

**FEDERAL, STATE & LOCAL GOVERNMENT  
JURISIDICITION**

**IN THE  
CHANNEL ISLANDS NATIONAL MARINE  
SANCTUARY**

**PREPARED FOR THE  
CHANNEL ISLANDS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL**

**COMPILED BY  
SANCTUARY STAFF**

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## PREFACE

The Channel Islands National Marine Sanctuary Advisory Council (Council) requested that the federal, state, and local government agencies on the Council describe and define their respective agency's authority and jurisdiction. Each agency representative was asked to provide the following information:

- Agency Overview
- Agency Structure
- Legislation and Regulations
- Authority
- Prohibited or otherwise regulated activities
- Programs and agency activities
- Boundary

Herein we have provided the information reported by each agency. NOAA and the Channel Islands National Marine Sanctuary (Sanctuary) are responsible only for the report on the Sanctuary. NOAA and the Sanctuary are not responsible for the content or accuracy of the other agency documentation.

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## **CHANNEL ISLANDS NATIONAL MARINE SANCTUARY**

### **Agency Overview**

The Channel Islands National Marine Sanctuary (CINMS) is administered by the National Oceanic and Atmospheric Administration (NOAA) and was designated in 1980. The Sanctuary encompasses 1,252 nautical miles surrounding the Islands of San Miguel, Santa Rosa, Santa Cruz, Anacapa and Santa Barbara. The Sanctuary includes both open ocean and nearshore habitats that provide refuge to 26 species of marine mammals, over 60 species of seabirds, the state's most valuable fish and invertebrate species and giant kelp forests. In addition to the abundance of natural resources, historical and cultural resources include over 200 documented shipwrecks and numerous Chumash Native American sites and artifacts.

### **Agency Structure**

Department of Commerce  
National Oceanic and Atmospheric Administration  
National Ocean Service  
Office of Ocean and Coastal Resource Management  
Sanctuaries and Reserves Division  
*Channel Islands National Marine Sanctuary*

### **Legislation and Regulations**

National Marine Sanctuaries Act, 16 U.S.C. sec. 1431 et seq.

15 CFR Part 922 especially subpart G

### **Authority**

The National Marine Sanctuaries Act, 16 U.S.C. 1431 et seq., (NMSA) gives the Department of Commerce (delegated to NOAA) authority to designate areas of the marine environment as national marine sanctuaries and promulgate regulations implementing the designations.

The mission of the National Marine Sanctuary program 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” (15 CFR sec. 922.2(a)).

The primary purpose of the National Marine Sanctuary program is resource protection (16 U.S.C. sec. 1431(b)). As stated in the National Marine Sanctuaries Act and Program Regulations, Section 922.2 (b). The goals of the program are:

(1) To identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance;

- (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 support, promote and coordinate scientific research on, and monitoring of, the resources of these marine areas, especially long-term monitoring and research of these areas;
- (4) To enhance public awareness, understanding, appreciation, and wise use of the marine environment;
- (5) 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;
- (6) 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;
- (7) To create models of, and incentives for, ways to conserve and manage these areas;
- (8) To cooperate with global programs encouraging conservation of marine resources; and
- (9) To maintain, restore, and enhance living resources by providing places for species that depend upon these marine areas to survive and propagate.

In addition, “[p]articular attention will given to the establishment and management of marine areas as National Marine Sanctuaries for the protection of the area’s natural resource and ecosystem values; particularly for ecologically or economically important or threatened species or species assemblages, and for offshore areas where there are no existing special area protection mechanisms” (15 CFR sec. 922.2 (c)(1)).

“Sanctuary resource” is statutorily defined to mean any living or non-living resource of a sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational or aesthetic value of the sanctuary (16 U.S.C. sec. 1432(8)).

“Marine environment” is statutorily defined to include coastal and ocean waters and the submerged lands thereunder, including the Exclusive Economic Zone (16 U.S.C. sec. 1432(3)). Sanctuaries, therefore, may include Federal and state waters, with the proviso that at the time of designation the governor of the affected state has the statutory opportunity to certify that the designation or any of its terms is unacceptable within state waters.

The CINMS does not regulate commercial or recreational fisheries. These fisheries are regulated by the California Department of Fish and Game within state waters, and the National Marine Fisheries Service in federal waters. The CINMS works cooperatively with these agencies to facilitate and coordinate resource protection within the CINMS.

### **Prohibited or otherwise regulated activities**

1. Exploring for, developing or producing hydrocarbons;
2. Discharging or depositing any material or other matter;
3. Dredging or otherwise altering the seabed;
4. Operating within one nautical mile of any Island most commercial vessels;

5. Disturbing seabirds or marine mammals by flying motorized aircraft at less than 1000 feet over the waters within one nautical mile of any Island;
6. Removing or damaging any historical or cultural resources.

For specific language see 15 CFR sec. 922.71.

In addition to regulatory authority, the NMSA provides authority to recover civil damages for destruction, loss or injury to sanctuary resources and to undertake or authorize all necessary actions to prevent or minimize such destruction, loss or injury or to minimize the risk of such destruction, loss or injury.

### **Programs and agency activity**

Please see the Sanctuary web site at [www.cinms.nos.noaa.gov](http://www.cinms.nos.noaa.gov) and the 1997 and 1996 Annual Reports.

### **Boundary**

The Channel Islands National Marine Sanctuary encompasses coastal and ocean waters and submerged lands from mean high tide out six nautical miles around the Islands of Santa Barbara, Anacapa, Santa Cruz, Santa Rosa and San Miguel. Please see attached map depicting Sanctuary boundary.

**RESOURCES AGENCY OF CALIFORNIA  
CALIFORNIA OCEAN RESOURCES MANAGEMENT PROGRAM**

**Agency Overview and Structure**

The Resources Agency of California, a cabinet-level agency, is responsible for the conservation, enhancement, and management of California's natural and cultural resources, including land, water, wildlife, parks, minerals, and historic sites. The Agency oversees the activities of 19 state departments, boards, commissions and conservancies, including the Departments of Conservation, Fish and Game, Forestry and Fire Protection, Parks and Recreation, Water Resources, and the California Coastal Commission. The Agency also oversees several programs, including the California Ocean Resources Management Program.

The Secretary for Resources is the administrative head of the Agency and a member of the Governor's Cabinet. The Secretary coordinates policies, serves as the Governor's representative on numerous boards and commissions, and administers the California Environmental Quality Act.

**Agency Structure**

Governor's Office, State of California  
Resources Agency, Secretary for Resources  
(California Ocean Resources Management Program)  
19 Departments, Boards, and Commissions

**Legislation and Regulations**

Government Code sec. 12800, 12801

California Ocean Resources Management Act, Public Resources Code sec. 36000 et seq.

Specific provisions for regulating and managing ocean resources and waters are contained in a variety of statutes located in a number of California codes: the Fish and Game, Government, Harbors and Navigation, Health and Safety, Penal, Public Resources, and Water codes.

**Authority**

Through the California Ocean Resources Management Act (CORMA) the Legislature declared that it is the policy of the State of California to:

- Develop and maintain an ocean resources planning and management program to promote and ensure coordinated management of federal and State resources, and to ensure coordination with adjacent states;
- Ensure effective participation in federal planning and management of ocean resources and uses which may affect this State; and



- Coordinate state agency management of ocean resources with local government management of coastal zone uses and resources above the mean high tide line.

The 1991 amendments to CORMA transferred responsibility for all nonstatutory marine and coastal resource management programs to the Secretary for Resources. Duties and responsibilities transferred include: all executive branch delegations regarding review and coordination of federal outer continental shelf (OCS) oil and gas lease sales and development projects; policy coordination of resources management and uses in the exclusive economic zone (EEZ); State representation on the Coastal States Organization and the Department of the Interior's OCS Policy Committee; and any other involvement in marine and coastal resource matters. The CORMA also requires that adequate staff support be made available through the Resources Agency to administer these programs. While the authority for a majority of ocean management issues rests with the Resources Agency, the California Environmental Protection Agency oversees development of ocean water quality standards and regulation of waste discharges to the marine environment.

The mission of the Ocean Program is to ensure comprehensive and coordinated management, conservation and enhancement of California's ocean resources for their intrinsic value and for the benefit of current and future generations.

The goals of the program are:

1. Stewardship: To assess, conserve, restore, and manage California's ocean resources and the ocean ecosystem.
2. Economic Sustainability: To encourage environmentally sound, sustainable, and economically beneficial ocean resource development activities.
3. Research, Education and Technology. To advance research, education programs, and technology developments to meet future needs and uses of the ocean.
4. Jurisdiction and Ownership: To maximize California's interests within State Tidelands, the territorial sea, and the exclusive economic zone.

Authority for regulating specific activities rests with Resources Agency's constituent departments, boards, commissions and conservancies.

### **Prohibited or otherwise regulated activities**

The Resources Agency does not implement specific prohibitions or regulations in the Channel Islands. However, some key provisions implemented by individual agencies within the state include:

State Tidelands within the Channel Islands National Marine Sanctuary are designated as a sanctuary from oil and gas development activities, and as an Area of Special Biological

Significance which prohibits point source discharges into these waters. These waters, and the islands within state jurisdiction, have been designated by the Coastal Commission as inappropriate for the siting of thermal power plants (facilities greater than 50 megawatts). The islands also include two ecological reserves (Anacapa and San Miguel Islands) administered by the Department of Fish and Game.

Regulation of activities in state waters surrounding the Channel Islands could involve several state agencies, principal among them being the Coastal Commission, Department of Fish and Game, and State Water Resources Control Board. The Coastal Commission has a unique authority, pursuant to the federal Coastal Zone Management Act, over federal activities or federal permits that affect the coastal zone. An example of this authority is that no permits can be issued for oil and gas development in federal waters surrounding the Channel Islands National Marine Sanctuary unless the Coastal Commission finds that this activity is consistent with California's federally-approved Coastal Management Program.

### **Programs and agency activity**

The programs and agency activities that could affect the Channel Islands are too numerous to list here. We would refer council members to the document, "California's Ocean Resources: An Agenda for the Future," for more information regarding individual state agencies and their responsibilities.

### **Boundary**

Not applicable.

## **SANTA BARBARA COUNTY**

### **Agency Overview**

The County of Santa Barbara provides diverse services to citizens in the unincorporated portions of the county, including fire and police protection and social services. The County also regulates development within its jurisdiction.

### **Agency Structure**

The Board of Supervisors oversees the County of Santa Barbara, which is comprised of five elected members representing separate geographic areas determined by population. The Board is assisted in its overview of County operations by the County Administrator's Office and in its mission by 18 departments and the Courts and District Attorney's office. The County Departments include Public Works, Fire, Planning and Development, Parks, Social Services, Public Defender, Job Training Network, Personnel, General Services, Mental Health, County Counsel, Health Care Services, Agriculture and Cooperative Extension, Auditor-Controller, Treasurer Tax Collector, County Clerk-Recorder Assessor and Sheriff-Coroner.

The Planning and Development Department is comprised of five divisions responsible for development regulation, including: Comprehensive Planning (prepares long range plans); Energy (regulates and develops policy for onshore facilities supporting offshore oil and gas development); Zoning Administration (reviews minor permit applications, prepares ordinance amendments, provides public information, and investigates zoning violations); Development Review (reviews major permit applications, including preparation of environmental documents); and Building and Safety (enforces building and grading codes and ordinances through plan review and inspections).

### **Legislation and Regulation**

The County implements a number of regulations, including the following related to development: land use regulations, building codes, fire codes, and flood control regulations. The County exercises land use authority outside the coastal zone through adopted zoning and other ordinances and a general plan, and inside the coastal zone through a certified Local Coastal Program (LCP), including a Coastal Land Use Plan, zoning ordinance and other implementation tools. The County's LCP is not certified in the Channel Islands. Rather, the Channel Islands are a "white hole", meaning the California Coastal Commission retains authority to issue Coastal Development Permits (CDP) for the area. However, the County retains its basic land use authority in the Channel Islands. Prior to the Coastal Commission accepting an application for a CDP, the County must review and approve any required discretionary permit, which also entails conducting CEQA review. If no discretionary permit is required, the Coastal Commission requires signoff from the local agency prior to processing their CDP. After the Coastal Commission approval of a CDP, the County issues a Land Use Permit and Building and Grading Permit authorizing construction of the project.

## **Authority**

The County of Santa Barbara is a general law county and political subdivision of the State of California and its authority is delegated from the State.

## **Prohibited or Otherwise Regulated Activities**

The portions of the Channel Islands subject to County regulation, including Santa Cruz and Santa Rosa Islands from the mean high tide landward, are designated Agriculture II, and zoned AG-II-320, rural agriculture with a 320 acre minimum parcel size, which designates agricultural uses as permitted uses. A number of uses are conditionally permitted on agriculturally zoned land, subject to review and approval of a discretionary permit, including: low intensity recreational development, animal hospitals and clinics, wineries, aquaculture, communication and navigational aids, exploration and production of offshore oil and gas reservoirs from onshore locations, farm labor camps, and other similar uses.

The County has also adopted a number of policies relating to development on Santa Cruz and Santa Rosa Islands which are contained in the County's LCP. These policies prohibit the introduction of certain non-native animals, the construction of major commercial or recreational facilities except where they are found not to have significant unavoidable adverse impacts, and require any development be sited and designed to avoid resource impacts and to be subordinate to the natural setting. The County's adopted policies also allow for clustered residential development on the Islands under certain circumstances if designed to preserve non-prime agricultural operations.

## **Programs and Agency Activities**

Please see the County's home page and web sites: [www.co.santa-barbara.ca.us](http://www.co.santa-barbara.ca.us)

## **Boundary**

The County regulates land uses within its boundaries, excluding incorporated cities, State operated universities, and Federal lands. In terms of the Channel Islands, the County has land use authority from the mean high tide line landward on Santa Cruz and Santa Rosa Islands. Santa Barbara and San Miguel Islands are owned and managed by the federal government, and Anacapa Island is not located within the boundaries of Santa Barbara County.

## **VENTURA COUNTY NAVAL COMPLEX**

The Ventura County Naval Complex is comprised of all Navy components within the Ventura County area. The Naval Construction Battalion Center, Port Hueneme and the Naval Air Station are the primary host bases, with major tenants such as: the Naval Air Warfare Center, Weapons Division (NAWCWD) at Point Mugu and the Naval Ship Warfare Center (NSWC) at Port Hueneme. Of greatest interest to the Channel Islands National Marine Sanctuary (CINMS) Advisory Committee is the NAWCWD and the Sea Range where military training and testing is conducted.

### **Agency Overview**

NAWCWPNS Point Mugu controls 36,000 square miles of Special Use Airspace (SUA) over the Pacific Ocean associated with the Sea Range. This area provides the Navy with a realistic operational environment for the safe conduct of controlled air, surface, and subsurface launched missile tests, aircraft tests, and fleet exercises involving aircraft, surface ships, and various targets. The Sea Range stretches from offshore San Luis Obispo County to areas offshore of Los Angeles County (see figure). In addition to facilities at NAS Point Mugu and Laguna Peak, the Point Mugu Sea Range includes the northern Channel Islands and San Nicolas Island. The Navy owns San Nicolas Island, San Miguel Island and leases property on Santa Cruz Island. Although owned by the Navy, San Miguel Island is jointly managed by the Navy and the Channel Islands National Park, which administers the management program. These island sites are primarily used for instrumentation for critical Sea Range operations. The combination of location, widespread instrumentation sites, unique test capabilities, and a highly skilled technical workforce provides the most advanced and efficient method for conducting the critical test and evaluation (T&E) and training necessary to maintain technical standards in the U.S. Navy.

Sufficient usable airspace for T&E, training, and other range activities is vital to the success of meeting NAWCWPNS Point Mugu mission requirements. Airspace overlying the Sea Range includes both Restricted Areas and Warning Areas. Restricted Areas are airspace over U.S. land or territorial waters that are used by the military to exclude non-authorized aircraft and to contain hazardous military activities. The term "hazardous" implies, but is not limited to, firing of weapons, aircraft training and testing, and other specialized events from which it is prudent to exclude civil air traffic. Warning Areas are designated airspace for military activities that are in international airspace but are open to all aircraft. Flights in Warning Areas by non-participating aircraft are not prohibited since these areas are over international waters.

The controlled airspace of the restricted and Warning Areas extend from the surface to an "unlimited" altitude. The restricted areas on the Sea Range are over San Nicolas Island, over the Naval Air Station Point Mugu airfield, and over nearshore territorial waters adjacent to the airfield. NAWCWD Point Mugu takes every reasonable measure to ensure that Sea Range airspace is clear of non-participating air and sea traffic prior to any hazardous activities.

### **Agency Structure**

Department of Defense

Department of the Navy  
Chief of Naval Operations  
Naval Air Systems Command  
Naval Air Warfare Center Weapons Division

**Authority**

The Naval Air Missile Test Center was established by Secretary of the Navy Order No. 1-46 on October 1, 1946. Congress provided the withdrawal of San Nicolas Island and San Miguel Islands for the Navy uses.

**Prohibited or otherwise regulated activities**

Activities in the Sea Range are only regulated in the Restricted Areas of Point Mugu and the area around San Nicolas Island. Military activities are scheduled and conducted outside of routinely traveled air and sea space. These areas are monitored during military operations for presence of non-participants that may stray within the hazard zone. Potentially hazardous military operations are never conducted if non-participating planes or ships venture into a buffer zone established to ensure their protection. Although the establishing guidelines for the Channel Islands National Marine Sanctuary allows for routine Naval operations, the Navy actively avoids conducting operations within the boundaries of the Sanctuary.

**Programs and agency activity**

Provided upon request.

**Boundary**

See figure.

## CALIFORNIA COASTAL COMMISSION

### Agency Overview

The Coastal Commission was established by the California Coastal Act of 1976 (Ca. Public Resources Code sections 30000 et seq.) which was enacted by the State Legislature to provide long-term protection of California's 1,100-mile coastline for the benefit of current and future generations. The Coastal Act created a unique partnership between the State and local government (15 coastal counties and 58 cities) to manage the conservation of coastal resources and permit development (found consistent with the policies of the Coastal Act) through a comprehensive planning and regulatory program. The 1976 Act made permanent the coastal protection plan approved on a temporary basis by a statewide citizen initiative in 1972 (Proposition 20).

### Agency Structure

The California Coastal Commission has 12 voting and 4 nonvoting members. The voting members are appointed equally (four each) by the Governor, the Rules Committee of the State Senate, and the Speaker of the State Assembly. Six of the voting members are "public" members representative of the public at large and six are locally elected officials (i.e. county supervisors or City Council members) representative of the local governments in each of six coastal regions as specified in the Coastal Act (north to south). Each Commissioner may appoint an alternate to serve during his or her absence. The Secretaries of the California Resources Agency and Business and Transportation and Housing Agency, the Chairperson of the State Lands Commission, and the Director of the Trade and Commerce Agency serve as nonvoting members. Voting members serve two-year terms but may be reappointed or they may be replaced, at the option of the appointing authority, at any time.

The Commission must meet at least once a month in a location that varies throughout the Coastal Zone statewide. The Commission usually meets for three or four days at a time in a coastal community, generally alternating between northern and southern California. When possible, the Commission tries to schedule controversial items in a location convenient to the affected communities.

The Commission retains six offices throughout the State. The San Francisco office is the location for the Commission's headquarters and contains the Executive, Accounting and Business Services, Energy and Ocean Resources, North Coast Land Use, Legal, Personnel and Technical Services Divisions. Smaller, District offices are located in Santa Cruz, Ventura, Long Beach and San Diego. A legislative office is located in Sacramento. The District offices are responsible for planning and regulation within a designated geographic area of the Coastal Zone. For instance, the Commission's South Central Coast Area Office in Ventura is responsible for all land use planning and permitting in Santa Barbara, Ventura and the Malibu/Santa Monica Mountains portion of Los Angeles County. The Channel Islands are located within the area of responsibility of the Ventura office.

## **Legislation and Regulation**

The California Coastal Act of 1976, passed by the State Legislature, established the Coastal Commission. The Coastal Act also enabled the Commission to adopt regulations (California Code of Regulation, Title 14. Natural Resources, Division 5.5. CCC). The Commission's regulations, which must also be approved by the State Office of Administrative Law, contain provisions addressing public meeting requirements; staffing; permit requirements including provisions for filing, exclusions, exemptions, staff recommendation formats, public notice, voting procedures, appeals and enforcement; and procedures for certifying Local Coastal Program (LCP) Land Use Plans and Implementation Plans.

## **Authority**

In addition to the authority established by the State Coastal Act of 1976 the Commission has been granted the power of "Federal Consistency Review" under the Federal Coastal Zone Management Act (CZMA) enacted by Congress and the President in 1972 and periodically re-authorized since then. After California's Coastal Management Program (CCMP) was approved by the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce pursuant to the CZMA in 1977, all federal activities affecting coastal zone resources became subject to the Commission's regulatory jurisdiction. It is the only State agency in California with regulatory authority over all federally permitted or funded projects as well as those directly undertaken by federal agencies (i.e., the Navy, Air Force, Corps of Engineers, National Park Service) that affect the state's coastal zone resources. This includes the leasing, exploration, development, and production of offshore oil and gas resources in federal waters (beyond the State's 3-mile limit).

## **Prohibited or Otherwise Regulated Activities**

All "development" as defined by the Coastal Act is subject to the permit and regulation requirements of the Coastal Act. Section 30106 defines development as follows:

### Section 30106.

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan



submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Coastal Act policies constitute the standard of review used by the Commission in its coastal development permit decisions and for the review of Local Coastal Programs prepared by local governments and submitted to the Commission for approval. These policies require:

- Protection and expansion of public access to the shoreline and recreational opportunities and resources, including commercial visitor-serving facilities;
- Protection, enhancement and restoration of environmentally sensitive habitats, including intertidal and nearshore waters, wetlands, bays and estuaries, riparian habitat, certain wood and grasslands, streams, lakes, and habitat for rare or endangered plants or animals;
- Protection of productive agricultural lands, commercial fisheries and archaeological resources;
- Protection of the scenic and visual quality of coastal areas;
- Provisions to direct new development into areas with adequate services to accommodate it and to establish urban-rural boundaries to the maximum extent feasible;
- Provisions for the expansion of existing industrial ports and for the siting of coastal-dependent uses in an environmentally sound manner.
- Provisions to minimize risks to life or property in areas of high geologic, flood and fire hazard and minimize erosion, geologic instability and the construction of protective devices which alter natural landforms or shoreline processes.

Coastal Act Policies are also used by the Commission to review federal activities that affect the coastal zone. In addition, the Commission has direct permitting responsibilities over all offshore oil and gas development activity within the State's three-mile jurisdiction.

### **Programs and Agency Activity**

In addition to the direct permit and regulation responsibilities discussed above the Commission has a number of other permanent responsibilities:

- In partnership with the State Coastal Conservancy, implement a coastal public access program that protects and improves the ability of Californians and visitors to use and enjoy the coast. As part of this public access program the Commission has prepared the [California Coastal Access Guide](#);
- Hear and decide appeals from coastal development permit decisions of local governments;
- Review all amendments to previously approved land use plans and implementation plans submitted by cities and counties, industrial ports, and certain public and private universities located in the coastal zone;
- Periodically review each certified LCP to determine if Coastal Act goals and policies are being effectively implemented in light of changing needs and circumstances;

- Carry out law enforcement duties to prevent Coastal Act violations.
- Together with the State Office of Oil Spill Prevention and Response, carry out work to protect against and respond to oil spills on the coast;
- Establish and maintain a Coastal Resource Information Center as a central clearinghouse for information relating to coastal and ocean resource management issues and research. As part of this program the Commission has prepared the California Coastal Resources Guide;
- Carry out a public education and involvement program relating to coastal environmental protection that includes the annual “Beach Clean-up Day”, the ongoing “Adopt-a-Beach” program, and teacher training in the K-12 “Save Our Seas” curriculum;
- Working with State water quality control agencies to implement a strategy to reduce pollution of coastal waters from non-point sources (i.e. storm runoff, construction sites and agriculture).

## **Boundary**

Excluding San Francisco Bay, which has its own coastal management program, the California coast stretches some 1,100 miles from Oregon to the border with Mexico, and includes approximately 287 miles of shoreline around 9 offshore islands. In 1976, the Legislature specifically mapped the inland boundary of the Coastal Zone. These maps are on file with the Commission and the Secretary of State. The coastal zone encompasses some 1.5 million acres of land and extends from 3 miles at sea to an inland boundary that varies from a few blocks in the more urban areas of the State to about 5 miles in less developed and more sensitive areas.

## **MINERALS MANAGEMENT SERVICE PACIFIC OUTER CONTINENTAL SHELF REGION**

### **Establishing Legislation**

On January 19, 1982, by Secretarial Order No. 3071, the Minerals Management Service (MMS) was established under the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (65 Stat. 1262). On May 10, 1982, by Secretarial Order No. 3071, Amendment No. 1, all Outer Continental Shelf (OCS) leasing responsibilities of the Department of the Interior were consolidated within MMS under the authority provided by Section 2 of Reorganization Plan No. 3 of 1950. Amendment No. 2, dated May 26, 1982, set forth the basic organizational structure for MMS and provided for the transfer of administrative functions. Secretarial Order No. 3087 dated December 3, 1982, and Amendment No. 1, dated February 7, 1983, provided for the transfer of royalty and mineral revenue management functions, including collection and distribution within the Bureau of Land Management, to MMS. It also provided for the transfer of all onshore minerals management functions on Federal and Indian lands to be transferred to the Bureau of Land Management.

### **Pertinent Regulations and Bureau Responsibilities**

The basic responsibilities of MMS are derived from Departmental regulations and delegations of authority issued to implement various statutes, including the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended and supplemented (30 U.S.C. 181-287); the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-359); Section 402, Reorganization Plan No. 3 of 1946 (60 Stat. 1099); the OCS Lands Act, as amended (43 U.S.C. 1331-1356); the Clean Air Act (42 U.S.C. 7401, et seq.); the Endangered Species Act (16 U.S.C. 1531 et seq.); the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.); the Magnuson-Stevens Fisheries Conservation Act (16 U.S.C. 1801 et seq.) the Oil Pollution Act of 1990 (33 U.S.C. 2701, et seq.); the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025); the Tribal Lands Leasing Act (25 U.S.C. 369a); the Allotted Lands Indian Act (25 U.S.C. 396); the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); and the Federal Oil and Gas Simplification and Fairness Act of 1996 (30 U.S.C. 1701-1702).

The MMS reports to the Assistant Secretary – Land and Minerals Management, U.S. Department of the Interior.

The MMS administers the Nation's oil and natural gas resources in the OCS located in the waters beyond three nautical miles from shore<sup>1</sup>. The MMS is responsible for managing the mineral resources on the OCS in an environmentally sound and safe manner and to timely

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<sup>1</sup> Texas and the Gulf coast of Florida are extended 3 marine leagues (approximately 9 nautical miles) seaward from the baseline from which the breadth of the territorial sea is measured. Louisiana is extended 3 imperial nautical miles (imperial nautical mile=6080.2 feet) seaward of the baseline from which the breadth of the territorial sea is measured. All other States' seaward limits are extended 3 nautical miles (approximately 3.3 statute miles) seaward of the baseline from which the breadth of the territorial seaward is measured.

collect, verify, and distribute mineral revenues from Federal and Indian lands. Federal regulations guiding the exploration and development of resources on the OCS can be found in the Code of Federal Regulations (CFR) Title 30 Parts 250, 251, 256, 280, 281, and 282.

The MMS assesses the nature, extent, recoverability and value of leasable minerals on the OCS. It ensures the orderly and timely inventory and development—as well as the efficient recovery—of mineral resources; encourages use of the best available and safest technology; provides for fair, full, and accurate returns to the Federal Treasury for produced commodities; and safeguards against fraud, waste, and abuse. The MMS ensures the protection of life, health, and the natural environment in the course of private sector activities on leased Federal OCS lands. It promotes cooperative relationships between the Federal Government, the States, and Indian feeholders, with respect to national, regional, or local issues related to the full scope of its responsibility.

### **Pacific OCS Region Program and Activities**

Daily management responsibility for OCS lands offshore California, Hawaii, Oregon, and Washington resides with the Pacific OCS Region located in Camarillo, California. The Pacific OCS Region is divided into three program areas, each with different responsibilities for management of mineral resources of the Pacific OCS.

The Office of Field Operations:

- Directs inspection and enforcement activities to assure compliance of OCS oil and gas lessees with the provisions of OCS oil and gas leases and the requirements of governing regulations.
- 6. Is responsible for assuring the coordination of the post-lease management activities of the MMS with the activities of other Federal agencies.
- 7. Is responsible for assuring the coordination of post-lease management activities of MMS with activities regulated by State and local government agencies.
- 8. Provides management, policy guidance, direction and program oversight for the Region's District offices.
- 9. Serves as regional coordinator for Royalty Management issues.

The Office of Environmental Evaluation:

- 10. Procures, develops and employs information on potential environmental consequences of OCS exploration and development.
- 11. Performs technical environmental reviews and analyses.
- 12. Monitors and ensures compliance with environmental conditions of project approval.
- 13. Provides regional environmental studies planning and coordination.
- 14. Responsible for the legal administration/management of the leases within the region.
- 15. Adjudicates legal documents relating to OCS leases.
- 16. Processes all official record title actions (including assignments, relinquishments, and terminations).
- 17. Qualifies companies, corporations, and their officials to hold interest in and to sign all documents relating to OCS leases.
- 18. Processes all Fisherman's Contingency Fund claims.

19. Resolves lessee financial responsibility issues.
20. Initiates waivers or amendment of stipulations, as necessary.
21. Performs overview of mapping efforts, maps and diagrams used for legal purposes (protraction diagrams and split-block diagrams).

The Office of Production, Development and Resource Evaluation:

22. Ensures industry compliance with established policies regarding exploration, development and production on OCS leases.
23. Administers lease suspensions, unitization, competitive reservoir determinations, and end-of-life royalty relief applications.
24. Conducts and maintains ongoing geological and petroleum engineering studies of OCS lands necessary to estimate oil and gas reserves and resources.
25. Conducts G&G permitting and acquisition activities.
26. Conducts comprehensive reservoir characterization of Pacific OCS fields.
27. Participates in offshore-related scientific studies with academia, industry and other government agencies.
28. Develops partnerships to achieve effective exploration and development of common Federal/State fields.
29. Publishes and disseminates information related to the mineral resources of the OCS.
30. Provides support for MMS hard mineral and international program activities.

Currently, there are 83 active leases in OCS waters off of southern California. Forty-three are producing leases and 40 are presently non-producing. There are 23 platforms on the southern California OCS, producing approximately 137 thousand barrels of oil per day.

### **Jurisdictional Overlap with the Channel Islands National Marine Sanctuary**

The Channel Islands National Marine Sanctuary extends into the Federal OCS approximately 3 nautical miles. Except for 5 active leases<sup>2</sup> in the eastern Santa Barbara Channel (see Figure 1 and Table 1) and in certain emergency situations, exploring for, developing, and producing hydrocarbons<sup>3</sup> within the boundaries of the CINMS is prohibited (15 CFR 922.71).

There have been thirteen exploratory wells drilled within the boundaries of the Channel Islands National Marine Sanctuary. Only 1 development well (OCS-P 0205 well E006 from Platform Gail) has been drilled into the CINMS. This well is currently shut-in. The last production from E006 was in March, 1998.

Finally, geophysical exploration for oil and gas, though prohibited now, has occurred within the boundaries of the CINMS. At least 48 permits for geophysical surveying have been issued by the Minerals Management Service and the United States Geological Survey since 1963. The last geophysical exploration permit issued in which the survey crossed the CINMS boundary was in 1988.

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<sup>2</sup> Leases issued prior to March 30, 1981 are excluded from the regulatory prohibitions found at 15 CFR 922.71.

<sup>3</sup> The laying of pipeline within the CINMS is not prohibited if certain oil spill contingency equipment is available at the site of such operations (see 15 CFR 922.71 (a)(1)(i-iii)).



## **UNITED STATES COAST GUARD**

### **Agency Overview**

The US Coast Guard has two stations with numerous small boats, one in Channel Islands and the other in Morro Bay, two 82ft cutters the Pt. Camden and Pt. Carrew, and one Marine Safety Detachment in the immediate vicinity of the Channel Islands.

### **Agency Structure**

The Coast Guard operates under the Department of Transportation and all its field commanding officers answer to the Commandant of the CG, Admiral Loy. All of the coast guard units in the area of the Channel Islands are commanded by Capt. Wright of Marine Safety Office/Group office located in Long Beach, Ca. Captain Wright wears many hats and is the Captain of the Port, Officer in Charge of Marine Inspections, Federal On-scene Coordinator for the counties of Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo. Within in this area of responsibility he commands approximately 400 sailors. The Supervisor of the Marine Safety Detachment answers directly to Capt. Wright and is his on-scene representative for enforcement of the Acts and Conventions listed in the below paragraph.

### **Legislation and Regulation**

The US Coast Guard enforces numerous regulations involving vessels, facilities and individuals. Some of the more common laws and regulations include the Safety Of Life at Sea Convention, Federal Water Pollution Control Act of 1972, The Oil Pollution Act of 1990, Passenger Vessel Safety Act, Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990, Magnuson Fisheries Act, Coastal Zone Management Act of 1972, Comprehensive Environmental Response Compensation Liability Act, Abandoned Barge Act of 1992, Hazardous Materials Transportation Act of 1974, Refuse Act of 1899, Ports and Waterways Safety Act of 1972, Port and Tanker Safety Act of 1978, Marine Protection Research and Sanctuaries Act of 1972, Safe Boating Act, Marine Pollution by Dumping of Wastes and Other Matter Convention, Endangered Species Act, Occupational Safety and Health Act of 1970, Act to Prevent Pollution from Ships of 1980, and Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act, Fishing Vessel Safety Act of 1988, Federal Boat Safety Act of 1971, Dangerous Cargo Act of 1940, and there are numerous other conventions and memorandum of understanding between local, state and federal agencies that the CG shares jurisdiction with.

### **Authority**

The Coast Guards authority comes from US Code and Law, Executive Orders, and International Law.

## **Prohibited or Otherwise Regulated Activities**

On navigable water and or any pathway leading to navigable waterway the Coast Guard has broad regulatory authority to enforce all the acts and conventions mentioned in the legislation and regulation paragraph. During times of war, the Coast Guards regulatory authority over waterway management and port security is more inclusive.

## **Programs and Agency Activities**

Please see the US Coast Guard Web Page at <http://www.uscg.mil>

## **Agency Overview**

Federal waters extend from 3-200 miles from shore. Within 3 miles, and all waters or pathways flowing into navigable waters the CG shares jurisdiction with state.



## **CALIFORNIA DEPARTMENT OF FISH AND GAME MARINE REGION**

### **Agency Overview**

The Marine Region is one of seven regions in the California Department of Fish and Game (Department). The Marine Region is responsible for field operations and policy concerning the conservation and management of California's marine resources seaward from mean high tide. Six other regions, including three that border the coast, conduct land-based field operations for the Department, while policy, programs and administration are conducted by four divisions in Department headquarters in Sacramento. The Marine Region is headquartered in Monterey and has major offices for northern (Menlo Park), central (Monterey) and southern (Long Beach) operations. Staff are also located at various field offices (Fort Bragg, Bodega Bay, Fairfield, Santa Cruz, Morro Bay, Santa Barbara), inland regional offices (Eureka, San Diego), the National Marine Fisheries Service, Southwest Fisheries and Science Center (La Jolla) and at a marine hatchery facility (Carlsbad).

### **Agency Structure**

Governor's Office  
Resources Agencies  
Fish and Game Commission  
Department of Fish and Game  
Marine Region

### **Legislation and Regulations**

The Department is responsible for protecting, managing, restoring, and enhancing fish, wildlife, and native plant resources in California. The Department's authority regarding California's living marine resources and habitats is established in State law by the California Legislature (Fish and Game Code, Public Resources Code), in State regulations by the California Fish and Game Commission (California Code of Regulations, Title 14, California Administrative Code), and through various federal statutes.

The Fish and Game Commission (Commission) formulates general policies for the guidance of the Department, and the Legislature delegates to the Commission the authority to regulate sport fishing and hunting, and certain aspects of commercial fisheries, including fish reduction, aquaculture, kelp and aquaculture leases, and abalone and urchins. The Legislature has retained authority for regulating other commercial marine fisheries. Some commercial fisheries that involve multiple states or other countries, such as ocean salmon and groundfish, are regulated by the Pacific Fishery Management Council (Council). California participates as a voting member of the 13-member Council, which is one of eight regional fishery management councils originally established by the Magnuson Fishery Conservation and Management Act to regulate and manage U.S. marine fisheries out to 200 miles and further for migratory and salmonid species.

## Authority

The management of California's marine resources has been historically guided by Division 2, Chapter 7, Section 1700, "Conservation of Aquatic Resources", of the Fish and Game Code. This section declares it ... to be the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant-water fisheries based in California...and identifies the following objectives:

- (a) The maintenance of sufficient populations of all species of aquatic organisms to insure their continued existence.
- (b) The recognition of the importance of the aesthetic, educational, scientific, and nonextractive recreational uses of the living marine resources of the California Current.
- (c) The maintenance of a sufficient resource to promote a reasonable sport use, where a species is the object of sport fishing, taking into consideration the necessity of regulating individual sport fishing bag limits to the quantity that is sufficient to provide a satisfying sport.
- (d) The growth of local commercial fisheries, consistent with aesthetic, educational, scientific and recreational uses of such living resources, the utilization of unused resources, taking into consideration the necessity of regulating the catch within the limits of maximum sustainable yields, and the development of distant-water and overseas fishery enterprises.
- (e) The management, on a basis of adequate scientific information promptly promulgated for public scrutiny, of the fisheries under the state's jurisdiction, and the participation in the management of other fisheries in which California fishermen are engaged, with the objective of maximizing the sustained harvest.
- (f) The development of commercial aquaculture.

During the 1998 legislative session, The Marine Life Management Act (Act) was enacted. This landmark legislation is codified in the Fish and Game Code as Division 0.5, Chapter 2. "Marine Life Definitions" and in Division 6, Part 1.5, "Fishery Management Plans", Chapters 1- 4 and in Division 6, Part 1.7, "Conservation and Management of Marine Living Resources", Chapters 1-7. The Act declares that the critical need to conserve, utilize, and manage the state's marine fish resources, held in trust by the department, warrants exploring the feasibility of developing and implementing comprehensive fishery management plans that utilize the best scientific information available to establish measures to conserve, restore, enhance, protect, and use fish resources and to protect the habitat upon which they depend. The act also establishes that it is the policy of the state to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the state. The objective of this policy shall be to accomplish all of the following:

- (1) Conserve the health and diversity of marine ecosystems and marine living resources.
- (2) Allow and encourage only those activities and uses of marine living resources that are sustainable.
- (3) Recognize the importance of aesthetic, educational, scientific, and recreational uses that do not involve the taking of California's marine living resources.

- (4) Recognize the importance to the economy and the culture of California of sustainable sport and commercial fisheries and the development of commercial aquaculture consistent with the marine living resource conservation policies of this act.
- (5) Support and promote scientific research on marine ecosystems and their components to develop better information on which to base marine living resource management decisions.
- (6) Manage marine living resources on the basis of the best available scientific information and other relevant information that the commission or the department possesses or receives.
- (7) Involve all interested parties, including, but not limited to, individuals from the sport and commercial fishing industries, aquaculture industries, coastal and ocean tourism and recreation industries, marine conservation organizations, local governments, marine scientists, and the public in marine living resource decisions.
- (8) Promote the dissemination of accurate information concerning the condition of, or management of, marine resources and fisheries by seeking out the best available information and making it available to the public through the marine resources management process.
- (9) Coordinate and cooperate with adjacent states, as well as with Mexico and Canada, and encourage regional approaches to management of activities and uses that affect marine living resources. Particular attention shall be paid coordinated approaches to the management of shared fisheries.

The act also declares that it is policy of the state that:

- (a) California's marine sport and commercial fisheries, and the resources upon which they depend, are important to the people of the state and, to the extent practicable, shall be managed in accordance with the policies and other requirements of this part in order to assure the long-term economic, recreational, ecological, cultural, and social benefits of those fisheries and the marine habitats on which they depend.
- (b) Programs for the conservation and management of the marine fishery resources of California shall be established and administered to prevent overfishing, to rebuild depressed stocks, to ensure conservation, to facilitate long-term protection and, where feasible, restoration of marine fishery habitats, and to achieve the sustainable use of the state's fishery resources.
- (c) Where a species is the object of sport fishing, a sufficient resource shall be maintained to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport.
- (d) The growth of commercial fisheries, including distant-water fisheries, shall be encouraged.

The act goes on to establish a system of objectives for managing every marine fishery; mandate the establishment of a program for external peer review of the scientific basis of management documents; require annual reports to the commission on the status of fisheries; require the state's fisheries be managed by means of fishery management plans; specify contents and process for developing fishery management plans; and define 'emerging' fisheries and establish an evaluation period for these fisheries.

During 1998, the Marine Region adopted the following Mission Statement:

**“TO PROTECT, MAINTAIN, ENHANCE, AND RESTORE CALIFORNIA’S MARINE ECOSYSTEMS FOR THEIR ECOLOGICAL VALUES AND THEIR USE AND ENJOYMENT BY THE PUBLIC”**

## **Prohibited or Otherwise Regulated Activities**

### **Programs and Agency Activities**

The Marine Region, as reorganized in 1998, is unique in the Department in that it is responsible for both policy and operations. The Department's marine-related functions, now consolidated in the Marine Region, include law enforcement and education, environmental services and project review, technical and scientific support, oil spill prevention and response, including veterinarian services, fish and shellfish pathology, commercial fisheries information system, research vessel operations; and fisheries monitoring, and research and assessment.

Marine Region operations are organized geographically, with a Marine Manager responsible for operations and facilities in one of three areas: northern, central and southern California. Coast-wide marine policy is developed and coordinated within the three marine ecosystem zones: the Bays and Estuaries Ecosystem, the Nearshore Ecosystem, and the Offshore Ecosystem. The three area managers also function as policy level managers, called Ecosystem Coordinators, and are responsible for the development and implementation of ocean policy and the coordination of Ecosystem Teams. To make optimal use of Department and other resource management expertise, the Marine Region is fostering a team approach to resource management and public service, on both a geographic and an ecosystem basis.

### **Boundaries**

"Ocean" waters mean the waters of the Pacific Ocean regulated by the state (Fish and Game Code Section 8610.2). State marine waters are generally all those saline waters from mean high tide out to three miles but exclude tidewaters upstream from the mouths of coastal rivers and streams. Marine waters include the waters of San Francisco and San Pablo bays downstream from Carquinez Bridge, the tidal portions of rivers and streams flowing into San Francisco and San Pablo bays and the waters of Elkhorn Slough west of Elkhorn Road between Castroville and Watsonville (Title 14, Section 1.53).

## **CHANNEL ISLANDS NATIONAL PARK**

The Park has proprietary Federal Jurisdiction out one mile around each of the five park islands on the water. The state has ownership, and therefore jurisdiction, in the water column, living marine resource, and sea bottom. We have proprietary jurisdiction on all islands except for San Miguel Island which is exclusive federal jurisdiction. There are a few small areas of exclusive federal jurisdiction around the Anacapa Island lighthouse and other USCG sites.

## NATIONAL MARINE FISHERIES SERVICE

### Agency Overview

The National Marine Fisheries Service (NMFS) or “NOAA Fisheries” is a part of the National Oceanic and Atmospheric Administration (NOAA). NMFS administers NOAA’s Programs which support the domestic and international conservation and management of living marine resources within the United States Exclusive Economic Zone. NMFS provides services and products to support domestic and international fisheries management operations, fisheries development, trade and industry assistance activities, enforcement, protected species and habitat conservation operations, and the scientific and technical aspects of NOAA’s marine fisheries program.

### Agency Structure

The Southwest Region (SWR) is one of NMFS’s five regional offices and five research centers throughout the United States. The SWR assesses, manages, and promotes the conservation of living marine resources from its Regional Office in Long Beach and field offices in Arcata, Eureka, Santa Rosa, Sacramento and Honolulu. The Southwest Fisheries Science Center (SCFSC) is the research component of the region and provides scientific support from its four research facilities: the Science Center in La Jolla, the Fisheries Laboratory in Santa Cruz/Tiburon, the Pacific Fisheries Environmental Laboratory in Pacific Grove, and the Honolulu Fisheries Laboratory.

The SWR’s marine resource programs encompass over 1.3 million square miles of the Pacific Ocean. Its programs are divided among three divisions: sustainable fisheries, habitat conservation, and protected resources management.

### Sustainable Fisheries Division:

The Southwest Region’s Sustainable Fisheries Division administers fishery management, grant, trade and industry services programs from the Regional Office in Long Beach, CA. Many of these programs are operated in close collaboration with the Pacific Islands Area Office (PIAO) in Honolulu, Hawaii. The goal is to manage the recreational and commercial fisheries of the region to provide a sustainable harvest that provides the greatest overall benefit to the nation. The Division works with the Pacific Regional Fishery Management Council to develop policies and regulations for fishing in the ocean between three and two hundred miles from the shore of California. Assistance is also provided to the PIAO in working with the Western Pacific Council to manage fisheries in the EEZ off Hawaii, American Samoa, Guam, and the Northern Mariana Islands, and around U.S. possessions in the Pacific. The Division works to provide grants to state and foreign-associated governments to help those entities be full partners in the fishery management programs. Advice is provided to the Dept. of State (DOS) in negotiating international and high seas fisheries agreements, and we help DOS to negotiate more favorable trade agreements for U.S. fishery product exports by providing DOS up-to-date information on the trends in international seafood trade and identifying barriers to U.S. products. The Division manages observer programs for monitoring and interaction/mortality of protected species on the

California set net and driftnet fisheries, and the Hawaii longline fishery. Permits are also issued for High Seas Fishing and Pacific bluefin tuna exporters. As part of our fishery management program, data are collected on fishery operations, seafood markets, and fisheries trade. We publish the information we collect annually in FISHERIES OF THE UNITED STATES. Special reports appear in the NOAA Technical Memoranda series, and subscribers can get current seafood market information through fax-on-demand, an automated service which allows customers to select individual reports of interest and have those reports faxed back to them within minutes. The Division administers grant programs that enhance State fishery agency programs (Interjurisdictional Fisheries Act and Anadromous Fisheries Conservation Act Grants) and that support industry innovation and research (Saltonstall-Kennedy grants). Assistance is also provided to the states in developing and implementing data collection and management systems.

### **Habitat Conservation Division:**

The Habitat Conservation Division reviews and evaluates the impacts of water resource development activities on marine, estuarine and anadromous fishery resources and the habitats which support them. The division provides formal mitigation recommendations for input through National Environmental Policy Act (NEPA) environmental review process and final incorporation in Federal regulatory permits and licenses for in-water developments based upon these reviews. Those reviews are governed in large part by the Regional Habitat Protection Policy and other related policies. The Division also conducts fieldwork and extensive interagency coordination to ensure measures to mitigate damage, prevent adverse impact and enhance the fishery resources are scientifically sound. Typical project situations include Essential Fish Habitat Consultations; U.S. Army Corps of Engineer's Section 10 and 404 permits; Federal Energy Regulatory Commission projects; Outer Continental Shelf leasing and development projects; and Coastal America projects. The responsibilities of the Division are divided into three geographic areas with the office located in Santa Rosa responsible for central and northern California, the Long Beach office responsible for southern California, and the Honolulu office responsible for projects in Hawaii and Pacific Island area. Also within the Division is the Marine Recreational Fisheries Program. It is designed to promote the collection and use of data on marine angling in support of good resource management.

### **Protected Species Management Division:**

The Protected Species Management Division is responsible for conservation and management programs involving endemic and migratory marine mammals and endangered species populations adjacent to California and in southern, western and eastern tropical Pacific Ocean. The Division develops regulations and management measures to protect, conserve and restore marine mammal and endangered species populations. The division manages a marine mammal and endangered species stranding network throughout the Region. It conducts consultations under Section 7 of the Endangered Species Act to ensure that Federal agency activities do not adversely affect endangered species, including controversial consultations on major water development projects in California. The Division reviews the status and makes determinations relative to listing species under the Endangered Species Act. It coordinates the activities of recovery teams in preparing recovery plans and monitoring their implementation. The Division reviews and monitors research and public display permits for marine mammals and

endangered species. It develops and distributes public information and educational materials about marine mammals and endangered species in the Region.

Associated offices in the Region include the Southwest Office of General Counsel, Damage Assessment and Restoration Program, Southwest Law Enforcement, and the Office for Intergovernmental & Recreational Fisheries.

## **Legislation and Regulation**

Several resource laws guide NMFS including the Magnuson-Stevens Act, the Endangered Species Act, the Marine Mammal Protection Act, and other various statutes (visit related website).

Under the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act, fishery management plans (FMPs) must contain conservation and management measures which prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery. These measures must be based on the best scientific information available, consider efficiency, minimize costs, avoid unnecessary duplication, minimize bycatch and the mortality of bycatch, and promote the safety of human life at sea. They must also provide for the sustained participation of fishing communities while minimizing adverse economic impacts on them, to the extent practicable and consistent with conservation aims and requirements. FMPs must also contain provisions to conserve essential fish habitat. This requires NMFS to establish guidelines to assist the Pacific Fisheries Management Council in the identification and conservation of such habitat, and to consult on all Federal or state actions which could have adverse impacts on that habitat.

Under the Endangered Species Act (ESA), NMFS, as delegated by the Secretary of Commerce, is responsible for the protection of those marine species listed as threatened or endangered, and for identifying candidate species for such listings. The ESA mandates that we consult with other Federal agencies to assess the impact of actions that may affect listed species, and to minimize those impacts, either through regulation or otherwise. It also mandates conservation of critical habitat for threatened and endangered species. Recovery plans characterize and assess the species' habitat needs, assess the cumulative effects of environmental variability and human-related activities, and include provisions to protect and conserve the habitat. Further, ESA allows NMFS to establish cooperative agreements with states so that they can implement conservation and recovery actions for listed species.

Under the Marine Mammal Protection Act (MMPA), NMFS, as delegated by the Secretary of Commerce, is responsible for protecting certain marine mammals, namely cetaceans and pinnipeds, excluding walruses. We must protect all such cetaceans and pinnipeds, regardless of their population status. The MMPA mandates that by 2001, death of, and serious injury to, marine mammals incidental to commercial fishing operations must be reduced to insignificant levels approaching a zero rate. The MMPA establishes a long-range regime to govern interactions between marine mammals and commercial fisheries which includes the requirement to assess all stocks in U.S. waters, continue the categorization of fisheries and registration of



fishers based on their interaction with marine mammals, and implement take reduction plans as needed to achieve the zero mortality requirement.

Various statutes confer on NMFS a mandate to reduce and mitigate degradation and loss of living marine resources habitat. These include the Clean Water Act, the Federal Power Act, the Fish and Wildlife Coordination Act, the Oil Pollution Act, and the Coastal Zone Management Act, among others. Under these statutes, NMFS plays a primarily advisory role in reviewing proposed projects and other actions which may affect living marine resource habitat, and making recommendations for the adequate conservation of that habitat.

### **Programs and Agency Activities**

Please review the Agency's homepage and websites: <http://swr.ucsd.edu/>  
<http://www.nmfs.gov/>

## VENTURA COUNTY

### **Agency Overview**

The County of Ventura provides diverse services to citizens in the unincorporated portions of the county, including fire and police protection and social services. The County also regulates development within its jurisdiction.

### **Agency Structure**

The five-member Board of Supervisors oversees the County of Ventura, each representing districts determined by population. The County Administrator's Office and 23 departments, the Courts and District Attorney's office assist the Board in its overview of County operations. County Departments include Agricultural Commissioner, Airports, Animal Regulations, Area Agency on Aging, Assessor, Auditor Controller, County Clerk and Recorder, County Counsel, Farm and Home Advisor, Fire Protection, General Services Agency, Harbor, Health Care Agency, Information Services, Library Services, Local Agency Formation Commission, Probation, Public Defender's, Public Works, Resource Management, Retirement, Treasurer-Tax Collector and Sheriff.

The Planning Department, under the umbrella of the Resource Management Agency, is comprised of five Sections, two of which are responsible for development regulation and discretionary permit processing; Zoning Administration (reviews minor permit applications, prepares ordinance amendments, provides public information, and investigates zoning violations); Regional Program (offshore oil monitoring, population forecasting, agricultural programs, and Council of Government support); and Comprehensive Planning (preparation, maintenance and amendments to the County General Plan and Area Plans).

### **Legislation and Regulation**

The County implements a number of regulations, including the following related to development: land use regulations, building codes, fire codes, and flood control regulations. The County exercises land use authority outside the coastal zone through adopted zoning and other ordinances and a general plan, and inside the coastal zone through a certified Local Coastal Program (LCP), including a Coastal Land Use Plan, Coastal zoning ordinance and other implementation tools. The County's LCP is not certified in the Channel Islands. Rather, the Channel Islands are a "white hole," meaning the California Coastal Commission retains authority to issue Coastal Development Permits (CDP) for the area. However, the County retains its basic land use authority in that portion of the Channel Islands described below. Prior to the Coastal Commission accepting an application for a CDP, the County must review and approve any required discretionary permit, which also entails conducting CEQA review. If no discretionary permit is required, the Coastal Commission requires signoff from the local agency prior to processing their CDP. After the Coastal Commission approval of a CDP, the County issues a Zoning Clearance and Building and Grading Permit authorizing construction of the project.

## **Authority**

The County of Ventura is a general law county and political subdivision of the State of California and its authority is delegated from the State.

## **Prohibited or Otherwise Regulated Activities**

The portions of the Channel Islands subject to County regulation include Anacapa and San Nicholas Islands from the mean high tide landward, and are designated open space. A number of uses are conditionally permitted on open space zoned land, subject to review and approval of a discretionary permit, including: low intensity recreational development, animal hospitals and clinics, wineries, communication and navigational aids, exploration and production of offshore oil and gas reservoirs from onshore locations, farm labor camps, and other similar uses.

## **Boundary**

The County regulates private land uses within its boundaries, excluding incorporated cities, State operated universities, and Federal lands. In terms of the Channel Islands, the County has land use authority from the mean high tide line landward on Anacapa and San Nicholas Islands. San Nicholas Island is under Federal control and Anacapa Island is part of the Channel Islands National Park system.

**SANCTUARY ADVISORY COUNCIL  
GOVERNMENT MEMBERS AND ALTERNATES**

**National Marine Fisheries Service**

Member Jim Slawson, Assistant Regional Administrator  
Alternate Mark Helvey

**Channel Islands National Park**

Member Tim Setnicka, Superintendent  
Alternate Gary Davis

**US Coast Guard**

Member Lt. Rick Sorrel  
Alternate Mike Hamerski, MST 1

**Minerals Management Service**

Member Drew Mayerson, Senior Staff  
Alternate Fred Piltz Ph.D.

**US Navy**

Member Ron Dow, Director of the Environmental Division  
Alternate Gail Pringle

**Department of Fish and Game**

Member Patricia Wolf, Southern Marine Manager/ Offshore Ecosystem Coordinator  
Alternate Lt. Jorge Gross

**California Resources Agency**

Member Brian Baird, Ocean Program Manager  
Alternate Melissa Miller-Henson

**California Coastal Commission**

Member Gary Timm, Director South Central Coast  
Alternate Jack Ainsworth

**County of Santa Barbara**

Member Dianne Meester, Director Energy Division, Vice-chair  
Alternate Jackie Campbell

**County of Ventura**

Member Lyn Krieger, Director Ventura Harbor Department  
Alternate Jack Peveler

**Non-Voting Members**

**Channel Islands National Marine Sanctuary**

Manager LCDR Edward Cassano

**Monterey Bay National Marine Sanctuary**

Superintendent William Douros

**Gulf of the Farallones/Cordell Banks National Marine Sanctuary**

Manager Edward Ueber