

COMMENTS ON COURT ORDERED RULEMAKING ON HARVEST SPECIFICATIONS
FOR THE CENTRAL SUBPOPULATION OF NORTHERN ANCHOVY

The United States District Court, Northern District of California recently issued an order requiring the National Marine Fisheries Service (NMFS) to develop a new rule on harvest specifications (Overfishing Limit, Acceptable Biological Catch, and Annual Catch Limit) for the central subpopulation of northern anchovy (CSNA) by April 18, 2019 (Agenda Item K.1, Attachment 1). Due to the compressed time frame, the normal Council and NMFS process for analyzing and adopting harvest specifications is likely to be expedited. The exact process that will be used was not known at the time this was written, but one possible scenario is that NMFS will publish a proposed rule prior to the March Council meeting, which would provide an opportunity for the Council to comment on the proposed harvest specifications. This agenda item was added to the Council's March meeting to allow for that scenario. In the event a proposed rule is not published, this agenda item may be cancelled at the March Council meeting. Another possible scenario is that NMFS publishes a final (or interim final rule) in April without a Proposed Rule. In anticipation of that scenario, the Council's draft April agenda has an opportunity to develop recommendations to NMFS at that time. In either case, the Scientific and Statistical Committee and CPS Advisory Bodies will provide recommendations to the Council on appropriate harvest specifications at either or both the March and April Council meetings.

If NMFS publishes a proposed rule before the March meeting, the Council should provide comments and recommendations. In addition, the Council may wish to discuss next steps regarding CSNA harvest specifications, stock assessments, and management measures.

Council Action:

- 1. Consider a proposed rule on CSNA harvest specifications and comment as appropriate.**
- 2. Provide additional guidance as appropriate.**

Reference Materials:

1. Agenda Item K.1, Attachment 1: Court Order (**Electronic Only**).

Agenda Order:

- K.1 Comments on Court Ordered Rulemaking on Harvest Specifications for the Central Subpopulation of Northern Anchovy Kerry Griffin
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Develop Comments to NMFS on Court Ordered Rulemaking on Harvest Specifications for the Central Subpopulation of Northern Anchovy, as Necessary