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

JUL 19 2005

Donald McIsaac, Ph.D.
Executive Director
Pacific Fishery Management Council
7500 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Dear Dr. McIsaac and Council Members:

By letter of May 25, 2005, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Sanctuary Program (NMSP) formally provided the Pacific Fishery Management Council (Council) the opportunity to prepare draft sanctuary fishing regulations, pursuant to Section 304(a)(5) of the National Marine Sanctuaries Act (NMSA). These regulations would establish marine reserves and marine conservation areas in federal waters of the Channel Islands National Marine Sanctuary (CINMS or Sanctuary). NOAA provided the goals and objectives for the potential action, as well as additional materials, including an analysis of possible alternatives, and sample model regulations to assist the Council in responding to the Section 304(a)(5) opportunity. NOAA is also in receipt of the Council's July 1, 2005, letter to Dan Basta, NMSP Director, regarding the Section 304(a)(5) materials and the Council's actions at its June meeting. A separate, more thorough response will be sent directly from Mr. Basta to the Council to address more fully the issues raised in the Council's July 1 letter.

As indicated in the NMSP's Section 304(a)(5) letter, in response to the Council and the State of California, NOAA is evaluating the legal and administrative viability, and procedures and timeline necessary to establish and implement fishing restrictions to achieve the Sanctuary's goals and objectives under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). We initially hoped to provide the Council with NOAA's determination regarding the viability of using the MSA to meet Sanctuary goals and objectives by July 18, 2005. However, NOAA needs additional time to complete its MSA review and analysis, particularly, to fully assess the feasibility of implementing the Council's June recommendations regarding restricting fishing in the Sanctuary. Presently, we expect to complete this analysis by September or October 2005.

We appreciate your acknowledgement of the need to keep the National Marine Sanctuaries Act (NMSA) and National Environmental Policy Act (NEPA) process moving forward. We agree to grant the Council's request for an additional one-week extension of the 120-day period to allow for a response by November 23, 2005, rather than November 16. However, it is both critical and appropriate for the Council to respond no later than November 23 so NOAA can continue its NEPA and regulatory process in the event NOAA determines that proceeding under MSA is not viable.

THE ADMINISTRATOR

Printed on Recycled Paper

As stated in our original Section 304(a)(5) request, "providing the PFMC (Council) with this opportunity (to draft regulations) does not presuppose that regulations will be issued under the NMSA..." Similarly, the National Marine Fisheries Service is continuing with the administrative process necessary to make a decision regarding all the Council's recommended Essential Fish Habitat actions under the MSA. Keeping both the NMSA and MSA administrative processes moving forward will help ensure the Sanctuary's goals and objectives for marine reserves and marine conservation areas can be implemented in a timely manner under either regulatory scenario once a NOAA decision has been made. This will also be responsive to the State of California's concern over timely completion of the reserve process.

We want to thank you again for the Council's continued involvement in the CINMS marine reserves process, and for its June recommendations toward achieving the Sanctuary's goals and objectives. Please contact Dan Basta at (301) 713-3125 x235 if you have any questions.

Sincerely,

Conrad Lautenbacher

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

****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	1457
RECIPIENT ADDRESS	915038202299
DESTINATION ID	
ST. TIME	07/19 16:46
TIME USE	01'20
PAGES SENT	3
RESULT	OK

Office of the Under Secretary
National Oceanic and Atmospheric Administration
14th and Constitution Avenue, NW
Room 5128
Washington, DC 20230

Fax: 202/408-9674

7-19-05

FAX

To: Donald McIsaac

Fax: 503-820-2299

From: Conrad Lautenbacher

Phone #: 202 482 3436

Subject: for your information

****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	1458
RECIPIENT ADDRESS	919166538102
DESTINATION ID	
ST. TIME	07/19 16:47
TIME USE	00'38
PAGES SENT	3
RESULT	OK

Office of the Under Secretary
National Oceanic and Atmospheric Administration
14th and Constitution Avenue, NW
Room 5128
Washington, DC 20230

Fax: 202/408-9674

7-19-05

FAX

To: Brian Board

Fax: 916-653-8102

From: Conrad Lautenbacher

Phone #: 202-482-3436

Subject: for your information

Folder

From	Basta, Daniel
Folder Manager	NOS (Group)
Addressed To	Richard W. Spinrad, Ph.D., Assistant Administrator
Access Right	NOAA/NOS
Subject	Letter (Donald McIsaac) to the Pacific Fishery Management Council - Fishing Issues in Three California Marine Sanctuaries
Keyword Summary	Letter McIsaac Pacific Fishery Council Three California Sanctuaries
Mail Type	Mail
Folder Types	(None)
Control Number	008171-2005
Folder ID	9109
DOC Control Number	
Signature*	Under Secretary
Date Due for LO	7/18/05
Clearance Status(ExecSec Only)	
Created By	Halmond, Clara 07/14/2005
Modified By	Halmond, Clara 07/14/2005
Date on Document	07/13/2005
Date Received	07/14/2005
Date Due	07/18/2005
Date Closed	

Attachments

Details	Download	Description	Type	Access Right	Owner	Created Modified
		Point Paper	Document Image	NOAA/NOS	Halmond, Clara	07/14/2005 07/14/2005
		7/13-Email from Nell Codner & Documents	Document Image	NOAA/NOS	Halmond, Clara	07/14/2005 07/15/2005
		Ltr to Dr. McIsaac, Exec Dir.,Pacific Fishery Mgmt Council	Word Document	NOAA/NOS	Burgess, Mary D	07/18/2005 07/18/2005
		NOS initialed clearance sheet	Adobe PDF	NOAA/NOS	Burgess, Mary D	07/18/2005 07/18/2005
		07/18/05 NOS AA cover memo to VADM Lautenbacher	Adobe PDF	NOAA/NOS	Burgess, Mary D	07/18/2005 07/18/2005
		7/18-Emails re status	Document Image	NOS	Halmond, Clara	07/18/2005 07/18/2005

Assignments

Details	Action	Assigned To	Assigned By	Status	Work Sequence	Date Assigned	Date Due	Closed	Access Right
	Prepare Response	NOS/NMSP (Group)	Halmond, Clara	Closed	1400	07/14/2005	**07/14/2005**	07/14/2005	NOAA/NOS
	Response Notes: 7/13-Weiss-cleared								

	Review	NOS/AA/CU (Group)	Halmond, Clara	Closed	1410	07/14/2005	**07/14/2005**	07/14/2005	NOAA/NOS
	Response Notes: 7/13-Reviewed returned to pofc.								
	Review	NOS/AA/CU (Group)	Halmond, Clara	Closed	1412	07/14/2005	**07/14/2005**	07/14/2005	NOAA/NOS
	Requested Activity: 7/14-cmh-approp actions, frwd GCOS								
	Response Notes: 7/14-approp actions, discuss w/jbmartin								
	Clearance	NOS/GCOS (Group)	Halmond, Clara	Closed	1413	07/14/2005	**07/15/2005**	07/15/2005	NOAA/NOS
	Response Notes: 7/15-SCampbell-cleared								
	Take Appropriate Action	NOS/AA/CU (Group)	Halmond, Clara	Closed	1414	07/14/2005	**07/15/2005**	07/15/2005	NOAA/NOS
	Requested Activity: 7/15-cmh-NCodner request FAX of 5/25 ltr & advance copy, efile ltr, for review.								
	Response Notes: 7/15-cmh-approp actions, frwd PPAD								
	Clearance	NOS/PPAD (Group)	Halmond, Clara	Closed	1415	07/14/2005	**07/15/2005**	07/15/2005	NOAA/NOS
	Response Notes: 7/15-Boledovich-cleared								
	Clearance	NOS/AA/Admins (Group)	Halmond, Clara	Closed	1430	07/14/2005	**07/15/2005**	07/15/2005	NOAA/NOS
	Response Notes: 7/15-cmh-retype for m/edits, frwd to jbm/jh								
	Clearance	NOS/AA (Group)	Halmond, Clara	Closed	1440	07/14/2005	07/18/2005	07/18/2005	NOAA/NOS
	Response Notes: 7/18/05 -cleared/signed by RSpinrad, NOS AA								
	Disposition	NOS/AA/CU (Group)	Halmond, Clara	Closed	1450	07/14/2005	07/18/2005	07/18/2005	NOAA/NOS
	Response Notes: 7/18/05 NOS AA signed memo and forwared to ExecSec (db)								
	Signature	NOAA/ES (Group)	Halmond, Clara	Closed	2000	07/18/2005	07/18/2005	07/18/2005	NOAA/NOS
	Review	NOAA/ES (Group)	Burgess, Mary D	Active	2000	07/18/2005	07/19/2005*	7/18/05	NOAA/NOS
	Response Notes: TIME CRITICAL								
	Clearance	GC (Group)	Washington, Mildred T	Pending	2100	07/18/2005	07/19/2005*	7-19-05	NOAA/NOS w/ edits
	Requested Activity: TIME CRITICAL								
	Clearance	PCO (Group)	Washington, Mildred T	Pending	2200	07/18/2005	07/19/2005*	7-19-05	NOAA/NOS
	Requested Activity: TIME CRITICAL								
	Clearance	DUS (Group)	Washington, Mildred T	Pending	2300	07/18/2005	07/19/2005*	7/19/05	NOAA/NOS
	Requested Activity: TIME CRITICAL!								
	Clearance	USCOS (Group)	Washington, Mildred T	Pending	2400	07/18/2005	07/19/2005*	7/19/05	NOAA/NOS
	Requested Activity: TIME CRITICAL!								
	Signature	USEC (Group)	Washington, Mildred T	Pending	2500	07/18/2005	07/19/2005*		NOAA/NOS
	Requested Activity: TIME CRITICAL!								
	Disposition	NOAA/ES (Group)	Washington, Mildred T	Pending	2600	07/18/2005	07/19/2005*		NOAA/NOS
	Requested Activity: TIME CRITICAL!								

- WebCIMS 4.2 SP2 - Monday, July 18, 2005 - 5:01:47 PM -