

**PACIFIC FISHERY MANAGEMENT COUNCIL**

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October 23, 2002

VADM Conrad C. Lautenbacher  
U.S. Navy Retired  
Under Secretary of Commerce for Oceans and Atmosphere  
Department of Commerce  
14th and Constitution Avenues  
Washington, DC 20230

RE: Improved coordination in National Oceanic and Atmospheric Administration (NOAA)  
consideration of Marine Protected Areas on the West Coast

Dear VADM Lautenbacher:

We would like to bring to your attention a matter of concern that occurred recently which detracts from the spirit of teamwork and orderliness you have been cultivating within the NOAA organization. The incident involves an August 29, 2002 letter from the Office of the Assistant Secretary for Oceans and Atmosphere sent to the California Department of Fish and Game (CDFG) that compromises and may pre-empt the extensive efforts of the Pacific Fishery Management Council (Council) to provide input into the ongoing consideration for marine reserves in areas in and near the Channel Islands National Marine Sanctuary (CINMS).

Over the past 18 months, the Council has worked closely with the CINMS, CDFG, and California Fish and Game Commission staff in considering marine reserves in the Channel Islands area. The Council's role in this matter was based on the effect the state action would have in limiting the reasonable range of alternatives available to the Council for the implementation of complementary reserves in federal waters of the CINMS, a role designated for the Council under the National Marine Sanctuaries Act (NMSA). Since the beginning, all parties have been up-front and collaborative towards the goal of providing each other's input such that all parties are aware of each other's positions prior to any party formally acting to establish a marine reserve. The Council spent considerable time and resources reviewing the basis for marine reserve alternatives and the California Environmental Quality Act (CEQA) impact analysis document, and was in the final stage of formulating a recommendation on eight alternatives being considered; at each step the Council heard from expert advisory bodies and took public comment on the record.

Then to our surprise, we received without notice or expectation, and conspicuously on the eve of the Council meeting scheduled to adopt a final recommendation, a copy of the aforementioned letter. It contained three elements we considered surprises, (1) a NOAA recommendation for one of the eight alternatives, (2) language inconsistent with a socioeconomic analysis concern we believe to be a significant problem, and (3) it was noticeably omissive of any reference to the role of the Council in the process of establishing marine reserves in this area. The existing bureaucratic chain of command whereby the Council is advisory to the National Marine Fisheries Service, which organizationally reports to the NOAA administration, left the Council with the feeling that our extensive efforts may have been

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rendered irrelevant. In that the Regional Fishery Management Councils represent the federal government public interface for offshore fishery management matters with the fishing industry, conservation groups, the general public, and regional state governments, tribal governments, and local governments, the Council is concerned all of these groups participating in our input process were also procedurally neutralized. The Council questioned the NOAA process that lead to the letter in question. Further, the Council was left with a question of whether the sequence of relative policy development designated in the Magnuson-Stevens Act and the NMSA for such matters remains intact.

The Council went ahead with their scheduled deliberations on this matter, and have submitted comments that are not consistent with the position in the NOAA letter as to recommended alternative and certain other matters. After the vote on this matter, the Council members tasked me with providing this letter to you.

An important goal of the current NOAA Strategic Plan is to "Improve NOAA's abilities to serve its customers and forge stronger ties with its partners and stakeholders" (page 1 of the Executive Summary). The Council is in a unique partnership with NOAA under the Magnuson-Stevens Act; many stakeholders interact with federal fishery management primarily through the Council. Prior to the August 29, 2002 letter, the process for mutual consideration of marine reserves on the West Coast between NOAA entities had worked relatively well; the CINMS staff have been very professional and responsible during the Channel Islands marine reserves process, National Ocean Service staff have been a pleasure to work with on various issues since the Council Chairmen's meeting in Sitka, Alaska earlier this year, and managers from other West Coast National Marine Sanctuaries have been cordial in their desire for an open discussion of upcoming matters of mutual concern. However, from the Council's perspective, the August 29, 2002 letter did not further the stated NOAA strategic goal for improved working relationships.

Achieving needed marine reserves is a common goal in both the Pacific Groundfish Strategic Plan "Transition to Sustainability" and the NOAA Strategic Plan "A Vision for 2005." The Council offers this letter in the spirit of improving collaborative processes towards common goals and maximizing our operational efficiency. Please advise if we should alter our approach or role in developing recommendations on marine protected areas on the West Coast.

Thank you for your understanding on this matter, and please don't hesitate to contact me should you have any questions.

Sincerely,



D. O. McIsaac, Ph.D.  
Executive Director

DOM:kla

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