

Agendum C.4.a
Attachment 4
September 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

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PFMC

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 17 to the Pacific Coast Groundfish Fishery Management Plan (FMP). As you know, Amendment 17 revises the Pacific Fishery Management Council's (Council's) annual groundfish management process so that it becomes a biennial process with time for notice and comment rulemaking to implement the biennial specifications and management measures. Amendment 17 is intended to ensure that the specifications and management measures process responds to a court ruling in Natural Resources Defense Council, Inc. v. Evans, 316 F.3d 904 (9th Cir. 2002,) to make the Council's development process for specifications and management measures more efficient in order to allow time for other management activities, and to streamline the NMFS regulatory process for implementing the specifications and management measures. A proposed rule to implement Amendment 17 was published on June 13, 2003 (68 FR 35354), and we expect to have the final rule effective by October 31, 2003. Because Amendment 17 primarily addressed the Council process, the primary effect of the final rule to implement Amendment 17 will be to revise regulatory references to the annual groundfish management process.

Under the biennial management process introduced by Amendment 17, the groundfish specifications and management measures would be developed and recommended by the Council through a three-meeting process, usually November-April-June meetings. The Council's November 2003 meeting will mark the start of the Council process for developing 2005-2006 harvest specifications and management measures. You may recall that, when the Council adopted Amendment 17, it asked its Groundfish Management Team (GMT) to develop a process that would give the Council a mid-biennium checkpoint "to ensure that those harvest levels set in [the] earlier management process are adequately conservative to meet overfished species protection and conservation requirements." NMFS would be pleased to work with the Council in developing this checkpoint process for overfished species rebuilding.

NMFS appreciates the Council's efforts to improve the efficiencies of its management processes, particularly to accommodate NMFS's needs for providing an expanded notice and comment rulemaking for the groundfish specifications and management measures.

Sincerely,


D. Robert Lohn
Regional Administrator