



Attachment F.2.b.
June 2000

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

MAR 29 2000

F/SWR2:JJM
1504-13-CPS-0B-320

Mr. Jim Lone
Chairman
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Dear Jim,

Enclosed for the Council's review is an application from Mr. Michael D. McHenry for an exempted fishing permit to allow the harvest of northern anchovy in the Farallon Islands closure off California. An area from Pigeon Point to the Farallon Islands to Point Reyes is closed to reduction fishing under section 660.507 of the Federal regulations implementing the Coastal Pelagic Species Fishery Management Plan. The proposed fishing would test the feasibility of a small reduction fishery in the area with minimum bycatch and vessel conflict.

The application has been submitted under section 600.745(b) of the Federal regulations implementing the General Provisions for Domestic Fisheries. A notice acknowledging receipt of the application and a request for public comment will be published in the *Federal Register*.

Sincerely,

Rodney R. McInnis
Acting Regional Administrator

Enclosure

cc: w/enclosure
F/NWR-W. Stelle
GCSW - J. Feder
GCNW-E. Cooney
F/NWC-U. Varanasi
F/SWC-M. Tillman



Rodney Mc Innis, Regional Administrator
N.M.F.S.
501 W. Ocean Blvd. Suite 4200
Long Beach, Ca. 90802-4213

Michael D. McHenry
223 San Clemente Rd.
Half Moon Bay, Ca. 94019

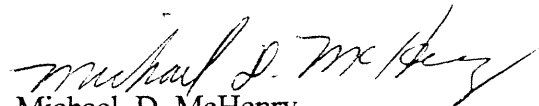
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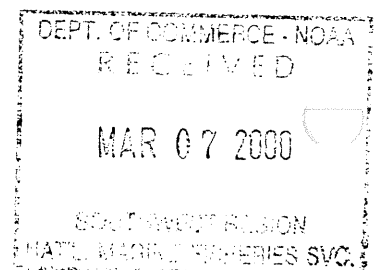
Dear Mr. McInnis,

Last year I applied for and received an anchovy reduction permit for Dist. 10, it was for the 1999 season. The price of fishmeal was very low last year and therefore I didn't fish for any anchovy. This year looks more promising and I would like to reapply for the year 2000 anchovy reduction permit.

Talking to Jim Morgan, he said I should reapply to you. Here is a copy of last years request and I would appreciate your consideration on this matter.

Sincerely,


Michael D. McHenry
F/V Merva W



Dr. William T. Hogarth, Regional Administrator
National Marine Fisheries Service
501 W. Ocean Blvd, Suite 4200
Long Beach, Ca. 90802-4213

April 8, 1999

Dear Dr. Hogarth;

This letter is regarding my application for an exempted fishing permit (EFP) to fish anchovy for reduction in the District 10 closed area. As instructed by NMFS, the following is a complete EFP application written in accordance with federal regulations Section 600.745(b) (2).

Date of application. Original date of application 2 /9 / 99

Applicant's name
Mr. Michael D. McHenry
223 San Clemente Rd.
Half Moon Bay, Ca. 94019
650 726-5498
Fax 650 726-4002

Statement of the purpose and goal of the exempted Fishery for which an EFP is needed, including justification for the EFP.

(Reprinted from original application with some areas of expanded text)
The original Northern Anchovy Fishery Management Plan adopted by the Pacific Council in 1978 included five areas closed to anchovy reduction fishing. Some of the closed areas extended from state waters out into the exclusive economic zone (EEZ) and were simply adopted from existing Ca. state law, including the Farallon Island closure off the San Francisco Bay. The rationale in the original FMP was to give added protection to (1) the live-bait industry and (2) predator forage supplies. In the former instance, the closures had evolved over the years because of user conflicts between recreational and commercial fisherman. The Anchovy FMP from 1978 states, "these closed areas reduce chances of direct confrontation between commercial and recreational fisherman on the fishing grounds". In the latter instance it has been suggested that the closed area creates a sanctuary that preserves the anchovy for forage fish, specifically salmon and striped bait, Live bait fisherman can continue to fish anchovy in the closed areas, but the law precludes fishing anchovy in the closed area and delivering it for reduction.

We would like to propose a test fishery using an exempted fishing permit to allow commercial fishing within District 10 of anchovy for reduction purposes. The purpose and goal of the fishery are listed below.

1. Collecting and updating the information that exists on anchovy as forage fish for salmon or striped bass in the Farallon Island closure. Originally the Northern Anchovy FMP simply closed the area to anchovy reduction fishing that the state of Ca. had previously designated as closed. Although there is no reference to any studies or data the rationale was to protect forage fish for salmon and striped bass. The only information found in the FMP was anecdotal information provided by recreational anglers.

NMFS has reported that the Northern Anchovy biomass has increased from a low to moderate level with the most recent spawning biomass set at 338,000 mt. The Pacific Council has voted to place northern anchovy on the "monitored-only" list under Amendment 8 (Coastal Pelagic Species Fishery Management Plan). The harvest quota for reduction purpose for the 1998-1999 season is 13,000 mt. The non-reduction quota is 4,900 mt. Any fish landed for reduction with the exempted fishing permit will still count towards the pre-set quota of 13,000 mt. The Pacific Council's approach to managing harvest of anchovy seems relevant to the issue of forage. The very high CUTOFF (200,000 mt.) is for no other reason than to provide a forage buffer. FISHING FOR LIVE BAIT ALREADY OCCURS IN THIS CLOSED AREA AND DOES NOT SEEM TO POSE THE PROBLEM OF LOWERING THE ANCHOVIES AVAILABLE FOR FORAGE.

(2) Determining bycatch. The reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) directs the regional Councils to address bycatch issues in federally managed fisheries. National Standard 9 states "conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch".

Because of the fishing gear utilized the CPS fishery is generally a very clean fishery with few non-target species caught. However if bycatch of endangered or threatened species in District 10 is of concern, then the exempted fishing permit will provide a mechanism for addressing these concerns and monitoring the potential bycatch, providing data which can be used to study the situation and make informed decisions as the MSFCMS dictates. Since the gear that will be used under the exempted permit is the same as that for bait fishing, the permit will also provide data on the bait fishery.

Reducing discards. The MSFCMA includes discard under the definition of bycatch which the regional Councils are directed to minimize. Currently, there are live-bait fisherman who fish in District 10 who are sometimes unable to sell all of their anchovies as live bait. These fish have to be discarded because sale for reduction is against the law. With the exempted fishing permit those discards could be sold to a processor for reduction (and those fish would still apply towards the reduction quota) instead of wasted.

Determine if previous user conflicts still exist and if those concerns continue to be valid.

User conflicts were alleged by recreational fisherman long before the original Northern Anchovy FMP was implemented. Those concerns have already been mentioned above. But do they still exist today? The exempted fishing permit will allow a procedure to be put in place to study these alleged conflicts. In addition, the exempted fishing permit application will be published in the Federal Register allowing user groups to voice any concerns they have via public comment to NMFS.

For each vessel to be covered by the EFP, as soon as the information is available and before operations begin under the EFP;

(A) A copy of the USCG documentation, state license, or registration of each vessel;
See Attachment # 1

The species (target and incidental) expected to be harvested under the EFP, the amount(s) of such harvest necessary to conduct the exempted fishing, the arrangements for disposition of all regulated species harvested under the EFP, and any anticipated impacts on marine mammals or endangered species.

TARGET & INCIDENTAL SPECIES. The species targeted under the EFP is the Northern anchovy (*Engraulis mordax*). Incidental species that could be caught may include other coastal pelagic species such as sardine (*Sardinops sagax*). The amount of sardine that could be caught is well below the percentage allowed under the new CPS fishery management plan (zero to 45 % of landed weight when stocks are not overfished). In fact, when stocks are not defined as overfished under the overfishing definition stated in the FMP, there is no restriction on live bait harvest. Comments were made by recreational anglers over twenty years ago that some species of salmon or striped bass may be caught in this area when fishing for anchovy. However, bait fisherman have been allowed to fish in this closed area for well over twenty years without encountering any bycatch problems with protected species. I am willing to carry an observer and / or a log book to record data that will help determine if a bycatch problem currently exists in this closed area. There are no existing scientific studies that support the idea that a bycatch problem exists in District 10; an EFP will be an effective mechanism for determining whether a problem actually exists or not.

AMOUNT OF TARGET SPECIES. I propose to land approximately 2 - 3000 mt. of anchovy for reduction under the exempted fishing permit. Any fish landed for reduction under the EFP will be counted toward the quota set - aside of 13,000 mt. available for reduction.

ARRANGEMENT FOR DISPOSITION OF REGULATED SPECIES. A local processor has agreed to buy all regulated species caught under the EFP, If salmon is caught it will be turned over to the state of Ca. through the processor

ANTICIPATED IMPACTS ON MARINE MAMMALS OR ENDANGERED SPECIES.

There are no anticipated adverse impacts on either marine mammals or endangered species. See above under target and non-target species for possible interaction with salmon. Although a number of marine mammals and endangered species rely on anchovy as forage, the Pacific Council's harvest policy for managing anchovy address the important issue of forage. The very high CUTOFF (200,000 mt) is for no other reason than to provide a forage buffer. Again, live - bait fisherman have been fishing in the closed area within District 10 for over twenty years without any problems associated with marine mammals or endangered species

For each vessel covered by the "EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.

TIME; I propose to utilize the EFP from May through October (excluding July).

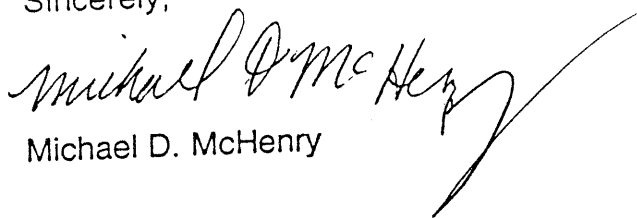
PLACE; I propose to utilize the EFP in the area of District 10 defined as that portion of District 10 lying inshore of a line beginning at Pigeon Point (San Mateo Co) northwesterly in a straight line to the U.S. Navigation Light on S.E. Farallon Island, northerly in a straight line to the U.S. Navigation Light on Pt. Reyes (Marin Co.) I am already fishing in this area for anchovy to be used as live bait.

TYPE, SIZE & AMOUNT OF GEAR. I will be utilizing the same type of gear as I currently use for bait fishing. We use a Drum Seine.

Dr Hogarth, This expanded application has been completed in accordance with the Federal regulations presented in Section 600.745(b) (2). If for some reason more information is necessary please contact me directly at the address provided at the beginning of this letter application. I would appreciate your review of this application as soon as possible as it is before the Pacific Council now. If further amendments are needed for the application to be approved I would like the appropriate amount of time to work with your office to make any changes .

Thank You for your consideration,

Sincerely,



Michael D. McHenry

c.c. Heather Munro

As for the application and Plan

Target Date: 5 / 1 99

No fee

Application date: 2 /9 /99

Application: Michael D. Mc Henry
223 San Clemente Rd.
Half Moon Bay, Ca. 94019
650 726-5498
Fax 650 726-5498

Purpose: To use Anchovy for tallow or reduction
uses - fish oil protein pellets for fish farms
pet food.

Justification: Biomass in Gulf of Farallons is astronomical
Presently no boats are fishing.
Would relieve pressure on Monterey Bay

Owner: Same as above

Species: Northern Anchovy
No incidental catch in my 15 years of bait fishing
Some mixing of Sardines, but under % allowance

Vessel Gear: Drum Seine - Anchovy web
Net 150 fathoms long - 20 fathoms deep

Time: 5 /1/ 99 to 10 /1/99

Vessel Capacity: 45 Ton

DEPARTMENT OF
TRANSPORTATION
U.S. COAST GUARD
CG-1270 (REV. 5-82)

CERTIFICATE OF DOCUMENTATION

OMB APPROVED
2115-0110

1. VESSEL NAME

MERVA W

2. OFFICIAL NUMBER

532 023

3. TONNAGE

GROSS

NET

61

41

L - 56.7

L. B. D.

B - 17.9

D - 8.0

4. HOME PORT

San Francisco, California

5. BUILD: PLACE(S)

Princeton, California

YEAR

1971

6. OWNER

Michael D. McHenry

7. OWNER'S ADDRESS

Rt. 1, Box 444 MC
Half Moon Bay, CA 94019

8. RESTRICTIONS

NONE

9. ENTITLEMENTS

NONE

10. PORT OF ISSUANCE

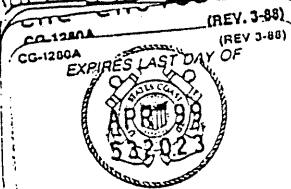
San Francisco, CA

11. DATE OF ISSUANCE

3 April 1986

12. SIGNATURE & SEAL

E. Kirby
E. KIRBY



14. PROPULSION
YES

15. HULL MATERIAL
STEEL

16. TRADE ENDORSEMENTS. DO NOT INSERT ANY TRADES FROM WHICH VESSEL IS RESTRICTED. SEE BLOCK 8.

THIS VESSEL IS PRESENTLY DOCUMENTED FOR:

FISHERY

DATE *E. Kirby*
3 April 1986

SIGNATURE E. KIRBY

THIS VESSEL IS PRESENTLY DOCUMENTED FOR:

DATE
SIGNATURE

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*INDICATES CHANGE IN ITEM. NATURE OF WHICH IS REFLECTED ON REVERSE OF DOCUMENT.

PREFERRED MORTGAGE ENDORSEMENTS

MORTGAGE ENDORSEMENT

INSTRUMENT

PM _____, INST. _____

MORTGAGOR

INSTRUMENT

PM _____, INST. _____

MORTGAGOR

MORTGAGEE

MORTGAGEE

AMOUNT

AMOUNT

MORTGAGE AMENDMENTS

1. INSTRUMENT AMENDED

PM _____, INST. _____

CHANGE

DATE AND TIME OF ENDORSEMENT

SIGNATURE AND SEAL

PORT

2. INSTRUMENT AMENDED

Coast Guard Vessel Documentation

Vessel Name:	MERVA W	USCG Doc. No.:	532023
Vessel Service:	FISHING BOAT	IMO Number:	*
Hull Design:	*	Call Sign:	WYZ3811
Hull Material:	STEEL	Hull Number:	*
Place Built:	PRINCETON, CA	Year Built:	1971
Shipyard:	*	Length (ft.):	56.7
Home Port:	HALF MOON BAY CA	Gross Tonnage:	61
Owner:	MERVA W INC	Net Tonnage:	41
	223 San Clemente	Hull Depth (ft.):	8
	Half Moon Bay, CA 94019	Hull Breadth (ft.):	17.9
		Horsepower:	260
Documentation Status:	Currently Documented		
No Vessel Name Changes			
No Vessel Owner Changes			

[Return to Vessel by CG Doc. Number Query Page](#)

[Go to Vessel by Name Query Page](#)

