

25 May 2000

Rodney R. McInnis
Acting Administrator, Southwest Region
National Marine Fisheries Service
501 W. Ocean Blvd., Suite 4200
Long Beach, CA 90802-4213

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PFMC

VIA US MAIL AND FAX

RE: Comments on Receipt of an Application for an Exempted Fishing Permit (EFP), 65
Fed.Reg. 25709 (May 3, 2000)

Dear Mr. McInnis:

On behalf of the Center For Marine Conservation, Environmental Defense, Natural Resources Defense Council, National Audubon Society, and Point Reyes Bird Observatory, we are writing to urge you to **deny** granting the exempted fishing permit to harvest northern anchovy by a small-scale reduction fishery off the Farallon Islands, in an area already closed to reduction fisheries.

The proposed area to be fished is within the boundaries of the Gulf of the Farallones National Marine Sanctuary (GFNMS). The GFNMS is a place of special significance which is designated to protect its ecological and cultural integrity for current and future generations. Protection and preservation of vulnerable marine resources is always a sanctuary's primary focus.

It is the intent of the National Marine Sanctuaries Act to protect certain areas of the marine environment which possess conservation, recreational, ecological, historical, research, educational, or esthetic qualities which give them special national, and in some instances, international, significance (National Marine Sanctuaries Act, 16 U.S.C. § 1431 et. seq., (NMSA) as amended by Public Law 104-283: § 301). In addition, it is unlawful to destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary (Id. § 306.).

The closure to the Northern Anchovy reduction fishery in this area was implemented in 1978 – three years before the GFNMS was designated. The Sanctuary was designated to protect vulnerable and historical marine resources, and Northern anchovy have been an integral part of the GFNMS. Northern anchovy historically have an important ecosystem role in the areas surrounding the Farallon Islands, and a reduction fishery even on a small scale should not be allowed.

Northern anchovy are subject to natural predation throughout all life stages. Eggs and larvae fall prey to an assortment of invertebrate and vertebrate planktivores. As juveniles, anchovy are vulnerable to a wide variety of predators, including many recreationally and commercially important species of fish. As adults, anchovy are a key prey species fed upon by endangered salmon stocks (Endangered Species Act (ESA) salmon stocks from California: listed Sacramento Winter Chinook, threatened Sacramento Spring Chinook and threatened Central California Coho), endangered birds (California brown pelican and least tern), numerous fishes, mammals (including the endangered steller's seal lion) and most other seabirds who live within the GFNMS boundaries. Draft Appendix A to Amendment 14 to the Pacific Coast Salmon Plan states that the important elements of Chinook salmon marine essential habitat are adequate prey species and forage base (food) (Section 2.1.4, p. 2-10). Because of the important ecosystem role Northern anchovy have, populations of many endangered species resident to the GFNMS may be put at risk if a reduction fishery on this key prey species is allowed.

The Farallon Islands are also designated as a national wildlife refuge, offering resting and breeding sites for marine mammals and seabirds which forage on Northern anchovy. In fact, the Farallon Islands are the largest and most biologically diverse seabird colony in the continental U.S., with approximately 200,000 birds of 12 species – of which 9 species are in some way dependant on anchovy. Links between brown pelican breeding success and anchovy abundance have been documented (Anderson *et al.* 1980, 1982; Jacobson and Thomson 1989). The resources in a national refuge are protected by managing human activities that may damage habitat and species. The granting of an Exempted Fishing Permit within the boundaries of the GFNMS and the Farallon Islands could jeopardize the success of breeding marine mammals and seabirds by reducing the level of prey available.

In addition to possibly upsetting the balance of the Farallon ecosystem, reduction fisheries yield a lower value fish. Anchovy landed by the reduction fisheries are converted to meal, oil, and soluble protein products sold mainly as protein supplements for poultry food and also as feed for pigs, farmed fish, fur-producing animals, laboratory animals, and household pets. Other types of non-reduction fisheries can land less fish at a higher value. Since northern anchovy are an important forage fish, a fishery that yields low value fish by design, can cause a greater impact to the ecosystem since more fish need to be landed to equal the value of non-reduction fisheries.

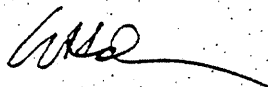
The Magnuson-Stevens Reauthorization Act of 1996 cautions fishery managers to use the precautionary approach. In addition, the Essential Fish Habitat Plan (Modified from: *Coastal Pelagic Species Fishery Management Plan* (CPSFMP), or "Amendment 8 To The Northern Anchovy Fishery Management Plan") cites closed areas as a way to protect essential fish habitat.

Fishery management options to prevent, mitigate, or minimize adverse effects from fishing activities may include, but are not limited to... Time/area closures: Closing areas to all fishing or specific gear types during spawning, migration, foraging, and nursery activities; and designating zones for use as marine protected areas to limit adverse effects of fishing practices on certain vulnerable or rare areas/species/life history stages, such as those areas designated as habitat areas of particular concern. (CPSFMP, Section 3.0)

Allowing an exempted fishing permit in an area that is closed sets a bad precedent, and is contrary to the intent of the CPSFMP. If an area is closed and there are biological reasons to continue that closure, then it should remain closed even to a small-scale reduction fishery.

It is for these reasons that we urge you to deny granting the applicant an exempted fishing permit. Thank you.

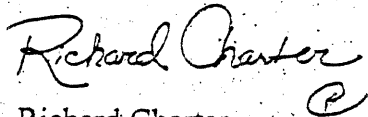
Sincerely,



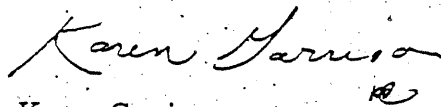
Ellie Cohen
Executive Director
Point Reyes Bird Observatory



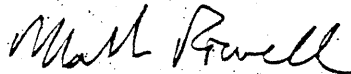
Paul Engelmeyer ©
10-Mile Creek Sanctuary Manager
National Audubon Society



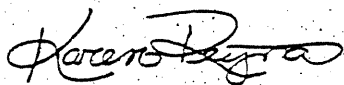
Richard Charter ©
Marine Conservation Advocate
Environmental Defense



Karen Garrison ©
Senior Policy Analyst
Natural Resources Defense Council



Mark Powell, PhD
Pacific Fisheries Manager
Center For Marine Conservation



Karen Reyna
Coastal Pelagic Species Advisory Subpanel Member - Pacific Fishery Management Council
Pacific Ocean Conservation Network Coordinator

CC: Mr. Robert Hight, CA Department of Fish & Game Director
Mr. Ed Ueber, Gulf of the Farallones National Marine Sanctuary Manager
Dr. Don McIsaac, Pacific Fishery Management Council Executive Director
Ms. Maria Brown, Farallones Marine Sanctuary Association Director