UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

JAN 28 2005

Donald O. McIsaac, Ph.D.
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, Oregon 97220-1384

Dear Dr. McIsaac:

Thank you for your letter expressing concern over terminology in a letter from Dan Basta, Director, National Marine Sanctuary Program (NMSP), National Oceanic and Atmospheric Administration (NOAA). Mr. Basta's letter formally provided the Pacific Fishery Management Council (Council) the opportunity to prepare draft Sanctuary Fishing Regulations for the Monterey Bay and Cordell Bank National Marine Sanctuaries, pursuant to section 304(a)(5) of the National Marine Sanctuaries Act (NMSA), 16 U.S.C. § 1434(a)(5). Your letter expresses concern with a reference to the "NOAA preferred alternative" for possible new Sanctuary Fishing Regulations for these two sanctuaries.

Please allow me to reaffirm the high value NOAA places on the Council's role in this important process. Under section 304(a)(5) the Council is to be provided the opportunity to prepare draft NMSA fishing regulations (for the Exclusive Economic Zone area) fulfilling the purposes and policies of the NMSA and the goals and objectives of the proposed action being considered by NOAA. In order to assist the Council, NOAA provides the goals and objectives for the proposed action, as they are a benchmark the Council must use in considering, and if it so chooses, preparing draft NMSA fishing regulations.

NOAA also provides a preliminary analysis of various alternatives, including its views of those alternatives appearing to best achieve the goals and objectives of the proposed action. In addition, NOAA provides draft regulatory language that could be used to implement the selected alternative. NOAA believes providing the Council with its preliminary views is critical to the Council being able to fulfill its role, under the NMSA, in a meaningful way.

The identification of one alternative by NOAA, however, was not intended to suggest NOAA had made a final decision on a preferred alternative, or to minimize the Council's role in this

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process. To avoid any confusion in the future, we will no longer use the phrase "NOAA preferred alternative" in the context of the section 304(a)(5) process.

We appreciate the Council's continued hard work and support of this important process.

Sincerely,

Conrad C. Lautenbacher, Jr.
Vice Admiral, U.S. Navy (Ret.)
Under Secretary of Commerce for
Oceans and Atmosphere

cc: Council Members

Ad Hoc Marine Protected Areas Committee
Regional Fishery Management Council Executive Directors
William Hogarth, Assistant Administrator, NMFS
Richard Spinrad, Assistant Administrator, NOS
Rebecca Lent, Deputy Assistant Administrator, NMFS
Daniel Basta, Director, National Marine Sanctuary Program, NOS
Jack Dunnigan, Director, Office of Sustainable Fisheries, NMFS
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Maria Brown, Manager, GFNMS