



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sustainable Fisheries Division
7600 Sand Point Way N.E., Bldg. #1
Seattle, Washington 98115-0070

MAR 31 2003

1504-17-010

Dr. Hans Radtke, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

RECEIVED

APR 1 2003

PFMC

Dear Dr. Radtke: *Hans*

At the April Council meeting, agendum E.4. has the Council considering either a 2-meeting or 3-meeting process for developing the 2004 specifications and management measures.

Last November, the Council considered a process to transition from the current practice of developing groundfish specifications and management measures annually to the biennial process set out in Amendment 17. At that time, the Council determined that a decision on whether the 2004 specifications and management measures would be developed through a 2-meeting or 3-meeting process would be made at the April 2003 Council meeting. The basis for the decision was to depend on a determination of whether the January-April 2003 management measures were adequate for re-use during January-April 2004 with few, if any, changes. If the January-April 2003 management measures were adequate to repromulgate for the January-April 2004 period, they would be promulgated through notice and comment rulemaking (proposed and final rule) in late 2003. This would allow the Council to use a 3-meeting process beginning in June and ending with the November Council meeting, followed by a second rulemaking for May-December 2004 following the November meeting. If the January-April 2003 management measures were not adequate to repromulgate for January-April 2004, then the 2004 specifications and management measures would be considered in a 2-meeting process similar to that used for 2003.

I believe that it would be most prudent for the Council to plan that by early summer, new bycatch rates for several overfished species derived from the first year of observer data will be available, and will likely indicate that the January-April 2003 management measures will not be adequate for the same period in 2004. In that case, I don't think that a 3-meeting process for the 2004 specifications and management measures is a possibility. As you know, the specifications and management measures have become increasingly complex in recent years, particularly last year. The agency is no longer able to draft and implement the annual specifications and management measures over the short, less than 2-month time period following a November meeting, particularly given our court-mandated public notice and comment obligation. Frankly, there is not even sufficient time to implement an emergency rule by January 1 because of the complexity of the regulatory package. Based on the 2003 experience, we need at least from the September Council meeting.

I understand and share everyone's view that developing the 2003 groundfish specifications and management measures through a 2-meeting process was extremely difficult and frustrating. The Council was dealing with new science that came into the process late and we had to develop significant new changes to the management measures by creating large conservation areas. These drastic changes also caused problems for the States. State management agencies were not able to finalize their desired management recommendations until near the end of the September 2003 meeting.

I hope that we can learn from last year's process, and with some pre-planning, make the 2-meeting process more reasonable. The following suggestions are for the Council's consideration and are intended to make a 2-meeting process go more smoothly:

1. Resist making major changes to the overall management framework for 2004 unless absolutely necessary. Revisions to current closed area boundaries should only be made to better protect overfished species, to provide more clarity of closed area boundaries for fishers and enforcers, or to allow vessels access to more healthy stocks in areas where incidental take of overfished species is unlikely to occur.
2. Proposed changes to the closed area boundaries and other management recommendations should be developed in as much detail as possible prior to the start of the September meeting, and preferably by the time of the Ad-Hoc Allocation Committee meeting. This would give the GMT a head start in evaluating the viability of different proposals.

Although there are no guarantees that we won't be blind-sided by new information, if the Council, States and Tribes emphasize early planning for the September Council meeting, we have a fair chance the 2-meeting process for 2004 will go more smoothly.

Sincerely,



William L. Robinson
Assistant Regional Administrator
For Sustainable Fisheries