



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

December 2, 2008

Mr. James P. Walsh
Davis Wright Tremaine LLP
Suite 800
505 Montgomery Street
San Francisco, CA 94111-6533

Dear Mr. Walsh:

At the request of NOAA's Assistant Administrator for Ocean Services and Coastal Zone Management, I am responding to your November 11, 2008 letter to him following your meeting earlier this month in Silver Spring.

After extensive deliberations by a Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary) Marine Protected Area (MPA) Working Group, input from partner agencies and the Sanctuary Advisory Council, and consultations with NOAA management I made the determination in February 2008 that additional ecosystem protections were necessary to address three unmet needs in the Sanctuary:

- 1) Preservation of unique and rare areas in their natural state for the benefit of future generations;
- 2) Preservation of areas where natural ecosystem components are maintained and/or restored;
- 3) Designation of research areas to differentiate between natural variation versus human impacts to ecological processes and components.

These needs are based on the ecosystem management objectives of the National Marine Sanctuaries Act (NMSA). I indicated that MPAs would be the likely means by which MBNMS would address these needs. I also indicated my intent to proceed with a planning process to consider how MPAs in the federal waters of the MBNMS could be designed to address these ecosystem objectives.

The MBNMS is currently developing an MPA planning process. Key fundamental design elements include: use of the best available science; independent scientific review of analyses and any proposed actions; continuous stakeholder engagement through our Sanctuary Advisory Council, a new MPA Working Group, and additional outreach efforts to stakeholders; a robust public participation process; and finally, early and ongoing interagency collaboration with the National Marine Fisheries Service, the Pacific Fishery Management Council, and the California Department of Fish and Game. We intend to present the outline for our MPA planning process in early 2009. I encourage you and your clients to stay closely engaged in working with the MBNMS as we develop and implement our MPA planning process.



The Office of National Marine Sanctuaries is considering your request for a fee waiver for your recent FOIA request. Clarification about the specifics of your request would be helpful in evaluating your request for a waiver. I would like to ask that you meet with Mike Eng, the MBNMS Resource Coordinator, to provide these clarifications. He can be reached at (831) 647-4247, or at mike.eng@noaa.gov.

Sincerely,



Paul Michel
Superintendent for Monterey Bay
National Marine Sanctuary

cc: Jack Dunnigan
Dan Basta
William Douros