOS staff had completed the data collection phase of their study and produced an on-line data inventory. In early December 2003 CINMS and NCCOS staff met to discuss biogeographic data analysis and integration into the SEIS on boundary alternatives. In January 2004 the NCCOS Biogeography Team presented

CINMS staff and SAC members with preliminary draft text on the results of their analyses, using the metrics and standards agreed to in the December 2003 discussions.

In May 2005 NCCOS staff provide the Advisory Council with a presentation summarizing their draft report and its findings. NCCOS staff completed the draft report in June 2005. Sanctuary staff and contributing authors then reviewed and provided NCCOS with comments on the draft report, which NCCOS then built into a final report that they submitted for printing in December 2005. For more information about the NCCOS biogeographic study including a project description, work plan, data inventories, and presentations developed for the Sanctuary Advisory Council that summarize the study and its findings click [here](#). The final report is available online (<http://ccma.nos.noaa.gov/products/biogeography/cinms/>).

Following the announcement that boundary analysis would be deferred to an SEIS, SAC members discussed how to expedite the Sanctuary's environmental review processes for the management plan, boundary analysis, and marine reserves at their July 12, 2002 and November 13, 2002 meetings. On January 17, 2003 Sanctuary Staff and the SAC discussed several options for efficiently completing these environmental review processes. One option included coupling marine reserves with the SEIS on boundaries. In response, numerous SAC members wrote a letter to NMSP Director Basta recommending that the marine reserves and boundary processes remain separate. Consequently, at the March 20, 2003 SAC meeting CINMS staff announced that the marine reserves process would proceed separately from the SEIS on boundaries.

Chronology of Major Events

1998

- Formation of the Sanctuary Advisory Council
(in part for purposes of providing community advice on the management plan revision process)

1999 • Public scoping meetings

- Identification of key resource management issues
- Determination of Study Area

2000

- SAC workshops on boundary and regulatory alternatives
- Public forums on military activity, boundary redefinition
- Boundary redefinition discussions
- Building boundary redefinition concepts
- Community perspectives and SAC advice on selecting a preferred alternative
- Development of Draft Management Plan (DMP), and Draft Environmental Impact Statement (DEIS)

2001-2002

- Awaiting NOAA clearance to proceed with public release of DMP / DEIS

2002

- Emergence of a revised process -boundary redefinition deferred
- Initiation of NCCOS biogeographic study to inform boundary analysis

2002-2004

- Revision of DMP / DEIS

2005 - 2006

- Internal clearance review of DMP / DEIS

2006

- Public comment period on DMP / DEIS / Proposed Rule

2006-2008

- Internal analysis of public comments
- Development of Supplemental DEIS (SDEIS) / Proposed Rule
- Internal clearance review of SDEIS / Proposed Rule
- Initial development of Final Management Plan / Final EIS

2008

- Public comment period on SDEIS / Proposed Rule
- Publication of Final Environmental Impact Statement on November 25, 2008

2009

- Release of Final Management Plan (January 16, 2009)
- Publication of Final Rule (January 16, 2009)
- Revised Sanctuary Regulations take Effect (March 19, 2009)
