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

OCT 24 2005

Mr. Frank McCoy
Chair
Western Pacific Fisheries Management Council
1164 Bishop Street, Room 1400
Honolulu, Hawaii 96813

Dear Chairman McCoy:

Over the past year, the National Oceanic and Atmospheric Administration (NOAA) has made significant progress towards designation of the Northwestern Hawaiian Islands (NWHI) Coral Reef Ecosystem Reserve as a sanctuary under the National Marine Sanctuaries Act (NMSA). As part of that process, we have sought the Council's views, and in particular, the Council's recommendations for regulation of fishing in the proposed Sanctuary.

I appreciate the Council's work in developing proposed fishing regulations, as reflected in the April 14, 2005, "Recommendation of the Western Pacific Fishery Management Council (WPFMC) regarding the Management of Fisheries within the Proposed Northwestern Hawaiian Islands National Marine Sanctuary" (Recommendation). NOAA's National Marine Sanctuary Program and NOAA's National Marine Fisheries Service have carefully reviewed and considered the Recommendation. After careful and thorough review, however, NOAA finds the Recommendation does not fulfill the purposes and policies of the NMSA, and the goals and objectives of the proposed NWHI sanctuary. The rationale for this finding is provided in the attached document.

While this finding concludes the NMSA 304(a)(5) process for purposes of the proposed sanctuary designation, we welcome the Council's continued participation as NOAA moves toward designation and development of necessary regulations under the NMSA. The information and analysis provided by the Council in its Recommendation, as well as additional information from public meetings and meetings with fishing constituents, has already been valuable in developing the draft environmental impact statement (DEIS). NOAA is developing DEIS alternatives that will enable WPFMC to continue to recommend management measures for commercial bottomfish/pelagic fishing in the NWHI under the Magnuson-Stevens Fishery Conservation and Management Act consistent with the goals and objectives of the proposed sanctuary. Under this approach, the Council will be provided with an opportunity to develop the fishing regulations through an amendment to an existing, or a new fishery management plan. We hope the Council will continue to work with us in this regard.

THE ADMINISTRATOR

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I want to extend my sincere appreciation for the hard work the Council and Council staff have contributed toward the sanctuary designation process. We look forward to continuing our collaborative efforts as we complete that process.

Sincerely,

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

Enclosure