



Exhibit C.6.b
Supplemental NMFS Report
November 2001

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., BLDG. 1
BIN C15700
Seattle, Washington 98115-0070

OCT 26 2001

Mr. James Lone
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

Re: Pacific Coast Groundfish - Rebuilding Plans for Overfished Species

Dear Jim:

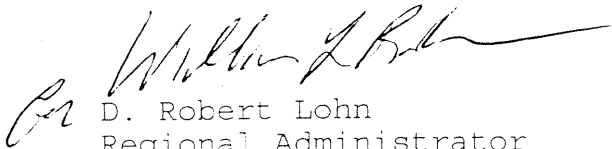
On August 20, 2001, the federal magistrate ruled in National Resources Defense Council, Inc. v. Evans (N.D. Cal. 2001) that rebuilding plans under the Pacific Coast Groundfish Fishery Management Plan (FMP) must be in the form of plan amendments or proposed regulations, as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) at 16 U.S.C. § 1854 (e)(3). Accordingly, the magistrate issued an order setting aside those portions of Amendment 12 to the FMP dealing with rebuilding plans (Amendment 12 provided a framework for rebuilding plans that would have been a part of the annual SAFE document, but were not themselves plan amendments or proposed regulations). In addition, the magistrate found that the Environmental Assessment (EA) prepared for Amendment 12 failed to consider a reasonable range of alternatives and environmental consequences, in violation of the National Environmental Policy Act (NEPA), and set aside the EA.

As a result of the magistrate's decision, the Council must now revise Amendment 12 to be consistent with the Magnuson-Stevens Act. NMFS recommends the development of one or more FMP amendments revising Amendment 12 and containing the rebuilding plans for species that have been declared overfished. The existing rebuilding plans can be used as a starting point for both the amendments and their accompanying EAs. Soon after January 1, 2002, NMFS staff would like to meet with the Council staff to define the format and contents of the FMP amendment(s) on rebuilding plans and their EAs. Draft FMP amendment(s) that address the rebuilding measures for POP, bocaccio, lingcod, canary rockfish, cowcod, darkblotched rockfish and widow rockfish should be presented to the Council at the April 2002 meeting, with the intention of presenting final amendment(s) for adoption at the Council's June 2002 meeting.



I am encouraged by the efforts that the Council has put into the rebuilding process and the commitment to meeting the rebuilding needs of overfished species. I look forward to working with you to complete these rebuilding programs.

Sincerely,



D. Robert Lohn
Regional Administrator
NMFS Northwest Region