

PROPOSED PROCESS AND SCHEDULE FOR DEVELOPING BIENNIAL (2009-2010) 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 2007-2008 management cycle. The process accommodated several important sequential decision-making steps, including scientific peer review of data and analyses used for management decision-making; an environmental assessment compliant with the National Environmental Policy Act (NEPA) to analyze alternative harvest specifications and management measures; constituent meetings sponsored by state agencies to solicit public input on a preferred management alternative; and formal rulemaking to implement new biennial regulations. All of these steps were timed to implement new rules by January 1 in 2005 and 2007.

Experience from these initial processes has led to various improvements to avoid some of the problems associated with setting harvest specifications and management measures. For instance, new at-sea observer data came late into the process for setting 2005-2006 management measures which delayed some of the critical NEPA analyses. This, coupled with delayed resolution of new stock assessments, ultimately delayed the expected process significantly. The National Marine Fisheries Service (NMFS) had to waive the Administrative Procedure Act required 30-day cooling-off period in order to implement new regulations under an emergency rule by January 1. The Council and NMFS made improvements by agreeing to provide new observer data annually in November when the Council decision-making process begins and scheduling extra Stock Assessment Review Panels to resolve stock assessment problems that emerge late in the process. However, despite these improvements, the 2007-2008 decision-making process was problematic in that some critical analyses were delivered late, the yelloweye rockfish assessment was not resolved until early 2006, and there were process complications that arose due to the litigation response need to reconsider all rebuilding plans under FMP Amendment 16-4.

A draft schedule and process for developing the 2009-2010 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 2007-2008 specifications and management measures. The primary responsibility for developing the document used to satisfy Magnuson-Stevens Fishery Conservation and Management Act (MSA) and NEPA requirements is shown in the draft schedule and process as “Council staff or NWR staff” to reflect the FY08 budget uncertainty for Council operations.

It is currently uncertain what form the primary analytical document will take, although the effect on the Council’s 2007-2008 meeting schedule would not change under the various alternatives. Given the Council’s busy workload in the next two years (see Agenda Item E.2.a, Attachment 2) and the likelihood of workload conflicts, an Environmental Assessment (EA) would be preferred for developing 2009-2010 specifications and management measures, as there would be a significant savings in time and process by NMFS following the Council’s June 2008 meeting to decide a preferred suite of new management measures. An easier process in the second half of 2008 will make it more likely that other important Council initiatives can be developed and implemented in a more timely fashion. An Environmental Impact Statement (EIS) may be

needed given the possibility of a new, pessimistic stock assessment being adopted this year or any new development compelling the Council to consider significant impacts to the groundfish fishery. An EIS puts significant time pressures on the process following final Council action (see page 2 of the draft schedule and process). Lastly, a new replacement analytical document may be required in 2008 to comply with §304(i) of the revised MSA. Currently, an Environmental Impact Assessment has been proposed by the Regional Fishery Management Councils to streamline and synchronize NEPA requirements with the MSA. It would be more similar to an EA in terms of its post-final-Council-action time pressures to implement management measures by January 1, 2009.

The Council should consider the advice of its advisory bodies and the public before adopting a detailed schedule and process for the development of 2009-2010 groundfish harvest specifications and management measures.

Council Action:

Adopt a process and schedule for developing 2009-2010 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 2009-2010 Groundfish Harvest Specifications and Management Measures.
2. Agenda Item E.2.a, Attachment 2: Work Planning Schematic for Upcoming Groundfish FMP Amendments and Biennial Specifications.

Agenda Order:

- a. Agenda Item Overview
- b. Agency and Tribal Comments
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Adopt a Process and Schedule

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