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

May 25, 2005

Donald K. Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220

Dear Chairman Hansen: DON

We appreciate the recent efforts of the Pacific Fishery Management Council (PFMC) to consider the request from the National Oceanic and Atmospheric Administration (NOAA) that the PFMC draft fishing regulations under the National Marine Sanctuaries Act to protect the Cordell Bank National Marine Sanctuary and for the proposed addition of the Davidson Seamount to the Monterey Bay National Marine Sanctuary. Your efforts reflect a positive level of partnership between the PFMC and the national marine sanctuaries on the west coast. I thank you and your colleagues for their leadership.

Your April 22, 2005 letter to the National Marine Sanctuary Program (NMSP) suggests that the fishing regulations proposed to protect these sanctuaries are more properly adopted under the Magnuson-Stevens Fisheries Conservation and Management Act. We understand that the June 2005 meeting of the PFMC will consider the Draft Environmental Impact Statement (EIS) for the Pacific Groundfish Essential Fish Habitat (EFH) program, and later meetings will address the regulatory strategies necessary to implement the selected alternatives.

Staff of the NMSP and NOAA Fisheries Service are actively discussing the proposal to adopt fishing regulations under the Magnuson-Stevens Act to protect the Cordell Bank and Davidson Seamount. Should NOAA adopt this approach, it will be important that your actions on EFH allow for adoption of fishing regulations that can meet the goals and objectives established for the Cordell Bank and Davidson Seamount. The purpose of this letter is to provide technical advice on the combination of EFH alternatives presently under consideration.

Based on an initial review, Alternative A.2, and management Alternatives C.13 and C.14, in the Draft EIS for EFH appear to accomplish the regulatory solution described in your April 22, 2005 letter for the protection of Cordell Bank and Davidson Seamount. We note, however, that portions of the Davidson Seamount area for which the NMSP proposes protection extend to 3,875 m water depth, beyond the 3,500 m water depth described in Alternative A.2. We suggest you consider adding this extra depth for the Davidson Seamount area to Alternative A.2.

Please note that this represents our preliminary assessment of what can be done under this particular pending Council action to promulgate fishing regulations for Cordell Bank and Davidson Seamount. However, this does not preclude the need for possible further action under

the Magnuson-Stevens Act to achieve the goals and objectives of the Sanctuaries with respect to fishing regulations. Thank you for your consideration of this technical advice.

Don,
As I've conveyed to the "other" Don. We sincerely appreciate the Council's perspective and willingness to find the "common ground."

Sincerely,

Daniel J. Basta, Director
National Marine Sanctuary Program

cc: Rebecca Lent, Deputy Assistant Administrator, NOAA Fisheries
Rod McInnis, Southwest Regional Administrator
Robert Lohn, Northwest Regional Administrator
Donald McIsaac, Executive Director, PFMC
Dan Howard, Manager, Cordell Bank National Marine Sanctuary
William J. Douros, Superintendent, Monterey Bay National Marine Sanctuary