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September 9, 2005

By Facsimile; Original by Mail

Mr. Stephen W. Pearson
Noland Hamerly Etienne & Hoss
333 Salinas Street
P.O. Box 2510
Salinas, CA 93902-2510

Re: Fisherman's Agreement; MARS Cable Project

Dear Mr. Pearson:

The Board of the Alliance of Communities for Sustainable Fisheries ("ACSF") has reviewed your letter of August 4, 2005 and believes that letter and our previous correspondence generally provide the basis for negotiating a final written Fishermen's Agreement to solve conflicts between the fishing industry and the partially exposed submarine cable to be installed in Monterey Bay by your client, the Monterey Bay Aquarium Research Institute ("MBARI"). In particular, they appreciate your client's willingness to compromise on the issue of financial assistance to facilitate an on-going joint effort to reduce the risk of injury to the cable and to fishing vessels operating in the area.

We also note that the State Lands Commission has adopted license restrictions that require an appropriate agreement for resolving conflicts, and it appears the Coastal Commission will require the same.

At this point, we believe it appropriate for those who will be involved in this undertaking from our group and from MBARI on an on-going basis to arrange a meeting to discuss further details. To that end, we suggest that someone from MBARI contact Kathy Fosmark directly, and she will arrange for others to attend any meeting as well.



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If you have any questions, please do not hesitate to give me a call.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

A large, stylized handwritten signature in black ink, appearing to read 'J. P. Walsh'.

James P. Walsh

cc: Kathy Fosmark
Mike Stiller