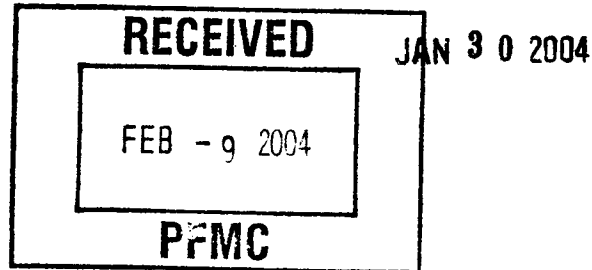




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115



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

Dear Mr. Hansen:

By this letter, I am approving Amendment 16-2 to the Pacific Coast Groundfish Fishery Management Plan (FMP). As you know, Amendment 16-2 amends the FMP to include overfished species rebuilding plans for lingcod, canary rockfish, darkblotched rockfish, and Pacific ocean perch within the FMP.

Amendment 16-2 addresses the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to protect and rebuild overfished species managed under a Federal FMP. Amendment 16-2 also responds to a court order in Natural Resources Defense Council, Inc. v. Evans, 168 F. Supp. 2d 1149 (N.D. Cal 2001.), in which NOAA Fisheries was ordered to provide Pacific Coast groundfish rebuilding plans as FMPs, FMP amendments, or regulations, per the Magnuson-Stevens Act. On October 27, 2003 the court ordered NMFS to approve rebuilding plans for lingcod, canary rockfish, darkblotched rockfish, and Pacific ocean perch by January 31, 2004.

NMFS published a proposed rule to implement Amendment 16-2 on December 5, 2003 (68 FR 67998) and we expect to have the final rule effective in early 2004. Regulations implementing Amendment 16-2 will codify two rebuilding parameters, the target year for rebuilding and the harvest control rule to be used to rebuild the stock. These parameters control the establishment of the annual or biennial optimum yield for each overfished species in Federal regulation. The target rebuilding year is the year in which there is a 50 percent likelihood that the stock will have been rebuilt with a given mortality rate. The harvest control rule expresses a given fishing mortality rate that is to be used over the course of rebuilding. All other overfished species rebuilding parameters will remain in the FMP. If, after a new stock assessment, the Council and NMFS conclude that these should be revised, the revision will be done through a notice and comment rulemaking, and the updated values codified in the CFR.

On November 14, 2003, I sent you a letter of approval for Amendment 16-1. In that letter, I reminded the Council that Amendment 16-1 requires the Council to set species-specific standards for determining when rebuilding progress has been adequate to meet rebuilding plan goals. At the Council's November 2003 meeting, NMFS asked that the Council's Scientific and Statistical Committee (SSC) start developing these standards. The Council will need to complete their review and adoption of these review standards for Amendment 16-2 species no later than its September 2005 meeting in order to ensure timely review of the rebuilding plans.

NMFS appreciates the Council's ongoing efforts to rebuild overfished groundfish species.

Sincerely,

A handwritten signature in cursive script that reads "Joe Scordino". The signature is written in black ink and is positioned to the right of the typed name. A small, stylized "for" is written to the left of the signature, indicating that the signatory is acting on behalf of the person named below.

D. Robert Lohn
Regional Administrator