

## **Regulatory Process for Adopting the 2006–07 Pacific Mackerel Harvest Guideline: A Test Case for Application to a Pacific Council Regional Operating Agreement**

### **Background Information:**

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

Council adoption NMFS implementation of the 2006/2007 Pacific mackerel harvest guideline serves as a test case for a “Minor Fishery Management Action” as described in *Concepts for an Operating Agreement between the Pacific Fishery Management Council and NOAA Fisheries* (Agenda Item B.2.a, Attachment 1). The following table illustrates the applicable regulatory steps, corresponding actions taken, and timeline for this action.

**Regulatory Steps, Actions Taken, and Timeline for implementation of the Pacific Mackerel Harvest Guideline (Page 1 of 2)**  
 (as aligned to the Regulatory Streamlining Steps in the 8/23/05 Draft Operational Guidelines):

Steps	Action	Timeline
<b>Phase I</b>		
1- Early Problem Identification and Planning	<ul style="list-style-type: none"> <li>Identify Council and NMFS Contacts for This Regulatory Action</li> <li>Develop Stock Assessment Team</li> <li>Plan and hold Council Advisory Body Meetings for Analysis and Recommendations</li> </ul>	<ul style="list-style-type: none"> <li>Jan. - Council and NMFS Contacts begin planning reg./mtg. process.</li> <li>Jan.- April - Stock Assessment Team formed, draft assessment completed</li> <li>May - CPS advisory bodies meet</li> </ul>
2 - Initial Determination - Type of NEPA Document	N/A (Harvest guideline action has been categorically excluded per NAO 216-6, see Background section.)	N/A
<b>Phase II</b>		
3 - Frontloading/Communication Activities	<ul style="list-style-type: none"> <li>Send public review regulatory package to Council members, SWR, and NMFS Headquarters</li> </ul>	<ul style="list-style-type: none"> <li>Late May - for inclusion in briefing materials for June Council meeting.</li> </ul>
4 - Identification of Preferred Alternative/Adoption of Draft Analysis ESA/EFH Consultation	N/A (No alternatives developed.)	N/A
5 - File DEIS with EPA	N/A (No NEPA Document)	N/A
6 - Public Comment on DEIS	N/A (No NEPA Document)	N/A
<b>Phase III</b>		
7 - Council Adoption of FMP or Regulatory Amendment	<ul style="list-style-type: none"> <li>Council obtains SSC statement on scientific sufficiency, statements from other Advisory Bodies, State and Federal Agencies, and the Public.</li> <li>Council adopts Pacific mackerel stock assessment and harvest guideline.</li> </ul>	<ul style="list-style-type: none"> <li>June Council Meeting</li> </ul>

**Regulatory Steps, Actions Taken, and Timeline for implementation of the Pacific Mackerel Harvest Guideline (Page 2 of 2)**  
 (as aligned to the Regulatory Streamlining Steps in the 8/23/05 Draft Operational Guidelines):

<b>Phase IV</b>		
8 - Council Completion of Recommendation Package	<ul style="list-style-type: none"> <li>Council transmittal letter sent to NMFS SWR.</li> </ul>	<ul style="list-style-type: none"> <li>Late June</li> </ul>
9 - Completion of Decision Package	<ul style="list-style-type: none"> <li>NMFS SWR Completes</li> </ul>	<ul style="list-style-type: none"> <li>Late June or Early July</li> </ul>
10 - Begin MS Secretarial Review	N/A (No FMP Amendment)	N/A
11 - Publication of NOA(FMP) or Proposed Rule, File FEIS	<ul style="list-style-type: none"> <li>NMFS SWR Published proposed rule with 15 day public comment period.</li> </ul>	<ul style="list-style-type: none"> <li>July</li> </ul>
12 - RA Decision to Approve or Disapprove	<ul style="list-style-type: none"> <li>NMFS SWR Completes</li> </ul>	<ul style="list-style-type: none"> <li>July</li> </ul>
13 - AA Concurrence with RA Decision	<ul style="list-style-type: none"> <li>NMFS SWR Completes</li> </ul>	<ul style="list-style-type: none"> <li>July</li> </ul>
14 - RA Decision on Final Rule to Implement FMP	N/A (No FMP Amendment)	N/A
15 - AA Concurrence on Final Rule to Implement FMP	N/A (No FMP Amendment)	N/A
16 - Publication of Final Rule, or Notice of Agency Decision on FMP in FR	<ul style="list-style-type: none"> <li>NMFS SWR Completes</li> </ul>	<ul style="list-style-type: none"> <li>August with 30 day cooling off period.</li> </ul>