

NATIONAL MARINE FISHERIES SERVICE REPORT  
ON ANCHOVY LITIGATION RESPONSE

On January 18, 2018, in *Oceana v. Ross*, the U.S. District Court for the Northern District of California granted summary judgment to Oceana, vacating all reference points (i.e., overfishing limit (OFL), acceptable biological catch (ABC), annual catch limit (ACL)) for the Central Subpopulation of Northern Anchovy (CSNA). The Court also ordered the National Marine Fisheries Service to undertake a rulemaking to re-establish these reference points. The order requires NMFS to submit a proposed rule to the Office of the Federal Register (OFR) by April 5, 2019, and to submit a final rule to the OFR by May 25, 2019.

We expect the rulemaking to publish the week of April 8, 2019, if we meet our court-ordered deadline to submit a proposed rule to the OFR by April 5, 2019.

The court-ordered deadline left us with a very compressed timeline to develop reference point recommendations for CSNA. For that reason, we focused on proposing a method for setting reference points that would prevent overfishing and be in accordance with the Coastal Pelagic Species Fishery Management Plan.

We value the work the Pacific Fishery Management Council (Council) has done to date to review available methods and new science related to the OFL for CSNA. We will continue to support the Council in further work it chooses to pursue on this topic.