



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

DEC 30 2005

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

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.



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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 black ink, appearing to read "C. Lautenbacher, Jr.", written in a cursive style.

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

Folder

From	McIsaac, D. O.
Folder Manager	NOAA/ES (Group)
Addressed To	Under Secretary
Access Right	NOAA/NOS
Subject	Protection of essential fish habitat within and outside National Marine Sanctuaries
Keyword Summary	essential fish habitat National Marine Sanctuaries Pacific Fishery Management Council Cordell Bank Monterey Bay Channel Islands
Mail Type	Mail
Folder Types	Request
Control Number	009471-2005
Folder ID	10406
DOC Control Number	
Signature*	Under Secretary
Clearance Status(ExecSec Only)	12/8 - extension granted
NOAA File List	
Date Due for LO	12/15/2005
Created By	Washington, Mildred T 12/01/2005
Modified By	Washington, Mildred T 12/08/2005
Date on Document	11/23/2005
Date Received	12/01/2005
Date Due	12/21/2005
Date Closed	

Attachments

Details	Download	Description	Type	Access Right	Owner	Created Modified
		Incoming	Document Image	NOAA/ES	Washington, Mildred T	12/01/2005 12/01/2005
		Extension Request	Document Image	NOAA/NOS	Jackson, Thanita	12/08/2005 12/08/2005

Assignments

Details	Action	Assigned To	Assigned By	Status	Work Sequence	Date Assigned	Date Due	Closed	Access Right
	Coordinate	NMFS/CU (Group)	Washington, Mildred T	Active		12/01/2005	N/A		NOAA/NOS
Requested Activity: coordinate with NOS Given to Carrie Selberg									
	Prepare Response	NOS/AA/CU (Group)	Washington, Mildred T	Closed	1000	12/01/2005	12/09/2005	12/05/2005	NOAA/NOS
Requested Activity: coordinate with NMFS									
Response Notes: 12/1-cmh-Accept									
	Prepare Response	NOS/NMSP (Group)	Halmond, Clara	Closed	1110	12/01/2005	12/06/2005	12/05/2005	NOAA/NOS
Response Notes: 12/5-Jackson-cleared									
	Clearance	NOS/AA/CU (Group)	Halmond, Clara	Closed	1120	12/01/2005	12/06/2005	12/05/2005	NOAA/NOS
Response Notes: 12/5-cmh-review/edits, frwd GCOS									
	Clearance	NOS/GCOS (Group)	Halmond, Clara	Closed	1130	12/01/2005	12/06/2005	12/07/2005	NOAA/NOS
Response Notes: 12/6-Nist-cleared-see comments									

Clearance	NOS/AA/CU (Group)	Halmond, Clara	Closed	1140	12/01/2005	12/07/2005	12/07/2005	NOAA/NOS
Requested Activity: 12/6-NOTE: Per AHarrison, please hold until response is coordinated with FISH								
Response Notes: 12/7-returned to NMSP for retype. FISH will have input after mtg today with DAA								
Retype	NOS/NMSP (Group)	Jackson, Thanita	Read	1141	12/07/2005	12/15/2005		NOAA/NOS
Requested Activity: RETYPE and incorporate NMFS's changes to letter								
Clearance	NOS/PPAD (Group)	Halmond, Clara	Pending	1150	12/01/2005	12/07/2005		NOAA/NOS
Clearance	NOS/AA/CU (Group)	Halmond, Clara	Pending	1160	12/01/2005	12/07/2005		NOAA/NOS
Clearance	NOS/AA/Admins (Group)	Halmond, Clara	Pending	1170	12/01/2005	12/08/2005		NOAA/NOS
Clearance	NOS/AA (Group)	Halmond, Clara	Pending	1180	12/01/2005	12/08/2005		NOAA/NOS
Disposition	NOS/AA/CU (Group)	Halmond, Clara	Pending	1190	12/01/2005	12/08/2005		NOAA/NOS
Review	NOAA/ES (Group)	Washington, Mildred T	Pending	2000	12/01/2005	12/16/2005	12/16/05	NOAA/NOS
Clearance	GC (Group)	Washington, Mildred T	Pending	2100	12/01/2005	12/19/2005	AC 12/16/05	NOAA/NOS
Clearance	PCO (Group)	Washington, Mildred T	Pending	2200	12/01/2005	12/19/2005	NOS 12/19/05	NOAA/NOS
Clearance	NOAA/POLICY (Group)	Washington, Mildred T	Pending	2300	12/01/2005	12/20/2005	NOS 12/20/05	NOAA/NOS
Clearance	DUS (Group)	Washington, Mildred T	Pending	2400	12/01/2005	12/20/2005	Branch 12/30/05	NOAA/NOS
Clearance	USCOS (Group)	Washington, Mildred T	Pending	2500	12/01/2005	12/21/2005		NOAA/NOS
Signature	USEC (Group)	Washington, Mildred T	Pending	2600	12/01/2005	12/21/2005	630	NOAA/NOS <i>Topen</i>
Disposition	NOAA/ES (Group)	Washington, Mildred T	Pending	2700	12/01/2005	N/A		NOAA/NOS

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