

Introduced Species Proposed Rule

Presentation to the Sanctuary Advisory Council

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Introduced Species Definition

The term “introduced species” is defined as:

(1) Any species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystems of the Sanctuary; or

(2) Any organism into which altered genetic matter, or genetic matter from another species, has been transferred in order that the host organism acquires the genetic traits of the transferred genes.



Background

Way back in 2008...

- NOAA published final revised management plans and revised regulations on November 20th, which included a prohibition of the introduction of introduced species within GFNMS with the following exceptions:
 - (i) Striped bass released during catch and release fishing activity; or
 - (ii) Species cultivated by mariculture activities in Tomales Bay pursuant to a valid lease, permit, license or other authorization issued by the State of California and in effect on the effective date of the final regulation.
- All the final regulations would have automatically taken effect after 45 days of continuous session of Congress beginning from November 20, 2008, except....



Background

...the Governor has a right to object to specific designations and regulations during the 45 day period.

- On December 23, 2008, Governor Schwarzenegger conditionally objected to portions of the introduced species regulations that would have prohibited the introduction of introduced species in state waters of GFNMS and MBNMS.
- The Governor's objection was conditional: it would not apply if NOAA were willing and able to modify its introduced species regulations to except (i.e., allow) all state-permitted introduced species aquaculture activities in the two sanctuaries and also allow research involving the introduction of introduced species in MBNMS.



Background

- On March 23, 2009 NOAA announced the introduced species regulations for GFNMS became final in its entirety, but stated that NOAA will initiate a process to consider making the Governor's requested changes to the introduced species regulation in GFNMS.
- On October 1, 2009 a second proposed rule was published in the Federal Register that addressed some of the Governor's objections, but not all of them.
- Additionally, the California Coastal Commission—exercising its authority under the Federal consistency provisions of the Coastal Zone Management Act—specifically, rejected the requested changes and stated that NOAA must maintain the prohibition on introduced species as it was written in the original proposed rule or else the final regulations would not be consistent with the enforceable policies of the California Coastal Management Program, which NOAA complies with.



The Result

- After the second proposed rule comment period closed, NOAA spent the next three years working with the State to find solutions to the Governor's concerns that would also meet NOAA's goals.
- As a result of these consultations, on March 18, 2013, NOAA withdrew the 2009 proposed rule and initiated a third proposed rule.
- The third proposed rule and associated regulations, which the Advisory Council is discussing today, were a result of consultations with the California Resources Agency, including the Department of Fish and Wildlife, and the California Coastal Commission.



The New Proposed Regulation for GFNMS

- The introduction of introduced species is prohibited except:
 - (i) Striped bass (*Morone saxatilis*) released during catch and release fishing activity; or
 - (ii) Species cultivated by mariculture activities in Tomales Bay pursuant to a valid lease, permit, license or other authorization issued by the State of California. Pursuant to the memorandum of agreement executed between the State of California and NOAA, the State will consult with the Director before issuing any permit, lease or other authorization for mariculture in Tomales Bay involving the cultivation of introduced species.



Benefits of the Proposed Regulation

- Overall, this action clarifies an inconsistency created from the Governor's objection.
- This action would make regulations regarding introduced species consistent in the four national marine sanctuaries offshore California (Cordell Bank, Gulf of the Farallones, Monterey Bay, and Channel Islands), and across federal and state waters of Monterey Bay and Gulf of the Farallones.
- This action is consistent with the Introduced Species Action Plan from the GFNMS Management Plan:
 - Develop partnerships with other agencies and organizations who can advise the sanctuary on introduced species. **(IS-6)**
 - Take regulatory action to control new introductions of introduced species. **(IS-8)**

