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December 2, 2004

Mr. Craig Wingert
Fishery Management Specialist
NOAA Fisheries, Southwest Region
501 W. Ocean Blvd., Suite 4200
Long Beach, CA 90802-4213

Subject: Inquiry Regarding Postponed Determination As To Whether Petitioned Action is Warranted

Dear Mr. Wingert,

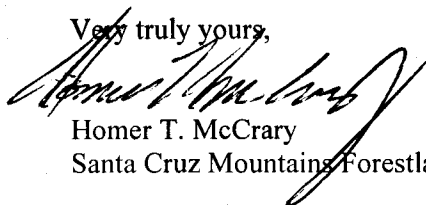
Thank you for your communication with my associate, Fabian Alvarado, responding to our inquiry regarding the status of our petition. According to your email, you forwarded our latest information to the Santa Cruz Lab. You stated that once you receive the Lab's findings, you will make a formal determination regarding the petition. However you gave us no indication as to when we might expect the Santa Cruz Lab to complete their review or by when you intend to make your formal determination. We would appreciate an updated timeline so we can remain abreast of the status of our petition.

Also, we would like to respectfully offer a suggestion. As you know, pursuant to 16 U.S.C. § 1533 (b)(1)(A), it is essential NOAA Fisheries base its determination of our petition on the best scientific and commercial data available and we are committed to facilitating that end. Due to the Santa Cruz Lab's obvious misunderstanding of the information in our petition, we feel we are in a good position to assist them in their latest review by answering questions, providing reference materials, etc., thereby enabling the Santa Cruz Lab to reach an informed conclusion. Would it be possible to refer us to the corresponding scientist(s) at the Santa Cruz Lab so that we might offer our support? May we have a written statement from your office requesting that the Santa Cruz Lab utilize our assistance?

Lastly, how can we gain access to the Santa Cruz Lab's final review once it has been completed? Your good faith effort to provide us with the Santa Cruz Lab's initial review of our petition was appreciated, especially given the questionable conclusions in that document. We would be grateful for a copy of the Santa Cruz Lab's review of our additional comments when it becomes available so that we may ascertain the quality of the document upon which you intend to base your formal determination.

We would greatly appreciate a prompt reply to this and future communications.

Very truly yours,



Homer T. McCrary
Santa Cruz Mountains Forestland Owner