

Regulatory Process for Adopting the Pacific Mackerel Pacific Mackerel Harvest Guideline

Background Information: Proposed Action, Purpose and Need:

The Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) divides managed species into two categories: actively managed and monitored species. Actively managed species (Pacific sardine and Pacific mackerel) have a harvest guideline based on formulas applied to current biomass estimates. The CPS FMP and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel based on the formula in the FMP. This action adopts allowable harvest levels for Pacific mackerel off the U.S. Pacific coast. The Pacific mackerel season begins on July 1 and ends on June 30 the following year. The size of the Pacific mackerel population is estimated using an integrated stock assessment model called Age-structured Assessment Program (ASAP).

Previous Pacific mackerel harvest guidelines have been categorically excluded from the requirement to prepare an environmental assessment in accordance with National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6. If the harvest guideline, which is determined by formulas in the CPS FMP, continues to fall within the scope of the alternatives that were analyzed in the environmental impact statement that was prepared for the FMP, no further environmental documentation will need to be prepared.

Involved Parties:

- National Marine Fisheries Service (NMFS) Southwest Regional Office (SWR) staff
- Council staff
- NMFS Southwest Fisheries Science Center (SWFSC) staff
- CPS Management Team (CPSMT)
- CPS Advisory Subpanel (CPSAS)
- Scientific and Statistical Committee (SSC)
- NMFS Headquarters Staff
- Public

Timeline:

MAY-

SWFSC staff presents proposed biomass and harvest guideline numbers at public meetings of the CPSMT and CPSAS.

NMFS staff begins preparation of proposed rule package to implement annual harvest guideline regulations

JUNE-

At Pacific Fishery Management Council Meeting;

- SSC reviews biomass number.
- CPSMT, CPSAS, and SSC provide statements to Council
- Council adopts biomass and harvest guideline number

Council sends transmittal letter to NMFS SWR recommending implementation of annual harvest guideline

NMFS staff finalizes and submits proposed rule package to implement annual harvest guideline regulations for review

JULY-

Pacific mackerel fishery opens (July 1)

Proposed rule is published in Federal Register. 15 day comment period begins.

NMFS staff prepares final rule to implement annual harvest guideline regulations

15 day comment period ends

NMFS staff finalizes and submits final rule package for review

AUGUST-

Final rule is published in Federal Register.

SEPTEMBER-

Rule becomes effective (30 days after FR publish date)

MARCH/APRIL-

Pacific mackerel landings are examined by NMFS. At March or April council meeting Council decides whether incidental fishery needs to be opened

Regulatory Steps (as aligned to the Regulatory Streamlining Steps in the 8/23/05 Draft Operational Guidelines):

Steps	Action
Phase I	
1- Early Problem Identification and Planning	<ul style="list-style-type: none"> • Identify Council and NMFS Contacts for This Regulatory Action • Develop Stock Assessment Team • Plan and hold Council Advisory Body Meetings for Analysis and Recommendations
2 - Initial Determination - Type of NEPA Document	N/A (Harvest guideline action has been categorically excluded per NAO 216-6, see Background section.)
Phase II	
3 - Frontloading/Communication Activities	<ul style="list-style-type: none"> • Send public review regulatory package to Council members, SWR, and NMFS Headquarters
4 - Identification of Preferred Alternative/Adoption of Draft Analysis ESA/EFH Consultation	N/A (No alternatives developed.)
5 - File DEIS with EPA	N/A (No NEPA Document)
6 - Public Comment on DEIS	N/A (No NEPA Document)
Phase III	
7 - Council Adoption of FMP or Regulatory Amendment	<ul style="list-style-type: none"> • Council obtains SSC statement on scientific sufficiency, statements from other Advisory Bodies, State and Federal Agencies, and the Public. • Council adopts Pacific mackerel stock assessment and harvest guideline.
Phase IV	
8 - Council Completion of Recommendation Package	<ul style="list-style-type: none"> • Council transmittal letter sent to NMFS SWR within 30 days of Council decision.
9 - Completion of Decision Package	<ul style="list-style-type: none"> • NMFS SWR Completes
10 - Begin MS Secretarial Review	N/A (No FMP Amendment)
11 - Publication of NOA(FMP) or Proposed Rule, File FEIS	<ul style="list-style-type: none"> • NMFS SWR Published proposed rule with 15 day public comment period.
12 - RA Decision to Approve or Disapprove	<ul style="list-style-type: none"> • NMFS SWR Completes
13 - AA Concurrence with RA Decision	<ul style="list-style-type: none"> • NMFS SWR Completes
14 - RA Decision on Final Rule to Implement FMP	N/A (No FMP Amendment)
15 - AA Concurrence on Final Rule to Implement FMP	N/A (No FMP Amendment)
16 - Publication of Final Rule, or Notice of Agency Decision on FMP in FR	<ul style="list-style-type: none"> • NMFS SWR Completes