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April 10, 2010

Mr. David Ortmann, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

RE: B.1 Open Public Comment. Forage Species Conservation and Coastal Pelagic Species Fishery Management Plan Amendment 13

Dear Mr. Ortmann and Council Members:

The Pacific Fishery Management Council (Council) and National Marine Fisheries Service (NMFS) are in the process of amending the Coastal Pelagic Species Fishery Management Plan (CPS FMP) to comply with new National Standard One (NS1) guidelines issued in January of 2009. This process provides the Council and NMFS the opportunity to advance the long-term conservation and management of fisheries targeting coastal pelagic species, refine ecosystem-based management, including approaches to protect the food web, and ensure the health of the California Current ocean ecosystem and related fisheries.

Several key components are missing in the draft CPS Amendment 13 analysis. We are submitting this letter to clarify those issues that must be rectified before final action is taken and to reiterate our hope that the Council and NMFS will use this opportunity to advance ecosystem-based management and take precautionary actions that protect forage species and the ocean food web.

1. **The FMP must address ecological factors used to establish Optimum Yield.**

The preliminary draft Amendment 13 fails to specify and evaluate the ecological factors that must be addressed in determining Optimum Yield (OY). The final rule states that

> *[a]n FMP must contain an assessment and specification of OY, including a summary of information utilized in making such specification, consistent with requirements of section 303(a)(3) of the Magnuson-Stevens Act. A Council must identify those economic, social, and ecological factors relevant to management of a particular stock, stock complex, or fishery, and then evaluate them to determine OY.*[1]

Addressing ecological factors in the FMP is of specific importance, especially given the need to manage forage fish stocks for a higher biomass than Bmsy and to enhance and protect the marine ecosystem. Just as the PFMC is considering explicitly addressing scientific uncertainty in the stock assessments by buffering allowable catch levels below the overfishing limit, ecosystem interactions must also be addressed in determining an appropriate catch level that accounts for ecological factors. We suggest that the FMP and supporting analysis include a harvest control rule that explicitly addresses the services provided by forage species to the health and biodiversity of the ecosystem, including targeted species.

2. **Status Determination Criteria alternatives must be expanded to include alternative criteria, including analyses of other Minimum Stock Size Thresholds.**

[1] 74 Fed Reg. 3178, 3207 (January 16, 2009)

Status determination criteria (SDC) are quantifiable factors, including Maximum Fishing Mortality Threshold (MFMT), Overfishing Limit (OFL), and Minimum Stock Size Threshold (MSST), or their proxies, that are used to determine if overfishing has occurred, or if the stock or stock complex is overfished. These are required reference points for stocks in the fishery.

The preliminary draft Amendment 13 document contains only two alternatives for status determination criteria—status quo and status quo plus an MSY proxy for the Northern subpopulation of Northern anchovy. Status quo MSST for Pacific mackerel and Pacific sardine is not sufficient, and alternative MSST thresholds must be analyzed and considered.[2] What is more, an MSST must be determined for other stocks in the fishery, including anchovy and jack mackerel.

3. Include control measures that set a maximum catch limit for targeted species.

An important harvest control for commercially harvested coastal pelagic species is a maximum catch threshold. The Pacific sardine control rule currently employs a maximum catch threshold of 200,000 metric tons but other targeted CPS do not have this control in place. We request analysis of a MAXCAT threshold for other CPS that are "in the fishery" including Pacific mackerel and Northern anchovy. This would provide an important control where stock assessments are either nonexistent or highly uncertain.

4. Amendment 13 to the CPS FMP must follow the environmental review provisions of the National Environmental Policy Act (NEPA).

The FMP amendment process requires NMFS to follow the environmental review provisions of NEPA. In this instance, Council and NMFS staff have developed a skeleton analysis for an FMP amendment and the Council has made a preliminary decision without providing a draft Environmental Assessment or Environmental Impact Statement, a full range of alternatives, or complete analyses of existing and proposed alternatives. We believe that more alternatives—including alternative harvest rates that incorporate reductions based on the ecosystem services provided by important forage species—should be analyzed.

In closing, action by the PFMC that builds upon the foundation established with the management of krill and the promulgation of the new National Standard 1 guidelines can successfully advance the long-term conservation of both the California Current ecosystem and the fisheries that depend upon a healthy ecosystem. The development of a successful CPS FMP amendment will achieve both of these results.

We look forward to continuing to work with you on this important matter.

Sincerely,

Ben Enticknap
Pacific Project Manager

[2] 74 Fed Reg. 3178, 3206 (January 16, 2009) ("MSST or reasonable proxy must be expressed in terms of spawning biomass or other measure of reproductive potential. To the extent possible, the MSST should equal whichever is greater: One-half the MSY stock size, or the minimum stock size at which rebuilding to the MSY level would be expected to occur within 10 years…")