



**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

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**PFMC**

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



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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Stephanie Campbell, NOAA GCOS  
Dan Howard, Manager, CBNMS  
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