

PACIFIC FISHERY MANAGEMENT COUNCIL

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November 23, 2005

Vice Admiral Conrad C. Lautenbacher, Jr.
Under Secretary of Commerce for Oceans and Atmosphere
NOAA HQTR Route: A, BLDG: HCHB RM: 5128
14th and Constitution Avenues NW
Washington, DC 20230-0001

Dear Vice Admiral Lautenbacher:

Thank you for your letter dated October 19, 2005 regarding the viability of meeting the goals and objectives of the Cordell Bank, Monterey Bay, and Channel Islands National Marine Sanctuaries under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Pacific Fishery Management Council (Council) asked me to convey recent Council action to protect essential fish habitat (EFH) within and outside National Marine Sanctuaries and to inform you of Council plans to pursue additional regulatory mechanisms necessary to complete the proposed establishment of marine conservation areas and marine reserves at the Channel Islands National Marine Sanctuary (CINMS).

At its November 2005 meeting in San Diego, California, the Council completed a multi-year process to identify, describe, and mitigate fishing impacts to groundfish EFH under Amendment 19 to the Pacific Coast Groundfish Fishery Management Plan. As part of this final action, the Council closed many areas to fishing gear that contact and potentially adversely effect benthic habitats. This action includes closures protecting sensitive habitats at Cordell Bank, the Davidson Seamount, and select areas around the CINMS. The Council is proud to play an integral role in the protection of these habitats and in the strengthening of our National Marine Sanctuaries.

Following the advice in your letter that there was insufficient evidence to implement closures affecting the water column in the CINMS on the rationale of protecting groundfish EFH, the Council changed its recommendation under Amendment 19 to close the proposed mitigation areas in the CINMS to only bottom contact gear. However, the Council considered factors that led to alternatives other than Council action under the National Marine Sanctuaries Act avenue. The Council heard testimony of National Oceanic and Atmospheric Administration (NOAA) representatives indicating the possibility of accomplishing the goals and objectives stated by the CINMS via EFH protection for species other than groundfish. This was consistent with your remarks before the collective Regional Fishery Management Council Chairs and Executive Directors on October 24, 2005. Further, it was not clear from testimony at the Council meeting that the full spectrum of joint authority under the MSA and state jurisdiction had been evaluated. It was also noteworthy that the Council has dominantly heard consistent, compelling testimony

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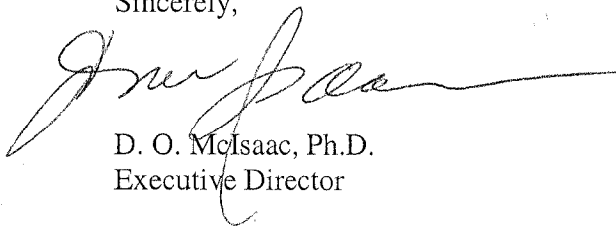
that fishery management in offshore federal waters should be singularly under the authority of the expertise expressed in the MSA and not under alternate authority by individual sanctuaries.

The Council remains supportive of the goals and objectives of the CINMS but recommends no changes to the CINMS Designation Document and requests that no fishing regulations be promulgated under the authority of the NMSA at this time. To complete the regulatory package, the Council intends to address fishing activity in the water column under the aggregate of various Council fishery management plan authorities other than the groundfish EFH together with complimentary jointly enforceable State laws.

Lastly, I would like to express the Council's appreciation for the dedication to the Council process demonstrated by many NOAA employees over the course of the last year. The Council looks forward to continued coordination with the National Marine Sanctuary Program and the CINMS.

If you or your staff have any questions regarding this letter, please don't hesitate to contact me or Mr. Mike Burner, the lead Staff Officer on this matter at 503-820-2280.

Sincerely,



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

MDB:ckc

c: Council Members
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Dr. William Hogarth
Mr. Jim Balsiger
Mr. Christopher Mobley
Mr. Sean Hastings
Ms. Eileen Cooney
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Regional Fishery Management Council Executive Directors