

Exhibit E.1.a
Amendment 16-1 Letter
March 2004



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Mr. Donald Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220

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PFMC

Dear Mr. Hansen:

By this letter, I am approving Amendment 16-1 to the Pacific Coast Groundfish Fishery Management Plan (FMP). As you know, Amendment 16-1 sets a process for and standards by which the Council will specify rebuilding plans for overfished groundfish stocks. Amendment 16-1 is intended to ensure that Pacific coast groundfish overfished species rebuilding plans meet the requirements of the Magnuson-Stevens Act, in particular National Standard 1 on overfishing and §304(e), which addresses rebuilding overfished fisheries. Amendment 16-1 is also intended to partially respond to a court order in Natural Resources Defense Council, Inc. v. Evans, 168 F. Supp. 2d 1149 (N.D. Cal 2001,) in which the court determined that Pacific Coast groundfish rebuilding plans must be in the form of FMPs, FMP amendments, or regulations. Amendment 16-1 also makes the Federal observer program mandatory, as required by the court's decision in Pacific Marine Conservation Council v. Evans, 200 F. Supp. 2d 1194 (N.D. Calif. 2002).

NMFS published a proposed rule to implement Amendment 16-1 on September 5, 2003 (68 FR 52732), and we expect to have the final rule effective in early 2004. Regulations implementing Amendment 16-1 will include a new Federal regulation at 50 CFR 660.370 that will be reserved for the overfished species' target years for rebuilding (T_{Target}) and the harvest control rule to be used to rebuild each stock. All other overfished species rebuilding parameters would remain in the FMP.

Section 304(e) of the Magnuson-Stevens Act provides that the Secretary of Commerce, acting through NMFS, shall review rebuilding plans contained in FMP amendments or regulations at routine intervals that may not exceed two years. Amendment 16-1 provides that species-specific standards for determining when progress has been adequate will be developed for each plan. To comply with this provision, NMFS asked (at the November 2003 Council meeting) that the Council's Scientific and Statistical Committee (SSC) start developing these standards. NMFS further suggests that the SSC consider developing these standards as part of the Stock Assessment Review (STAR) processes for overfished species stock assessments.

NMFS appreciates the Council's ongoing efforts to rebuild overfished groundfish species and to better formalize overfished species rebuilding plans within the FMP and Federal regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Robert Lohn (for)".

D. Robert Lohn
Regional Administrator