



DEC 30 2005

Donald O. McIsaac, Ph.D.
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

RECEIVED

JAN 09 2006

PFMC

Dear Dr. McIsaac:

Thank you for your letters to Daniel Basta, Director, National Marine Sanctuary Program (NMSP), and me conveying recent Pacific Fishery Management Council (PFMC) actions regarding fishing regulations in the Channel Islands National Marine Sanctuary (CINMS). We appreciate your continued efforts to meet the goals and objectives of the sanctuary.

As you stated in your letter to Mr. Basta, that letter is the Council's official response to the NMSP's request under section 304(a)(5) of the National Marine Sanctuaries Act (NMSA), concerning the marine reserves and marine conservation areas for the CINMS. While we appreciate the steps the Council has taken, your recommendations to date do not have the specificity or record to support the use of the Magnuson-Stevens Act (MSA) or state laws to establish limited take or no-take zones in the water column and thereby do not fulfill the goals and objectives of the CINMS.

Consistent with my October 19 letter, the National Oceanic and Atmospheric Administration (NOAA) will pursue regulatory action under the NMSA (beyond the measures included in Amendment 19 to the Groundfish Management Plan) to establish limited take and no-take zones in the water column. NOAA's regulatory actions will also address certain actions that cannot legally be addressed under the MSA, such as certain scientific research activities. NOAA will also propose amending the sanctuary designation document to allow establishment of no-take zones in the marine reserves, and limited take in the marine conservation areas. The NMSP is developing a draft management plan, a draft Environmental Impact Statement, and draft regulations to implement the marine reserves and marine conservation areas. The NMSP plans to have the draft documents available for public review in March 2006.

While NOAA plans to move forward with the NMSA process, and has concluded the section 304(a)(5) process, we encourage you to continue your efforts to address fishing activities in the water column under various other Fishery Management Plan authorities. The proposed NMSA regulations will be drafted in such a way that, if your future management measures meet the goals and objectives of the CINMS, the scope of the NMSA regulations could be reduced.

THE ADMINISTRATOR



We appreciate the PFMC's continued support of the goals and objectives of the CINMS and the PFMC's efforts throughout this process, and look forward to continuing our work with you in the future.

Sincerely,

A handwritten signature in cursive script, reading "C. Lautenbacher, Jr.", written in black ink.

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