

**PACIFIC FISHERY MANAGEMENT COUNCIL AND NATIONAL MARINE FISHERIES SERVICE
SCHEDULE AND PROCESS FOR DEVELOPING 2011-2011 GROUND FISH HARVEST
SPECIFICATIONS AND MANAGEMENT MEASURES**

<p>June Council Meeting <i>June 13-18, 2009</i></p>	<p>The Council and advisory bodies meet to adopt:</p> <ol style="list-style-type: none"> 1. New stock assessments. 2. A schedule, process, and work plan for developing 2011-2012 groundfish harvest specifications and management measures.
<p>Impact Analysis Planning <i>July-August, 2009</i></p>	<p>Council staff and NWR staff develop:</p> <ol style="list-style-type: none"> 1. An outline of the preliminary draft NEPA document. 2. Assignments and a schedule for preparing the NEPA document. 3. Analytical framework for analysis.
<p>September Council Meeting <i>September 12-17, 2009</i></p>	<p>The Council and advisory bodies meet in Foster City, California to adopt new stock assessments.</p>
<p>Notice of Intent <i>September-October, 2009</i></p>	<p>NMFS/Council staffs conduct internal scoping to identify potential effects of the proposed action in order to determine whether to prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA). If an EIS is to be prepared, NMFS must publish a Notice of Intent (NOI) in the <i>Federal Register</i>, announcing the decision.</p>
<p>“Mop up” STAR Panel and Rebuilding Analyses <i>September 28-October 2, 2009</i></p>	<p>The SSC Groundfish Subcommittee and members of the GMT and GAP meet to review any stock assessments recommended for further review by the SSC as well as rebuilding analyses prepared for overfished species.</p>
<p>GMT Meeting <i>October 2009 (exact dates to be determined)</i></p>	<p>The GMT, Council staff, and NWR staff meet in Seattle, Washington to review new stock assessments and rebuilding analyses and draft a recommended range of 2011-2012 groundfish harvest specifications (overfishing limits [OFLs] acceptable biological catches [ABCs] and annual catch limits [ACLs]) and preliminary management measures.</p>
<p>November Council Meeting <i>October 31-November 5, 2009</i></p>	<p>The Council and advisory bodies meet in Costa Mesa, California to adopt:</p> <ol style="list-style-type: none"> 1. Remaining stock assessments and rebuilding analyses. 2. Updated observer data and proposed methodologies to model bycatch in trawl and fixed gear fisheries and other impact analyses. 3. A range of preliminary 2011-2012 harvest specifications (OFLs, ABCs, and ACLs) and, if possible, preferred ACLs for some stocks and complexes. 4. Adopt, or give guidance on, a preliminary range of management measures, including initial allocations.
<p>Preliminary Development of Impact Analyses <i>November 16, 2009- March 24, 2010</i></p>	<p>The GMT, Council staff, NWR staff, and agency staff develop:</p> <ol style="list-style-type: none"> 1. Preliminary impact analyses based on the range of OFLs, ABCs and, ACLs and guidance on management measures. 2. Task assignments for impact analyses.
<p>Constituent Meeting Opportunity <i>November 9, 2009-April 9, 2010</i></p>	<p>Opportunity for state and tribal agencies to hold constituent meetings to obtain input on final OFLs, ABCs, and ACLs and refinement of the range of management measures.</p>

Preliminary Impact Analysis Completed for April Briefing Book <i>March 24, 2010</i>	Council / NWR staff completes preliminary impact analysis for inclusion in the April briefing book. This will include basic components of the NEPA analysis, including a description of the action, baseline data, preliminary alternatives, and preliminary impact analysis.
April Council Meeting <i>April 10-15, 2010</i>	Council and advisory bodies meet to: 1. Adopt final 2011-2012 harvest specifications (OFLs, ABCs, and ACLs). 2. Adopt a range of refined management measures and, if possible, a tentative preferred alternative of management measures.
Constituent Meeting Opportunity <i>April 19-June 11, 2010</i>	Opportunity for state and tribal agencies to hold constituent meetings to obtain input on a final preferred alternative of management measures.
Updated Preliminary Impact Analysis Completed for May Briefing Book <i>May 26, 2010</i>	Council staff or NWR staff delivers the preliminary NEPA document with a final range of alternatives (not necessarily including the preferred alternative) for the June briefing book and coordinates pre-submission internal review by NMFS.
June Council Meeting <i>June 12-17, 2010</i>	Council and advisory bodies meet to take final action on the 2011-2012 groundfish management measures.
Implementation Process <i>June-December 2010</i>	Council/NWR staffs complete NEPA analysis, which is then submitted to NMFS. A variety of applicable laws govern the implementation process, as discussed below.

After Council final action, the Council decision must be submitted for the implementation process conducted by NMFS. The objective is for the regulations for the next biennial period to become effective on January 1, 2011. The specifics of the process depend on the nature of the action and the level of analysis. The primary applicable laws affecting the process are as follows:

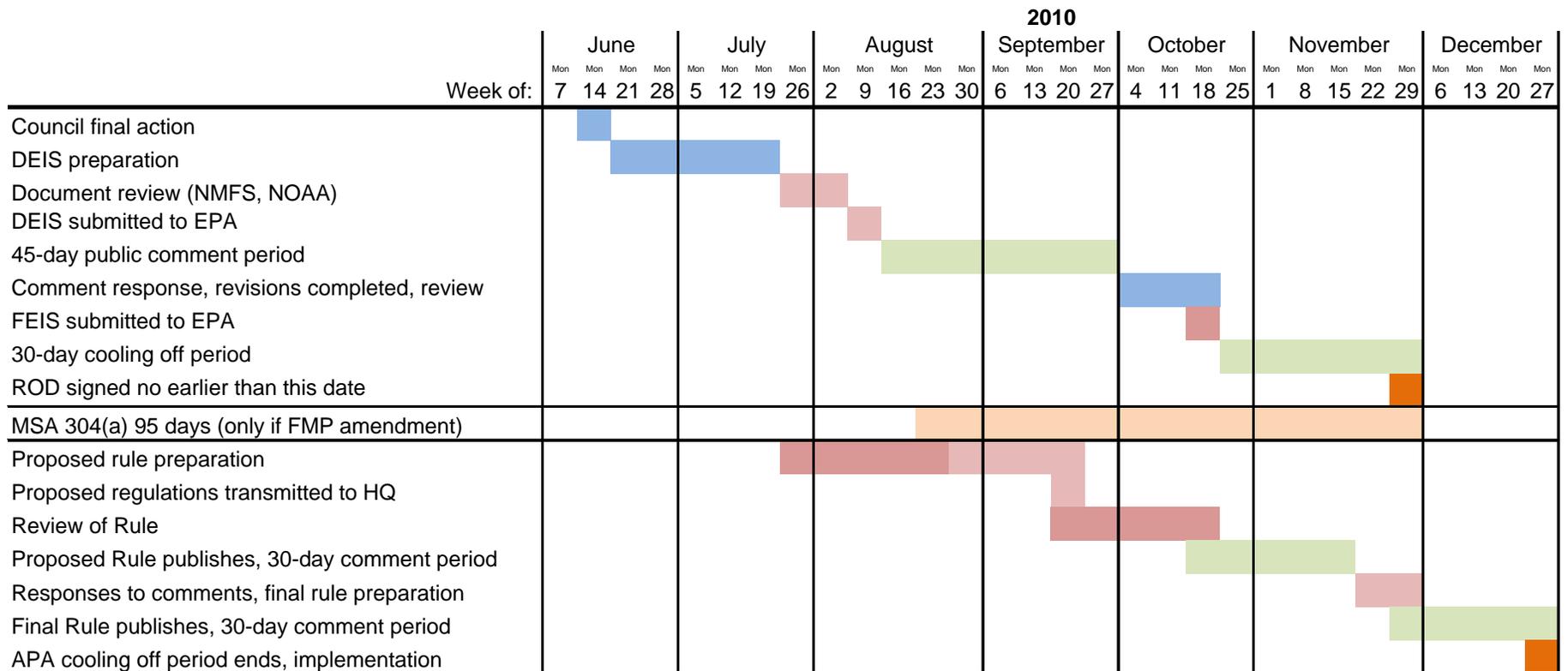
- The Administrative Procedures Act (APA) and Magnuson-Stevens Act (MSA) §304(b) govern the promulgation of regulations, which is the principal way in which harvest specifications and management measures are implemented. This includes a 15-day window for NMFS review of the proposed regulations, preparation of a proposed rule, which is published in the Federal Register and followed by a 30-day public comment period, publication of a final rule in the Federal Register and a 30-day cooling off period after publication before the regulations become effective. All together, once the regulations have been initially drafted, this process takes 90-120 days. (In unusual circumstances the process can take longer.)
- If the harvest specifications process also requires an FMP amendment (for example to incorporate a new rebuilding plan or revisions to existing plans) then MSA §304(a) comes into play. Once the proposed amendment is formally transmitted to NMFS by the Council NMFS must immediately publish a Notice of Availability for the amendment, which triggers a 60-day public comment period. NMFS must take a final decision on the amendment within 30 days of the end of the public comment period. Taken together 95 days are typically allotted for this process.
- NMFS has indicated that they may initiate formal consultation on the effect of the proposed action on species listed under the Endangered Species Act pursuant to section 7 of the Act. (In this case, NMFS Sustainable Fisheries Division would consult with the NMFS Protected Resources Division.) The NEPA document will serve as the biological assessment, which provides information necessary to determine whether to initiate formal consultation. Under formal consultation a Biological Opinion is prepared, which supports a determination on the effect of the action on listed species and may contain discretionary and nondiscretionary measures to address effects. Once formal consultation is initiated, it must be completed within 135 days (60 days for the consultation and 45 days to prepare the Biological Opinion) and the action cannot be implemented before the consultation process is concluded.
- NEPA provides an umbrella framework to incorporate analyses required under applicable law and support decision-making. Since 2003 an EIS has been prepared for annual and biennial harvest specifications and management measures. If an EIS is prepared, a two-stage process is required. A DEIS is filed with the Environmental Protection Agency. The EPA then publishes a Notice of

Availability, which triggers a minimum 45-day public comment period. Once this is concluded, any comments received must be addressed in a final EIS (FEIS), which is also filed with EPA. A 30-day cooling off period then ensues before the responsible official may sign the Record of Decision (ROD), which serves as the legal determination of the agency's action. The ROD must be signed before the final rule is published and in the case of a related FMP amendment, before the determination on approval of the amendment.

As can be seen from the above summary of the mandates governing the implementation process, there are a number of parallel processes which must be coordinated by NMFS in order to implement the action through regulations (and FMP amendment, if applicable). They are also time consuming, so Council and NMFS staffs have to start the work necessary for the implementation process immediately after the June Council meeting in order to have regulations implemented on January 1. From a Council staff perspective, the principal responsibility is to prepare a sufficient NEPA document based on the Council's final action. As part of the final stages of the drafting process, time is needed for internal review of the NEPA document as specified in agency procedures. This includes reviews by the NWR NEPA Coordinator, NOAA General Council, and the NOAA Office of Program Planning and Integration. Since the heart of the NEPA analysis is an evaluation of the effects of different alternatives, timely Council action to identify alternative harvest specifications and management measures will facilitate the process by allowing more of the analytical work to be completed during the decision process.

An indicative timeline showing the time periods and coordination of these various processes is shown on the next page. This timeline is predicated on the need for the NEPA process to be completed (indicated by signing of the ROD) before the final rule can be published.

Indicative timeline of implementation process. Note that the MSA §304(a) review is required only if the action includes an FMP amendment.



PFMC
05/27/09