

Resolution Relating to Methodologies for Capture and Tagging of White Sharks and Other Potential Permits within the Gulf of the Farallones National Marine Sanctuary for Research Purposes

Whereas, the Rules and Regulations of the Gulf of the Farallones National Marine Sanctuary (GFNMS), as published in the Federal Register Volume 73, No. 225 on Thursday, November 20, 2008, also found at 50 C.F.R. 922.82(13), enact a prohibition within the entire Gulf of the Farallones National Marine Sanctuary that precludes attracting white sharks and defines “attracting” as “any activity that lures or may lure any animal in the Sanctuary by using food, bait, chum, dyes, decoys (e.g., surfboards or body boards used as decoys), acoustics or any other means”, in addition to additional regulatory language specified in the aforementioned Federal Register Notice and CFR cite; and

Whereas, these regulations further specify that “The purpose of this prohibition is to protect white sharks from intrusive activities during their critical feeding life-cycle in the GFNMS and the MBNMS.”; and

Whereas, these regulations were developed with the lengthy participation and full concurrence of the Gulf of the Farallones National Marine Sanctuary Advisory Council (GFNMS SAC) during the Joint Management Plan Review process only after substantial public testimony, research, consultation with a broad range of user groups, and the exercise of due care not to interfere with legitimate non-intrusive ecotourism and beneficial public education uses in sanctuary waters; and

Therefore be it resolved, that it is the considered position of the Gulf of the Farallones National Marine Sanctuary Advisory Council that the proposed granting of any permit or exemption by the Sanctuary Superintendent for any activity that would otherwise be deemed in violation of these regulations should be subjected to the most precautionary scientific scrutiny, review by the broadest possible range of stakeholders, consideration of the relative merits and disadvantages of potentially less-invasive methodologies, consultation with the Sanctuary Advisory Council, and, if there is sufficient interest and concern in evidence, the conduct of public meetings on the proposed activity, and that

the Gulf of the Farallones National Marine Sanctuary Advisory Council recommends that consideration of any application for a permit or exemption by the Sanctuary Superintendent for any such non-conforming activity carefully consider each and every provision of 50 C.F.R. 922.83 "Permit procedures and issuance criteria", to ensure with a high degree of certainty that such proposed exemption or permitted activity will not impair sanctuary resources.