
1 INTRODUCTION

1.0 INTRODUCTION

This Draft Environmental Impact Statement (DEIS) is Volume II of a two-volume set that is the result of an extensive management plan review process at the Channel Islands National Marine Sanctuary (CINMS or Sanctuary), offshore California. Volume I, the Draft Management Plan (DMP), contains information about the Sanctuary's environment and resources, staffing and administration, priority management issues and actions proposed to address them over the next five years, and performance measures. Volume II, the DEIS, evaluates the potential environmental impacts of the Sanctuary's proposed actions, i.e., the proposed revisions and additions to CINMS regulations. The Sanctuary's proposed actions and several other alternative actions are described in Chapter 2 of this DEIS. The National Oceanic and Atmospheric Administration (NOAA) is the lead agency for this proposed project.

This EIS has been prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 *et seq.*, and its implementing regulations, 40 CFR Parts 1500–1508. The Notice of Intent (NOI) to prepare this EIS (64 FR 31528) is provided in Appendix A.1 of this document.

1.1 THE NATIONAL MARINE SANCTUARY PROGRAM

Under the National Marine Sanctuaries Act, as amended, 16 U.S.C. 1431 *et seq.*, (NMSA) the Secretary of Commerce (Secretary) is authorized to designate and manage areas of the marine environment as national marine sanctuaries. Such designation is based on attributes of special national significance, including conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities. The primary objective of the NMSA is to protect Sanctuary resources.

Per the NMSA, the National Marine Sanctuary Program (NMSP) strives to improve the conservation and management of marine resources and will “maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas” (16 U.S.C. 1431 (a)(4)(c)). This statutory finding guides the NMSP to take a broad and comprehensive management approach consistent with the NMSA's primary objective of resource protection. The focus of such an approach is broad-scale, ecosystem-level protection and management, unique vis-à-vis the various agencies and laws directed at managing single or limited numbers of species or specific human activities within the ocean. As such, ecosystem-based management serves as the framework for the proposed revised CINMS management plan.

To date, thirteen national marine sanctuaries have been designated. (The Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve is currently undergoing the sanctuary designation process.) These sanctuaries include both nearshore and offshore areas. Their designation provides protection for sensitive marine ecosystems, such as coral reefs and kelp forests, habitat used by important marine species, and historically significant shipwrecks and artifacts. In addition, these areas serve as valuable educational, recreational, scientific, and commerce resources. National Marine Sanctuary Program regulations are carried out under the NMSA and are codified at 15 CFR Part 922. The mission of the NMSP “is to identify, designate and manage areas of the marine environment of special national, and in some cases international, significance due to their conservation, recreational, ecological, historical, research, educational, or aesthetic qualities.”

The NMSP regulations include prohibitions on specific kinds of activities, descriptions of sanctuary boundaries, and a permitting system to allow certain types of activities to be conducted within sanctuaries that would otherwise be prohibited. Each of the thirteen national marine sanctuaries has its own set of

site-specific regulations within subparts F through R of 15 CFR Part 922. The regulations for the CINMS are found at Subpart G.

1.1.1 Channel Islands National Marine Sanctuary

Designated in 1980, the CINMS consists of an area of approximately 1,243¹ square nautical miles (NM) off the southern coast of California. The Sanctuary boundary begins at the Mean High Water Line of and extends seaward to a distance of approximately six NM from the following islands and offshore rocks: San Miguel Island, Santa Cruz Island, Santa Rosa Island, Anacapa Island, Santa Barbara Island, Richardson Rock, and Castle Rock (the Islands). Located offshore from Santa Barbara and Ventura Counties in southern California, the Sanctuary supports a rich and diverse range of marine life and habitats, unique and productive oceanographic processes and ecosystems, and culturally significant resources such as hundreds of shipwrecks and submerged Chumash cultural artifacts. The physical, biological, and cultural characteristics of the Sanctuary combined provide outstanding opportunities for scientific research, education, recreation, and commerce. Examples of these include commercial and recreational fisheries, marine wildlife viewing, sailing, boating, kayaking and other recreational activities, maritime shipping, and nearby offshore oil and gas development. More details about the Sanctuary environment and human setting may be found in Section 3 of this EIS, and in Section II of the Draft Management Plan.

1.2 PROJECT LOCATION

As indicated above, the CINMS consists of an area off the southern coast of California, of approximately 1,243 square NM. The Sanctuary begins at the Mean High Water Line of the Islands and extends seaward to a distance of approximately 6 NM. The four northern Islands, Anacapa, Santa Cruz, Santa Rosa, and San Miguel, are in waters approximately 20 statute miles south of the Santa Barbara and Ventura County coast. Santa Barbara Island is approximately 50 statute miles southwest of the shoreline of Los Angeles and 30 statute miles west of the westernmost part of Santa Catalina Island. The CINMS is also at the northwestern end of a much larger area referred to as the Southern California Bight (SCB). The SCB is formed by a transition in the California coastline wherein the north-south trending coast begins to trend east-west. Figure 1.2-1 shows the regional location of the CINMS; the Study Area for this EIS, including the CINMS boundary and surrounding area, is shown in more detail in Figure 1.2-2.

¹ Since designation the area of CINMS has been described as approximately 1252.5 square nautical miles. However, adjusting for technical corrections and using updated technologies, the CINMS area is now calculated as approximately 1243 square nautical miles. The legal description of CINMS is proposed to be updated to reflect this change (see Vol. II, DEIS, Section 2.1.1). This update would not constitute a change in the geographic area of the Sanctuary but rather an improvement in the estimate of its size.

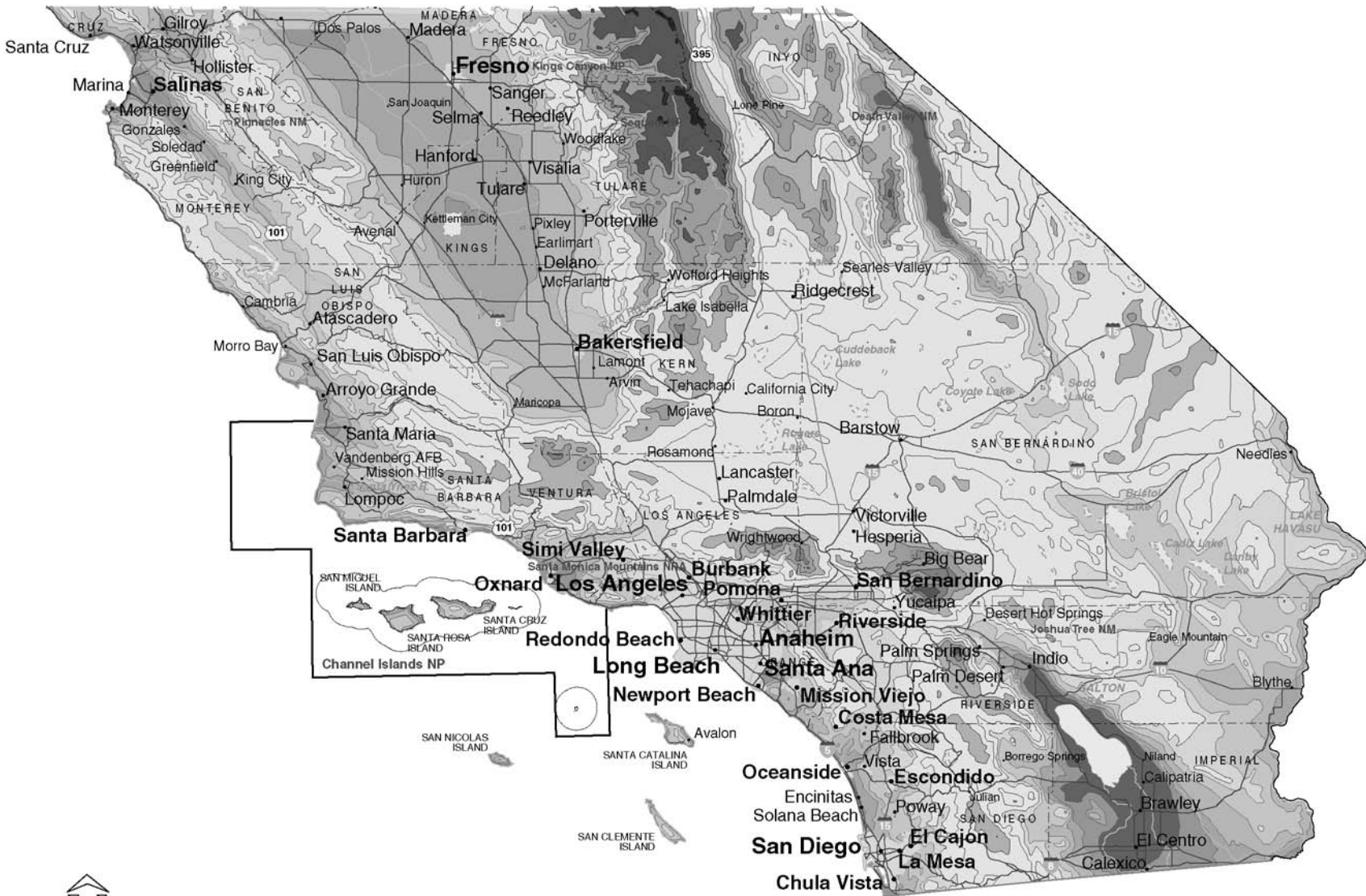
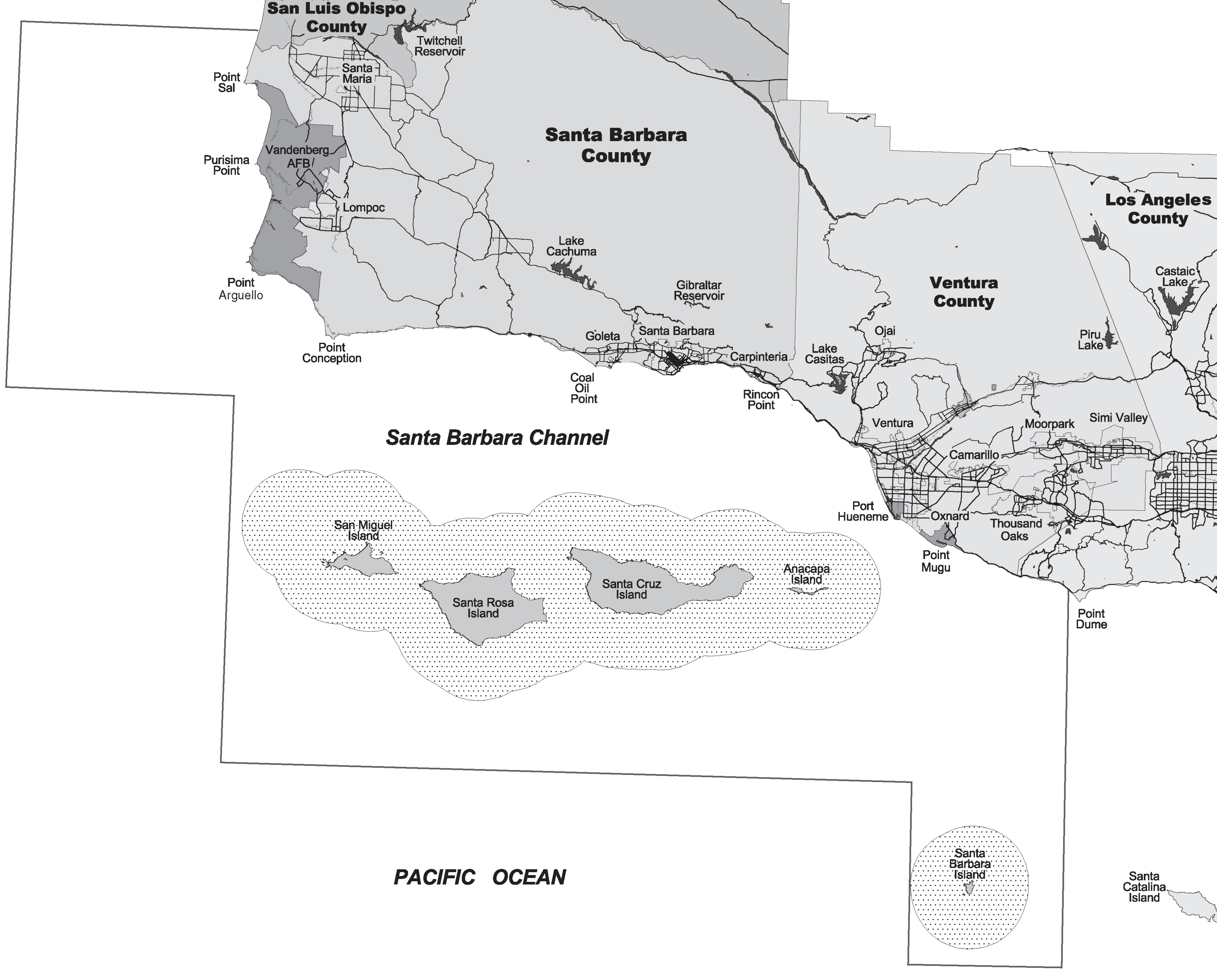


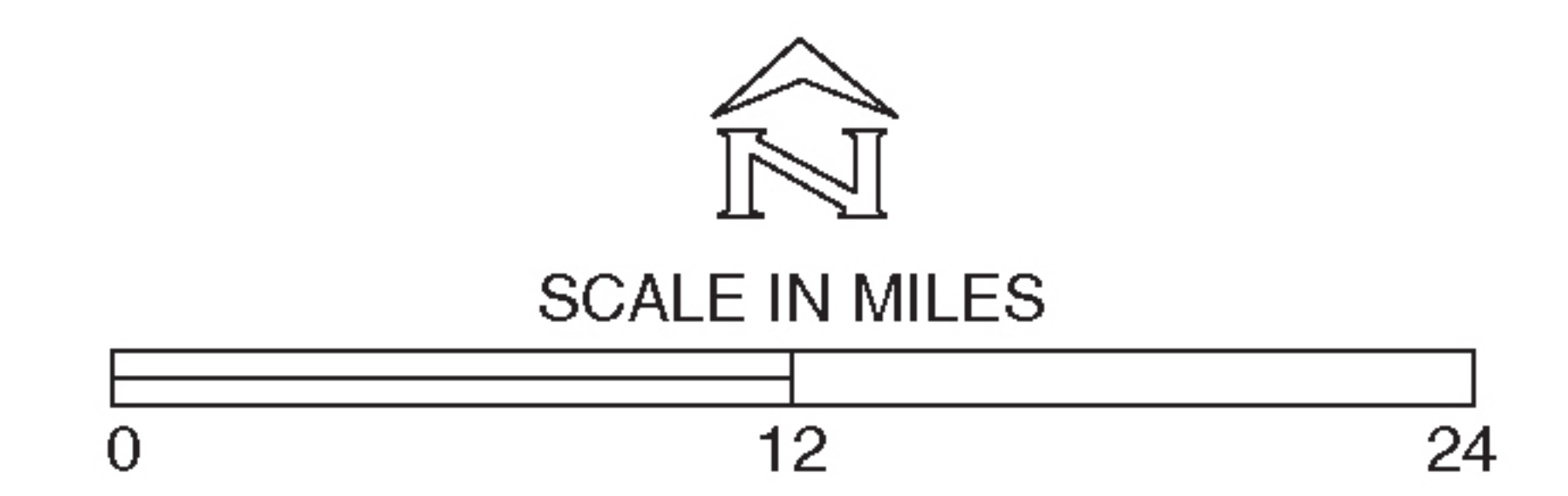
Figure 1.2-1

REGIONAL LOCATION OF THE CINMS EIS STUDY AREA

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- LEGEND**
- ROADS
 - STUDY AREA BOUNDARY
 - RAILROAD
 - LAKES
 - LANDMARKS
 - PLACES
 - SANTA BARBARA CHANNEL ISLANDS
 - LOS ANGELES COUNTY
 - SAN LUIS OBISPO COUNTY
 - SANTA BARBARA COUNTY
 - VENTURA COUNTY
 - EXISTING CINMS BOUNDARY



**CINMS EIS STUDY AREA
LOCATION MAP**

	Tetra Tech, Inc. 4213 State Street, Suite 100 Santa Barbara, CA 93110-2847			
	TC# 10871-01	DATE 11/11/03	DRAWN BY IGE	FIGURE NO. 1.2-2

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1.3 PURPOSE AND NEED

The Sanctuary's Designation Document and regulations were published in the Federal Register in 1980 (vol. 45, No. 193), and the original management plan was completed in 1983. No formal review or revision of the management plan or Sanctuary regulations has occurred since that time. Congress, however, has amended the NMSA numerous times, strengthening and clarifying the conservation principles for the program. The amended NMSA calls upon the NMSP to review the management plan of each sanctuary in five-year intervals and to revise the management plan and regulations as necessary to fulfill the purposes and policies of the NMSA (16 U.S.C. 1434(e)).

Sanctuaries are the subject of management plan review in order to:

- Evaluate substantive progress toward implementing the management plan and goals;
- Evaluate the effectiveness of site-specific management techniques and strategies;
- Determine revisions as may be necessary to the management plan and regulations;
- Prioritize management objectives; and
- Inform the general public and Sanctuary constituents about the Sanctuary and management strategies planned for future years.

For the CINMS, there are additional reasons for revising the original management plan. Since its designation as a national marine sanctuary, significant advances in science and technology, as well as innovations in marine resource management techniques, have rendered the original 1983 CINMS management plan and its corresponding EIS significantly outdated. Furthermore, new threats to Sanctuary resources have emerged, requiring new approaches in CINMS resource management. In addition, the original management plan did not contain performance indicators to help evaluate the effectiveness of either the CINMS or the NMSP. A new management plan is needed to reflect these changes and to guide actions that can achieve effective conservation and management of Sanctuary resources.

The CINMS management plan review began with public scoping in 1999. Following the public scoping process, Sanctuary staff, public forum groups, the Channel Islands National Marine Sanctuary Advisory Council (SAC), and NMSP leadership contributed to the identification of nine priority resource management issue categories to be considered in the new management plan:

- Water quality;
- Public awareness and knowledge of the Sanctuary;
- Research and monitoring;
- Enforcement;
- Boundary change;
- Human uses (recreational, commercial, military);

- Marine reserves;
- Marine mammal and seabird protection; and
- Administrative issues (performance standards, improved inter-agency coordination).

Staff further refined these issue categories and focused the development of action plans and regulatory changes upon priority resource management issues. Specific regulatory changes proposed and analyzed in this EIS address several priority resource management issues. The DMP (Vol. I) addresses many resource management issues through ten action plans: Public Awareness and Understanding, Conservation Science, Boundary Evaluation, Marine Zoning, Water Quality, Emergency Response and Enforcement, Maritime Heritage Resources, Emerging Issues, Operations, and Evaluation.

This document has been prepared, in part, because NEPA requires federal agencies to prepare an appropriate environmental analysis - either an Environmental Impact Statement (EIS) or Environmental Assessment (EA) - to thoroughly assess the environmental impacts of major federal actions that could significantly affect the human environment.

In addition, this EIS has been prepared because revisions and updates to the outdated portions of the 1980 CINMS Designation Document are proposed. The Designation Document provides the terms of a sanctuary's designation, i.e.: the geographic area to be designated a national marine sanctuary, the characteristics that give the area particular value, and the types of activities that will be subject to sanctuary regulation to protect those characteristics. Proposed updates and other revisions to the CINMS terms of designation include replacing the term "seabed" with "submerged lands of the Sanctuary" to be consistent with the NMSA, improving accuracy of the boundary coordinates by using the North American Datum of 1983, updating the description of the area based on improved knowledge about the Sanctuary acquired since 1980, and modifications to the Sanctuary's scope of regulation to enable the Sanctuary to address current priority issues via Sanctuary regulations. To meet the requirements of the NMSA, which states in section 304(a)(4) that "the terms of designation may be modified only by the same procedures by which the original designation is made," the NMSP is preparing an EIS (one of the requirements of a designation).

The proposed CINMS regulatory changes have been specifically developed to facilitate improved "on the ground" Sanctuary management of identified priority resource management issues. Furthermore, both the proposed changes presented in this DEIS, as well as those in the DMP (Vol. I), are needed to meet the purposes and policies of the NMSA (16 U.S.C. 1431(b)):

- (1) To identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;
- (2) To provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;
- (3) To maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

- (4) To enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;
- (5) To support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;
- (6) To facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;
- (7) To develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, state and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;
- (8) To create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques; and
- (9) To cooperate with global programs encouraging conservation of marine resources.

1.4 SCOPE OF THIS EIS

This EIS evaluates the environmental impacts associated with the proposed revised regulatory action and alternatives to the proposed action. The Proposed Action in this EIS consists of revising existing Sanctuary regulations and adopting several new regulations. An alternative to the Proposed Action consists of a regulatory package with slight variations in the proposed regulations. Regulatory changes contained within the preferred alternative (i.e. the Proposed Action) and alternative one are outlined below, described in detail in Section 2 of this EIS, and analyzed in terms of impacts in Section 4 of this EIS. In addition, a No-Action Alternative (i.e., no changes to regulations) is also analyzed in this EIS.

Revisions of existing Sanctuary regulations included in the Proposed Action would:

- clarify that Sanctuary boundaries encompass the submerged lands;
- correct some inaccuracies and ambiguities in the coordinates and description of the Sanctuary's outer and shoreline boundaries;
- remove outdated and unnecessary oil spill contingency equipment requirements;
- clarify that discharges allowed from marine sanitation devices apply only to Type I and Type II marine sanitation devices;
- provide an exemption for discharges by vessels of the Armed Forces allowed under section 312(n) of the Federal Water Pollution Control Act;
- specify that the existing exception for discharging or depositing fish, fish parts, or chumming materials (bait) applies only to such discharges or deposits during the conduct of lawful fishing activity within the Sanctuary;
- remove an exception for discharging or depositing meals on board vessels;
- prohibit discharges or deposits of any material or other matter from beyond the boundary of the Sanctuary that subsequently enter the Sanctuary and injure a Sanctuary resource or quality;
- extend from 2 NM to the outer 6 NM Sanctuary boundary the existing prohibition on alteration of the submerged lands of the Sanctuary;

- prohibit vessels of 300 gross registered tons or more (excluding fishing and/or kelp harvesting vessels) from approaching within 1 NM of the Islands;
- revise and strengthen the existing protection of cultural resources to prohibit moving, possessing, injuring, or attempting to move, remove, injure or possess any Sanctuary historical resource;
- clarify, update and refine the regulation of Department of Defense activities occurring within the Sanctuary to, among other things, provide more consistency with the NMSA as currently written; and
- conform wording, where appropriate, to wording used for more recently designated sanctuaries.

New regulations included in the Proposed Action would prohibit:

- exploring for, developing, or producing minerals within the Sanctuary, except producing by-products incidental to authorized hydrocarbon production;
- abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary;
- taking any marine mammal, sea turtle, or seabird within or above the Sanctuary, except as expressly authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 et seq., Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 et seq., Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 et seq., or any regulation, as amended, promulgated under these acts;
- possessing within the Sanctuary (regardless of where taken from, moved, or removed from) any marine mammal, sea turtle, or seabird, except as expressly authorized by the MMPA, ESA, MBTA, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA;
- marking, defacing, damaging, moving, removing, or tampering with any sign, notice or placard, whether temporary or permanent, or any monument, stake, post, or other boundary marker related to the Sanctuary;
- introducing or otherwise releasing an introduced species from within or into the Sanctuary; and
- operating a motorized personal watercraft within waters of the Channel Islands National Park, established by 16 U.S.C. 410(ff).

In addition, the Proposed Action includes revised and clarified Sanctuary permit regulations that would:

- add specificity to and slightly expand the types of activities for which the Director of the NMSP may issue permits;
- specify which otherwise prohibited activities would not be allowed under any Sanctuary permit;
- revise and clarify permit issuance criteria;
- further refine current requirements and procedures from general National Marine Sanctuary Program regulations (15 CFR 922.48(a) and (c));
- specify information about permit duration, timelines and procedures for permit processing, permit review, and procedures and criteria for permit renewal;
- expressly require that in addition to any other terms and conditions the Director deems appropriate, Sanctuary permits must require that the permittee agrees to hold the United States harmless against any claims arising out of the permitted activities; and
- expressly provide that a permittee may be required to purchase and maintain general liability insurance or other acceptable security against potential claims for destruction, loss of, or injury to Sanctuary resources arising out of the permitted activities.

Alternative One includes the proposed suite of new and revised regulations in the Proposed Action described above, along with more stringent regulatory language for the prohibitions on discharging or depositing material or other matter from within or into the Sanctuary, and operation of vessels within one NM of Island shores. The more stringent language would:

- specify that the exception for discharges or deposits generated by operable Type I or II marine sanitation devices does not apply to such discharges or deposits from vessels of 300 gross registered tons or more; and
- prohibit vessels of 150 gross registered tons or more (excluding fishing and kelp harvesting vessels) from operating within 1 NM of the Islands.

The additional proposed regulation found exclusively in Alternative One prohibits lightering (defined in Program-wide regulations as at-sea transfer of petroleum-based products, materials, or other matter from vessel to vessel, 15 CFR Part 922.3) within the Sanctuary.

Finally, this EIS presents proposed changes to the Sanctuary's terms of designation (see Section 2.1.18 and Appendix D). The CINMS terms of designation were originally set in 1980 upon establishment of the Sanctuary, and per the NMSA describe the geographic area proposed to be included within the Sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary to protect those characteristics (16 U.S.C. 304(a)(4)). In order to implement many of the regulatory changes included in the Proposed Action, the NMSP would need to modify the Sanctuary's terms of designation describing types of activities subject to Sanctuary regulation. Additional proposed changes to the Designation Document include: an updated and more accurate description of the Sanctuary area and characteristics of the area that give it particular value, greater clarity on the applicability of Sanctuary emergency regulations, and an updated explanation of the effect of Sanctuary authority on preexisting leases, permits licenses and rights. While most of the proposed regulatory changes presented in this EIS do not meet the NEPA environmental impact statement test of constituting a major federal action significantly affecting the human environment, such as clarifications to the Sanctuary boundary description or wording clarifications to existing regulations, these proposed regulatory changes are nonetheless presented and assessed within this EIS because they relate to associated proposed changes to the Sanctuary's Designation Document. Under the NMSA (16 U.S.C. 1434(a)(4), alterations to the terms of designation require the Sanctuary to go through the same procedures as site designation, including preparation of an EIS.

This EIS analyzes regulatory changes, not the action plans proposed in the DMP (Vol. 1). The DMP action plans describe non-regulatory management strategies and actions that Sanctuary staff would use to address various issues identified during the management plan review process. Nested within each action plan is a series of strategies, each of which contains detailed actions Sanctuary staff would take over the next five years in order to meet CINMS goals and objectives. These strategies comprise activities ranging from program planning, budgeting, administrative services, mapping, vessel and aircraft operations, to basic and applied research and monitoring activities, education and outreach services, and advisory body activities. Section 6.03(c)(3)(d) of NOAA Administrative Order 216-6 specifies that these and other administrative or routine program functions that have no potential for significant environmental impacts are eligible for a categorical exclusion. The NMSP has determined that the proposed actions within the DMP (Vol. I) 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. Thus, the DMP's planned activities are not included or analyzed within this DEIS.

1.5 ISSUES BEYOND THE SCOPE OF THIS EIS

The proposed action and alternatives presented and analyzed within this DEIS do not include consideration of Sanctuary boundary expansion or the designation of marine reserves (no-take areas) or

marine conservation areas (limited-take zones) within the Sanctuary. These considerations are explained briefly below, as well as in the Marine Zoning Action Plan and Boundary Evaluation Action Plan within the DMP (Vol. I), which describe the Sanctuary's separate and future planned environmental review processes to address these matters.

1.5.1 Boundary Expansion

During the 1999 public scoping meetings, and subsequently over the next two years, the most frequently raised public topic was CINMS boundary expansion. Although some did not support an expanded Sanctuary boundary, CINMS staff received hundreds of e-mails and letters (including three petitions with over 1,500 signatures) in support of enlarging the Sanctuary. Many of these letters encouraged the Sanctuary to improve its ecosystem representation by expanding the Sanctuary boundary to the mainland coast. Other reasons for expanding the boundary were to address watershed runoff, oil and gas development, water quality threats, military activity impacts, and to provide better overall marine resource protection.

From 1999 through 2001, based on input received during the public scoping process and over the course of several SAC meetings and workshops, Sanctuary staff and the SAC developed a preliminary range of boundary concepts to be considered as possible redefined outer boundaries for the CINMS. These ideas included the status quo boundary option plus five new preliminary boundary configurations. Maps and descriptions of these boundary configurations are presented in Appendix D of the DMP (Vol. I).

In 2002 NOAA determined that additional scientific data collection and analysis would be desirable in order to evaluate the effectiveness of each boundary configuration in meeting NMSP goals. In response, NOAA's National Centers for Coastal Ocean Science (NCCOS) initiated a biogeographic study in January 2003.

Because further analysis of boundary change options remains to be completed, the proposed action and alternatives presented and analyzed within this DEIS do not include consideration of expanding the Sanctuary's boundary. Therefore, this DEIS analyzes the proposed regulatory alternatives solely within the existing Sanctuary boundary. However, the Boundary Evaluation Action Plan within the DMP (Vol. I) calls for the continuation of the biogeographic study and, beyond that, the initiation of a supplemental comprehensive, scientifically-based, open public environmental review process that will lead to a sound future decision on the Sanctuary's boundary and the application of Sanctuary regulations within that selected boundary. Regulations for areas of any proposed boundary expansion may or may not be identical to those proposed for the existing Sanctuary boundary; the regulations applicable to each boundary concept will be evaluated in the supplemental EIS. Reaching a final decision on this issue would involve a NEPA-compliant supplemental environmental impact analysis process, resulting in a supplemental EIS and supplemental management plan. That future process, outlined below in Figure 1.6-1, will provide several additional opportunities for public comment. At this time, the preliminary boundary concepts previously developed with community input are available for public comment and provided in Appendix D of the DMP (Vol. I).

1.5.2 Marine Reserves and Conservation Areas

To address a number of concerns related to the need to increase protection of the Sanctuary's natural resources, scoping comments recommended the use of marine reserves (no-take areas) as an ecosystem management tool. In 1999, the marine reserves working group (MRWG) of the SAC began the process of considering marine reserves as a tool for use within the Sanctuary, along with monitoring, research, education, and enforcement strategies. In 2001, the SAC presented its recommendations to CINMS staff

and the California Department of Fish and Game (CDFG). On October 23, 2002, the California Fish and Game Commission adopted a network of ten marine reserves and two marine conservation areas (all referred to as marine protected areas) in portions of the state waters within CINMS. Sanctuary staff have since been cooperating with several state and federal agencies to manage these marine protected areas. Additional details of Sanctuary efforts to support enforcement, monitoring, and education pertaining to the Channel Islands state marine protected areas are provided in the DMP's Action Plans (Vol. I).

In 2003, a separate federal environmental review process was initiated to consider establishment of a complementary network of marine reserves and/or marine conservation areas within the Sanctuary. This is a separate ongoing NEPA process, and will be concluded subsequent to this management plan revision. As such the consideration of marine reserve zoning is outside the scope of this EIS. Furthermore, the proposed action plans and regulations described in this DMP and EIS could be implemented whether or not any future action is taken to establish complementary federal marine reserves or conservation areas within the CINMS, and, likewise, no part of the proposed action in this EIS directs or influences a future decision on the separate process to consider marine reserves and conservation areas.

1.6 NEPA PUBLIC COMMENT PROCESS

Public comment is an important part of the scoping process for an EIS, and an important part of the broader management plan review process (described in more detail in the introduction to Vol. I). Associated with public scoping are procedures aimed at facilitating review and input from interested and affected parties. Soliciting public comment begins when the notice of intent (NOI) is published in the *Federal Register* (Appendix A.1) and continues through the preparation of the EIS.

1.6.1 Council on Environmental Quality Regulations

According to Council on Environmental Quality (CEQ) regulations, federal agencies are required to "make diligent efforts to involve the public in preparing and implementing their NEPA procedures" (40 CFR 1506.6(a)). One aspect of public involvement is the public comment process. Public involvement begins with public notice of scoping meetings, followed by the public release of the Draft EIS to persons and agencies potentially interested in or affected by the proposed project and to those that have requested a copy, and any NEPA-related public hearings or meetings (40 CFR 1506.6(b)).

1.6.2 Scoping Process

By providing a means of open communication between NOAA and the public, the procedural aspects of NEPA promote better decision-making. Those having a potential interest in the proposed project, including minority, low-income, disadvantaged, and other interested groups, were notified and invited to participate in the scoping and environmental impact analysis process. The scope of this EIS was determined through public scoping, input from public agencies and officials, experience from and research for similar projects, and NEPA requirements. Per CEQ regulations, this process begins early in the EIS development and is open for input from interested parties (40 CFR 1501.7). CEQ regulations guide public participation opportunities.

As part of the scoping process, the lead agency is required to do the following:

- Invite the participation of affected federal, state, and local agencies, any affected Native American tribes, the proponent of the action, and other interested persons.
- Determine the scope and significant issues to be analyzed in depth in the EIS.

- Identify and eliminate from detailed study the issues that are not significant or that have been covered by prior environmental review.
- Indicate any public Environmental Assessments (EAs) and other EISs that are being or will be prepared that are related to but are not part of the scope of the EIS under consideration.
- Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies together with the EIS.
- Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decision-making schedule.

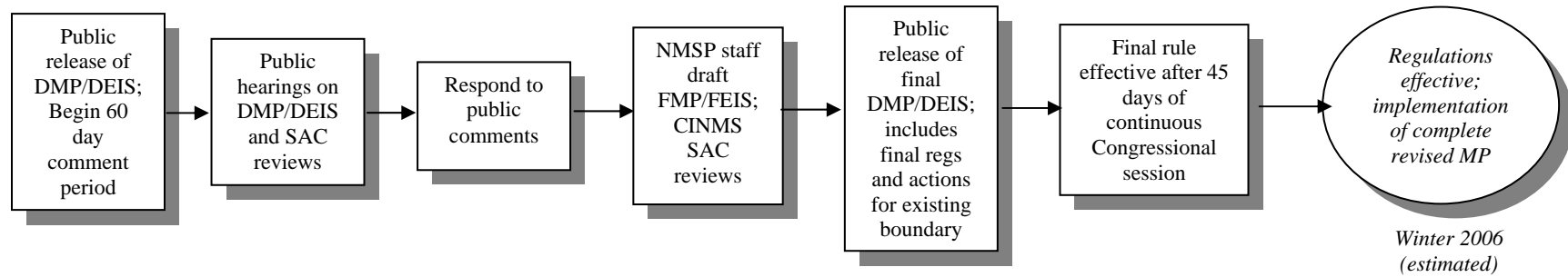
The scoping process for this EIS was initiated when NOAA published an NOI in the *Federal Register* on June 11, 1999 (Appendix A.1). As discussed above, in 1998 CINMS formed a SAC as a forum through which Sanctuary constituents can provide advice to the Sanctuary Manager, including advice on the management plan review and the EIS. From July to September 1999, seven public scoping meetings were held across San Luis Obispo, Santa Barbara, Ventura, and Los Angeles counties, as well as in Washington, D.C., followed by a public presentation of the findings in October 1999. CINMS staff received over 1,900 comments. In addition, approximately 30 public and agency meetings have been held to date and consultation letters have been mailed out to key federal, state, and local agencies and officials soliciting their input on the proposed management plan update. Documentation of the scoping process is included in Appendix A.2. The major concerns and issues expressed during the scoping process are described above in section 1.3.

1.6.3 Public Review of the Draft EIS

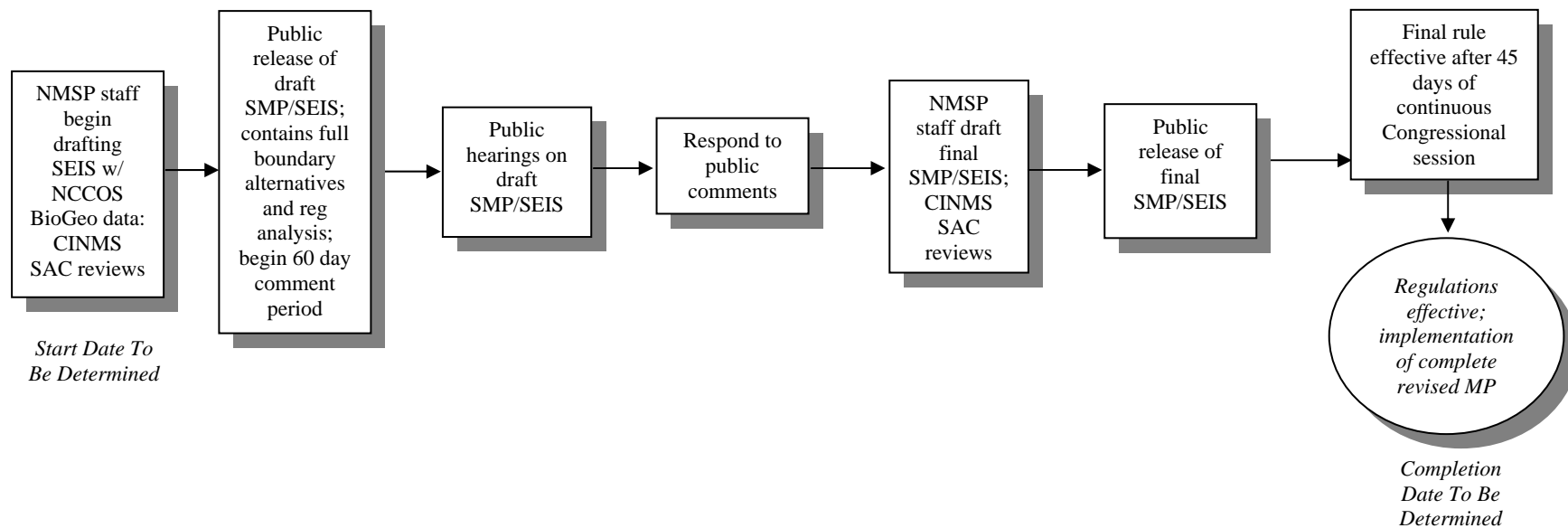
The initial scoping process allowed the public to have input on issues analyzed in this document. In addition, subsequent meetings of the SAC in 2000–2003, including special workshops on selected management plan issues (e.g., boundaries, military activities, regulations), provided numerous opportunities for the public to learn about the status of plan development and offer additional input. The next step of public involvement will be to ensure wide circulation of the DEIS and to solicit public comments on this document. CEQ regulations provide for not less than a 45-day public review period following publication of the DEIS. Availability of the DEIS will be announced in local newspapers. In addition, copies of the DEIS will be placed in the City of Santa Barbara Library (Downtown Branch), City of Lompoc Library, City of Ventura Library, City of Oxnard Library, and the library at the University of California, Santa Barbara. NOAA has compiled a mailing list of persons and agencies potentially interested in or affected by the proposed project and those who have requested a copy of the EIS. Over the summer of 2004 all individuals and agencies on the entire Sanctuary mailing list received a postcard notifying them of the pending public release of the DEIS and DMP, and soliciting their response as to whether they would like to be on the management plan review mailing list and indicate their preferred document format. The management plan review mailing list is included in Appendix F of this EIS. Public hearing(s) will be held no sooner than 30 days after the Notice of Availability is published in the *Federal Register* and at least 15 days before the end of the 45-day comment period. The steps involved in development and public review of the DEIS and DMP, leading up to development of a final management plan and final Environmental Impact Statement, are illustrated in Figure 1.6-1.

Figure 1.6-1 Development and Review Process for the Revised CINMS Management Plan and Environmental Impact Statement

Revised Management Plan/Draft Environmental Impact Statement (Status Quo Boundary)



Supplemental Management Plan/Environmental Impact Statement (Analysis of Boundary Alternatives)



1.6.4 Public Comment Management Process

During the public comment period, comments are anticipated from federal, state, and local agencies and officials; organizations; and interested individuals. These comments and corresponding responses will be included as Appendix G of the Final EIS. Oral comments presented at the public hearing(s), written statements submitted at the public hearing(s), and written statements otherwise properly submitted will be included. Each of these will be given the same consideration in the public review process.

A structured system will be used by NOAA to organize and respond to these comments. This public comment management process includes the following steps:

- Assess and consider comments both individually and collectively.
- Formulate responses, which may include incorporating the comment or otherwise addressing the comment, as appropriate, in the EIS.

NOAA will issue the Final EIS, a 30-day mandatory waiting period will occur, and then NOAA may issue its Record of Decision (ROD).

1.7 INTERAGENCY COORDINATION

NOAA has sought the input of several federal, state, and local officials and agencies in preparing this EIS. The list of these officials and agencies is provided in Chapter 7.0.

1.8 EXAMPLES OF RELATED STUDIES AND PROCESSES

Other studies and processes have been recently completed or are being conducted by federal agencies that are pertinent to marine resources in the Channel Islands region. These include:

- *Final Environmental Impact Statement/Over Seas Environmental Impact Statement, Point Mugu Sea Range* (U.S. Navy 2002).
- *California Department of Fish and Game's Final Environmental Impact Report on the Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary* (Ugoretz 2002)
- Federal Process to Consider Establishing Marine Reserves and Conservation Areas in the CINMS
- *Draft Environmental Impact Statement, Pacific Coast Groundfish Fishery Management Plan Essential Fish Habitat Designation and Minimization of Adverse Impact* (NMFS 2005)
- Development of a new General Management Plan for the Channel Islands National Park (CINP) by the NPS.
- Environmental Assessments of granting suspensions of production or operations for nine units and one non-utilized lease in the Pacific Outer Continental Shelf (MMS 2005)

- Port of Long Beach Expansion proposed in the *Port of Long Beach Master Plan* (2003)
- BHP Billiton LNG International, Inc. and Crystal Energy separate proposals for one liquefied natural gas terminal each, offshore from Ventura and Santa Barbara counties, respectively
- Hubbs SeaWorld Research Institute proposed aquaculture facility at Platform Grace.

More information about each of the above studies and processes is included in section 4.6 of this document, which addresses the cumulative impacts of the Sanctuary's proposed action.

1.9 ORGANIZATION OF THE EIS

This Chapter (1.0) provides a background discussion of the NMSP and the proposed project at the CINMS. In addition, this chapter discusses the EIS public scoping process and lists the identified issues of concern.

Chapter 2.0 (Description of the Proposed Action and Alternatives) describes the Proposed Action, which consists of adopting revisions to existing Sanctuary regulations plus several proposed new regulations. This chapter also includes a description of one alternative to the Proposed Action and the No-Action Alternative.

Chapter 3.0 (Affected Environment) describes the project background and the existing conditions in the surrounding area to provide a baseline for assessing environmental impacts that may occur. Regional and site-specific information is provided related to the physical environment, biological environment, historical resources, and human uses (including oil and gas activities, vessel traffic and harbor activities, contaminant sources, Department of Defense and related activities, fishing, introduced species, recreation and tourism, and research and education).

Chapter 4.0 (Environmental Consequences of Alternatives) includes an evaluation of potential impacts to the physical and biological environment, historical resources, and human uses, including socioeconomic impacts that may occur as a result of implementing the Proposed Action and Alternatives. Direct, indirect, short-term, and long-term impacts are evaluated. This chapter also provides a discussion of cumulative impacts, any irreversible and irretrievable commitment of resources, the relationship between short-term uses of resources and the maintenance and enhancement of long-term productivity, unavoidable impacts, environmental justice, and growth-inducing impacts. Finally, potential mitigation measures for significant environmental impacts are discussed, if applicable.

Chapter 5.0 presents a list of other applicable federal and state law and regulations.

Chapters 6.0 through 11.0 contain References, Persons and Agencies Contacted, a List of Preparers, Acronyms and Abbreviations, and a Glossary of Terms, respectively.

Appendices to support the analyses in the EIS consist of the following:

- Appendix A—Notice of Intent and Public Scoping Process;
- Appendix B—National Marine Sanctuaries Act;
- Appendix C—Biological and Historical/Cultural Resources of the Study Area;

- Appendix D—Proposed Rule;
- Appendix E—Findings and Determinations
- Appendix F—EIS Mailing List; and
- Appendix G—Public Comments and Responses (*to be included in the Final EIS*).