UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Silver Spring, Maryland 20910

APR 4 2005

Dr. Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Ste. 200
Portland, Oregon 97220-1384

Dear Dr. McIsaac: Don

As you know, Cordell Bank National Marine Sanctuary (CBNMS), Gulf of the Farallones National Marine Sanctuary (GFNMS), and Monterey Bay National Marine Sanctuary (MBNMS), are currently conducting a joint review of their respective management plans. As a part of this review process, all three national marine sanctuaries have been coordinating with the Pacific Fishery Management Council as recommendations have been proposed regarding fishing activities in the sanctuaries. Letters from the National Marine Sanctuary Program (NMSP) requesting that the Council consider changes to these sanctuaries' respective Designation Documents and providing the Council the opportunity to prepare draft National Marine Sanctuaries Act (NMSA) fishing regulations for CBNMS and MBNMS were provided to the Council at its November 2004 meeting. The Council first discussed the issue at its November meeting and is expected to reach a decision at its April meeting. At the Council's request, the due date for a response to the NMSP was extended to April 22, 2005.

In reviewing the materials included in the Briefing Book for the April 2005 meeting, it came to our attention that the Council has laid out a range of what it considers to be possible options to the Designation Document changes and proposed fishing regulations (Agenda Item G.2 Attachment 1), and appears to reflect the discussion at the March 2005 Council meeting. Under section 304(a)(5) of the NMSA we have provided the Council with the opportunity to prepare draft NMSA fishing regulations for CBNMS and MBNMS to fulfill the goals and objectives specified in the NMSP 304(a)(5) letters. Once such draft regulations are received, the NMSP reviews them to determine if they fulfill the stated goals and objectives of the proposed actions and the purposes and policies of the NMSA. If the Council prepares draft NMSA fishing regulations that do not fulfill each of the sanctuary's site specific goals and objectives and the purposes and policies of the NMSA or if the Council determines not to prepare such draft regulations, NOAA may draft the regulations.

The Council briefing book contains a number of non-NMSA options. If the Council determines under section 304(a)(5) not to prepare draft NMSA regulations and recommends another approach, we request that the Council provide sufficient description of the regulatory process, necessary analyses (e.g., as required under the National Environmental Policy Act and Administrative Procedure Act), and the timeline requirements necessary for such non-NMSA approach. This will enable the NMSP to evaluate whether such approach fulfills each of the sanctuary's site specific goals and objectives and the purposes and policies of the NMSA.

The CBNMS, GFNMS and MBNMS have been engaged in a comprehensive multi-year public process to revise their respective management plans. Such public processes tend to take greater time than initially anticipated, but the benefits of this open process generally make for more informed decision-making. However, it is equally important to conclude these processes and move forward. Consequently, if the Council decides to recommend a new process under a non-NMSA approach, it is paramount that the timing of such approach be fully specified.

Providing clarification on the above points would greatly aid the NMSP's evaluation of whether the Council's recommendation meets the sanctuaries' goals and objectives and, thus, help expedite the completion of the Joint Management Plan Review process.

Again, we would like to express our appreciation for the time and resources the Council and Council staff have dedicated to these issues. Sanctuary staff will be available throughout the duration of the April 2005 meeting. Please feel free to call on them at anytime if you have questions.

Sincerely,

Daniel J. Basta
Director
National Marine Sanctuary Program