



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
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Mr. Jerry Mallet, Chair
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Dear Jerry,

I am pleased to inform you that I have approved Amendment 8 to the Northern Anchovy Fishery Management Plan except for the specification of optimum yield (OY) for market squid and the bycatch provisions. The OY specification for squid was disapproved because the amendment does not provide an estimate of maximum sustainable yield (MSY), the theoretical concept on which optimum yield and overfishing is based under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The bycatch provisions were disapproved because Amendment 8 does not contain a standardized reporting methodology to assess the amount and type of bycatch in the fishery and because there is no explanation of whether additional management measures to minimize bycatch and the mortality of unavoidable bycatch are practicable at this time. I have approved all other elements of Amendment 8.

The Magnuson-Stevens Act requires that optimum yield be based on MSY. There may be sufficient protections in the current management of the fishery to prevent overfishing of squid, but MSY needs to be determined to establish a foundation for management. The Council should provide such an estimate accompanied by whatever qualifiers are necessary. Guidance has been furnished in the past, and we can work with the Council to meet the requirements.

I have disapproved the bycatch provisions. Landing records do not indicate a notable bycatch; however, there are no data to show what happens during fishing operations. There is a potential to capture salmon, striped bass, yellowtail and other species prohibited by State and Federal regulations, but there are no provisions to minimize potential bycatch. The two exempted fishing permits recommended by the Council to allow a small anchovy reduction fishery in a closed area off San Francisco may provide important information; however, the Council needs to develop a reporting system to assess the amount and type of bycatch. Only by properly assessing the bycatch in the fishery, can the Council meet its other responsibility to minimize bycatch and to minimize the mortality of unavoidable bycatch.



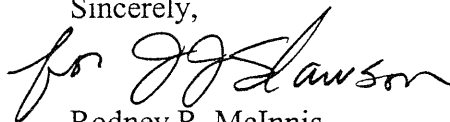
I have approved the overfishing definitions for the other species. Experience with coastal pelagic stocks around the world indicates that overfished low biomass conditions usually occur when unfavorable environmental conditions and high fishing mortality rates occur at the same time. The measures in Amendment 8 do not depend on whether low biomass is due to excess fishing or unfavorable environmental conditions. Reductions in fishing mortality are required in either case.

I have approved the fishing communities provisions. The harvest strategies, besides protecting the resources and ensuring forage for dependent species, are designed to provide maximum benefit to the Pacific coast. The limited entry scheme, besides preventing overcapitalization, is designed to protect historic participation in the fishery while providing maximum benefits to all users. Nevertheless, a more deliberative search for fishing communities, especially social and cultural aspects that might play a role in fisheries, would help ensure that a complete analysis has been completed. A proposed project to develop profiles of ports along the Pacific coast may help us better define communities and measure impacts. We can work with the Council to obtain better information so that the impacts can be measured more effectively.

I have approved the essential fish habitat provisions. Essential fish habitat (EFH) for coastal pelagics is defined by a temperature range bordered within the geographic area where a coastal pelagic species occurs at any life stage, where a species has occurred historically during periods of similar environmental conditions, or where environmental conditions do not preclude colonization by the species. More is known about the requirements for finfish than squid. Although spawning areas of squid are generally known to be shallow semi-protected near-shore areas with sandy or mud bottoms adjacent to submarine canyons, exactly what squid require for spawning habitat is not known. Accordingly, benthic habitats of spawning squid have not been described and identified by the Council as EFH. The Southwest Region is cooperating with the California Department of Fish and Game in research to determine these requirements. The Council should closely follow the research currently underway so that protection can be provided to squid stocks by amending the fishery management plan to add spawning squid EFH as soon as possible. This would enhance conservation of key habitat that may be adversely affected by human activity.

The Council has prepared an important response to the rapid increase in biomass of Pacific sardine following decades of low abundance. How this resource is managed will have significant effects on other coastal pelagic species, the species that depend on coastal pelagics for forage, and on the economics of fishing. I look forward to working with the Council to implement the provisions of the amendment.

Sincerely,



Rodney R. McInnis
Acting Regional Administrator