

PROPOSED PROCESS AND SCHEDULE FOR DEVELOPING 2011-2012 BIENNIAL HARVEST SPECIFICATIONS AND MANAGEMENT MEASURES

Amendment 17 to the Groundfish Fishery Management Plan (FMP) established the process to set biennial groundfish harvest specifications and management measures which was first used to set 2005-2006 harvest specifications and management measures and again used for the same purpose for the past two management cycles. The process accommodated several important sequential decision-making steps, including scientific peer review of data and analyses used for management decision-making; preparation of either an environmental assessment (EA) or environmental impact statement (EIS) as required by the National Environmental Policy Act (NEPA) to analyze alternative harvest specifications and management measures; the opportunity for constituent meetings sponsored by state agencies to solicit public input on a preferred management alternative; and full notice and comment rulemaking to implement new biennial regulations. All of these steps need to be timed so that the new regulations can be implemented January 1 in the first year of the subsequent management cycle, in this case 2011.

A draft schedule and process for developing the 2011-2012 groundfish harvest specifications and management measures is provided as Agenda Item E.2.a, Attachment 1. This process and schedule is modeled after the process used to develop 2009-2010 specifications and management measures. Council and National Marine Fisheries Service (NMFS) staffs will coordinate responsibilities for addressing the processes and actions to implement the Council's decision. In the past, Council staff has taken lead responsibility in preparing an EIS to support Council decision-making and inform the public about the proposed action. NMFS staff has been responsible for drafting the regulations necessary to implement the action. NMFS is also responsible for managing the implementation process, such as undertaking the steps required in rulemaking and filing the draft and final EIS (if prepared) with the Environmental Protection Agency.

The process for setting the 2011-2012 specifications and management measures has several unusual aspects. First, the management framework should be made compliant with revised National Standard 1 Guidelines specifying overfishing limits (OFLs), acceptable biological catches (ABCs), annual catch limits (ACLs), and accountability measures (AMs). Under the reauthorized MSA, these revisions are to be incorporated into the FMP by 2011, which means that decisions on harvest specifications for the next biennium need to be guided by, and be consistent with, the revised framework. Thus, the process for developing FMP Amendment 23, which will incorporate the revised framework into the groundfish FMP, must be closely coordinated with the harvest specifications process. Second, a target date of January 1, 2011, has been set for implementation of the Trawl Rationalization Program. This would change the management measures used in the groundfish limited entry trawl sector; for a combined whiting and nonwhiting shoreside sector individual fishing quotas (IFQs) would be used instead of bimonthly cumulative landing limits. The Pacific whiting mothership sector would be managed by a new obligatory cooperative structure. The catcher-processor sector would continue to function under the current, voluntary co-op. The Council also adopted a large number of fixed allocations of management units between the trawl sectors and other groundfish sectors to support Trawl Rationalization. Assuming the program is implemented, the kinds of management measures under consideration during the biennial process will change substantially. However, it

may be necessary to consider as a contingency suitable measures employing the current management tools in case the trawl rationalization program cannot be implemented by January 1, 2011. Any decision on the range of measures to be considered probably does not need to be made until the April 2010 Council meeting (when management measure alternatives are slated for adoption), at which time NMFS will likely have a better idea of whether the trawl rationalization program will be in effect at the start of the next biennial cycle.

During past biennial cycles actions related to rebuilding plans for overfished species raised additional process issues. Although not known at this time, declaration of another species as overfished, triggering the need to develop a rebuilding plan, would necessitate preparation of an FMP amendment. Similarly, as in the 2008-2009 biennial cycle, substantial revisions to existing rebuilding plans required an FMP amendment (Amendment 16-4) accompanying the groundfish specifications regulatory action. This could introduce additional steps in the implementation process as described in Attachment 1.

Two years ago it was noted that §304(i) of the revised MSA, describing new MSA-specific environmental procedures could change the type of analytical document that may be required. In 2008 NMFS published a proposed rule to implement this provision. However, in December 2008 the proposed rule was withdrawn. The agency may address this outstanding issue in 2009, but it is unlikely to affect the form of documentation during this biennial cycle, because actions in process would likely be “grandfathered” under current requirements.

Attachment 2 is the scoping matrix included in the NMFS Northwest Region (NWR) Quality Assurance Plan, which specifies environmental procedures pursuant to regulatory streamlining. This scoping matrix helps to document the decision as to whether an EA or EIS should be prepared for a particular action. It is expected that NMFS NWR staff, with input from Council staff, will undertake this exercise in the near future, which, if necessary, would be followed by a Notice of Intent (NOI) to prepare an EIS. The NOI outlines the issues under consideration, invites public comment on the scope of the action and its effects, and announces a 30-day written public comment period on scoping issues. As indicated in Attachment 1, the NOI would be published in advance of the November 2009 Council meeting when decision-making on the range of alternatives begins. The Council may wish to provide comments related to the scoping matrix for consideration in the decision about the type of NEPA document to prepare.

The Council should consider the advice of its advisory bodies and the public before adopting a detailed schedule and process for the development of 2011-2012 groundfish harvest specifications and management measures.

Council Action:

Adopt a process and schedule for developing 2011-2012 groundfish harvest specifications and management measures.

Reference Materials:

1. Agenda Item E.2.a, Attachment 1: Pacific Fishery Management Council and National Marine Fisheries Service Schedule and Process for Developing 2011-2012 Groundfish Harvest Specifications and Management Measures.

2. Agenda Item E.2.a, Attachment 2: Scoping Matrix for 2001-12 Groundfish Biennial Specifications and Management Measures.

Agenda Order:

- a. Agenda Item Overview Kit Dahl, John DeVore
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt a Process and Schedule

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