

Putting it All Together: The Complete Process



**Council Member
Orientation**

**October 2009
Silver Spring, MD**

The Road to Fishery Management

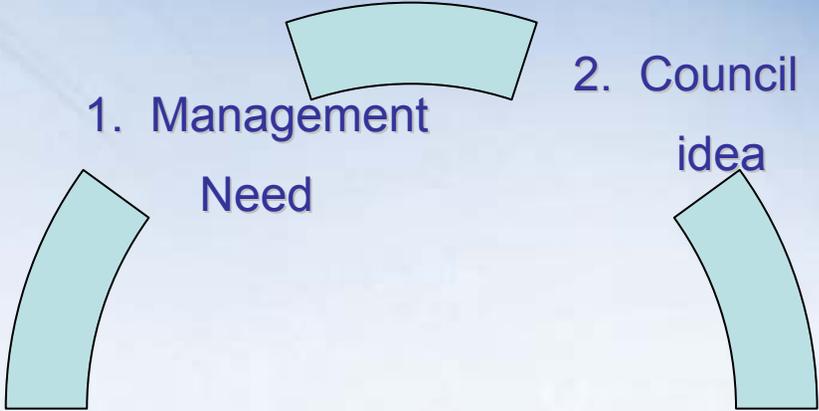
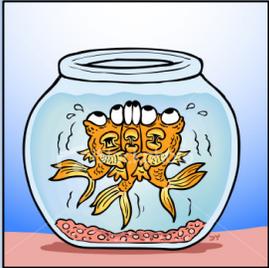
- ◆ Mission and Process Review
- ◆ Added Complexities
 - ◆ Multiple Mandates
 - ◆ Multiple Parties
- ◆ Planning a Timeline



Mission: Fishery Management

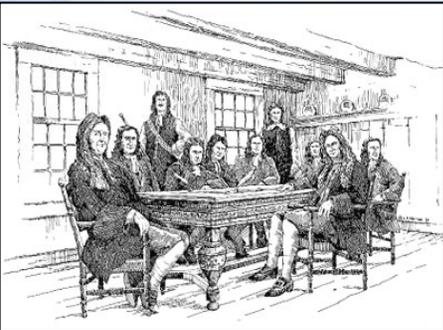


Process: What is Missing?



5. Ongoing Review
And public input

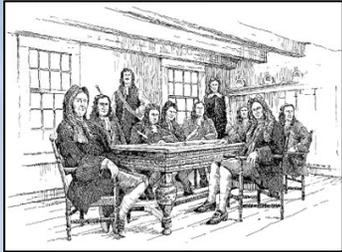
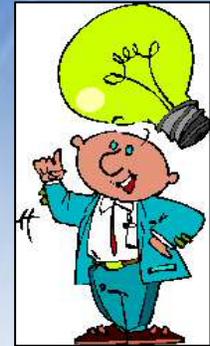
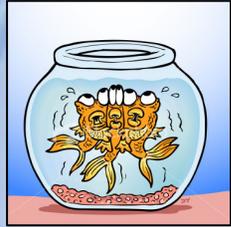
3. NMFS Review



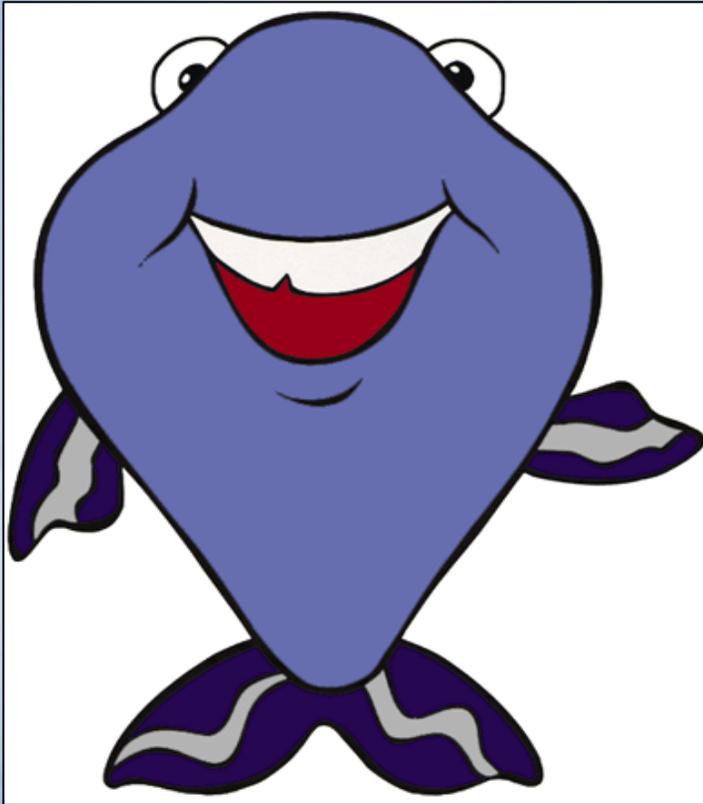
Code of Federal Regulations

50
Part 600-End
Revised as of October 1, 2004
Wildlife and Fisheries

FMP Process



Fishery Management Plans



Must be Consistent with:

- National Standards
- FMP Components
(Mandatory and discretionary)
- Other Applicable Law

O.A.L. Mandates

NEPA

- Consider Reasonable Alternatives
- EIS: analysis, public review, 45/90/30 days
- FONSI: record-based determination

ESA

- “No jeopardy” record-based determination
- Timing: consultation = 135 days

RFA

- Consider Economic Impacts and alternatives
- Certification: record-based determination

EO 12866

- Alternatives, Cost-benefit analysis

APA

- Record shows compliance with all law;
- Notice and Comment; 30-day delay

Others

CZMA, PRA, treaty rights, etc.

Balancing Multiple Mandates



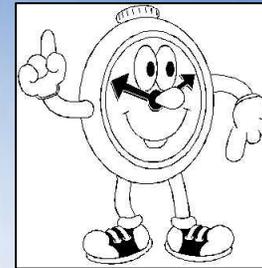
- *Many Timelines*

- *Many Parties*



Overview of Timeline Interactions

Statutory and Regulatory
Timelines



Logical Interactions



Clearance Requirements



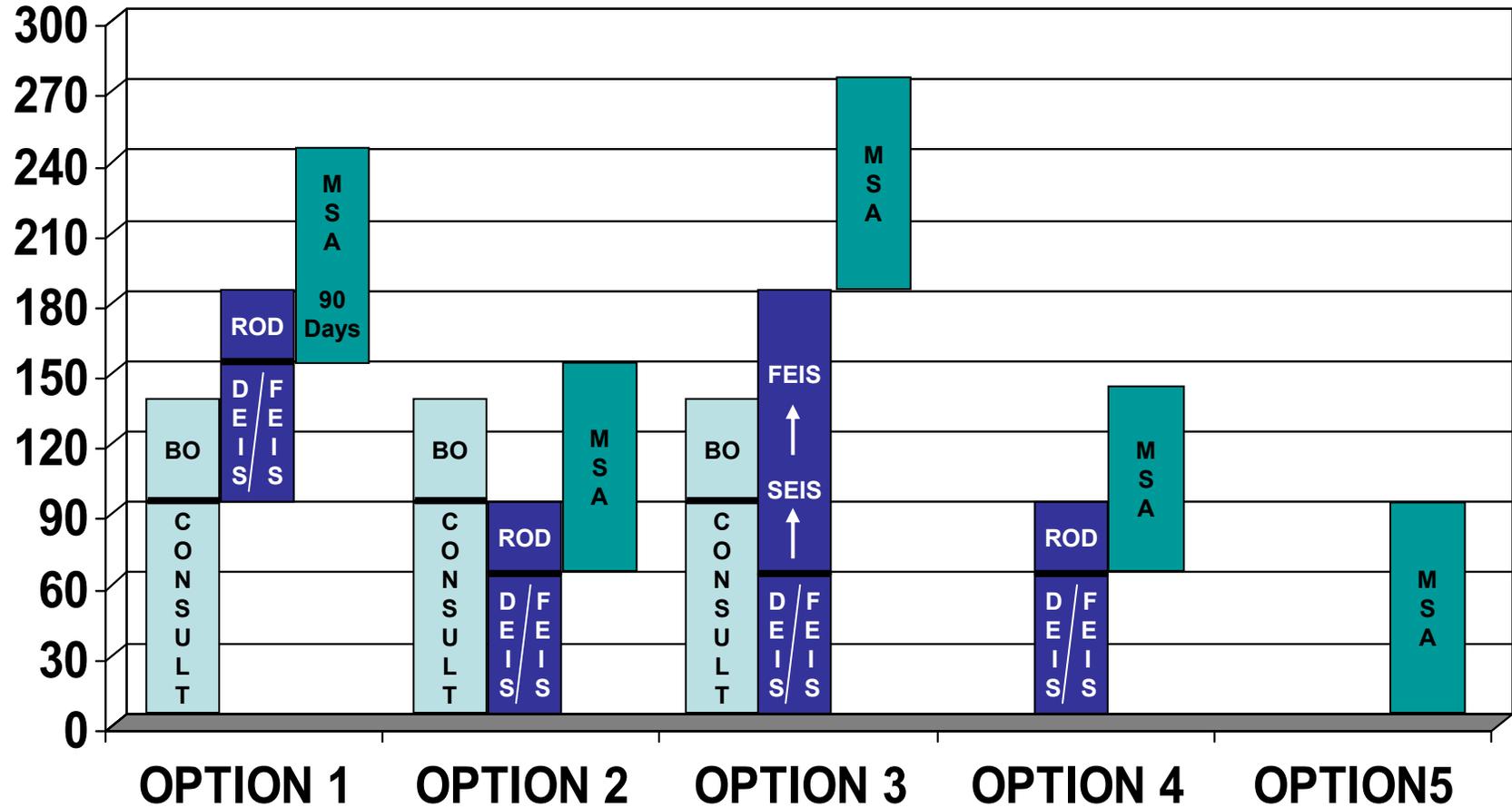
Statutory and Regulatory Timelines

Source	Start Date	Requirement
MSA (FMP)	Transmittal	Day 5, Publish NOA for 60 days comment; Day 65, CPE; Day 95, Decision Day
MSA (Regs)	Transmittal	Day 5, begin 15 day review; Day 20, publish Pro.Rule for 15-60 days comment; Publish Fin. Rule w/30 days CPE
NEPA	EPA publish DEIS	Minimum 45 days comment, Minimum 90 days before ROD
ESA	I.D. preferred action	Minimum 90 days to consult + 45 to write B.O. (135 days)
CZMA	Consistency Determ. to State	Day 60 – Infer concurrence if no state response Day 90 – earliest possible decision day
APA	Publish Final Rule	30 day delay in effectiveness (unless waived)
EO 12866	Submission of Reg. Text to OMB	90 day OMB review period



Logical Interactions

DAY

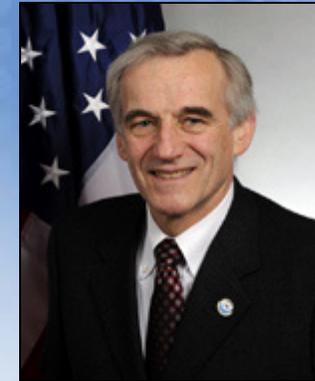


Clearance Requirements

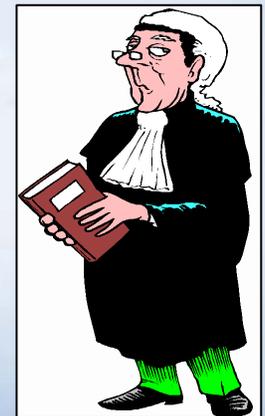


Meeting of the Pacific Fishery Management Council

Councils
and
NOAA
Fisheries



NOAA GC
DOC/GC

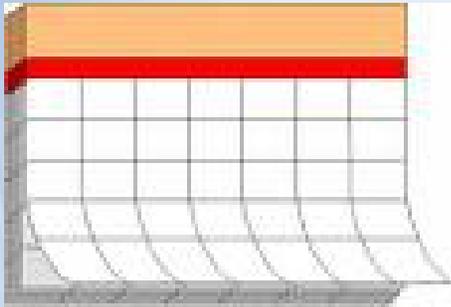


External Forces:
States,
Congress, OMB

Other Agencies

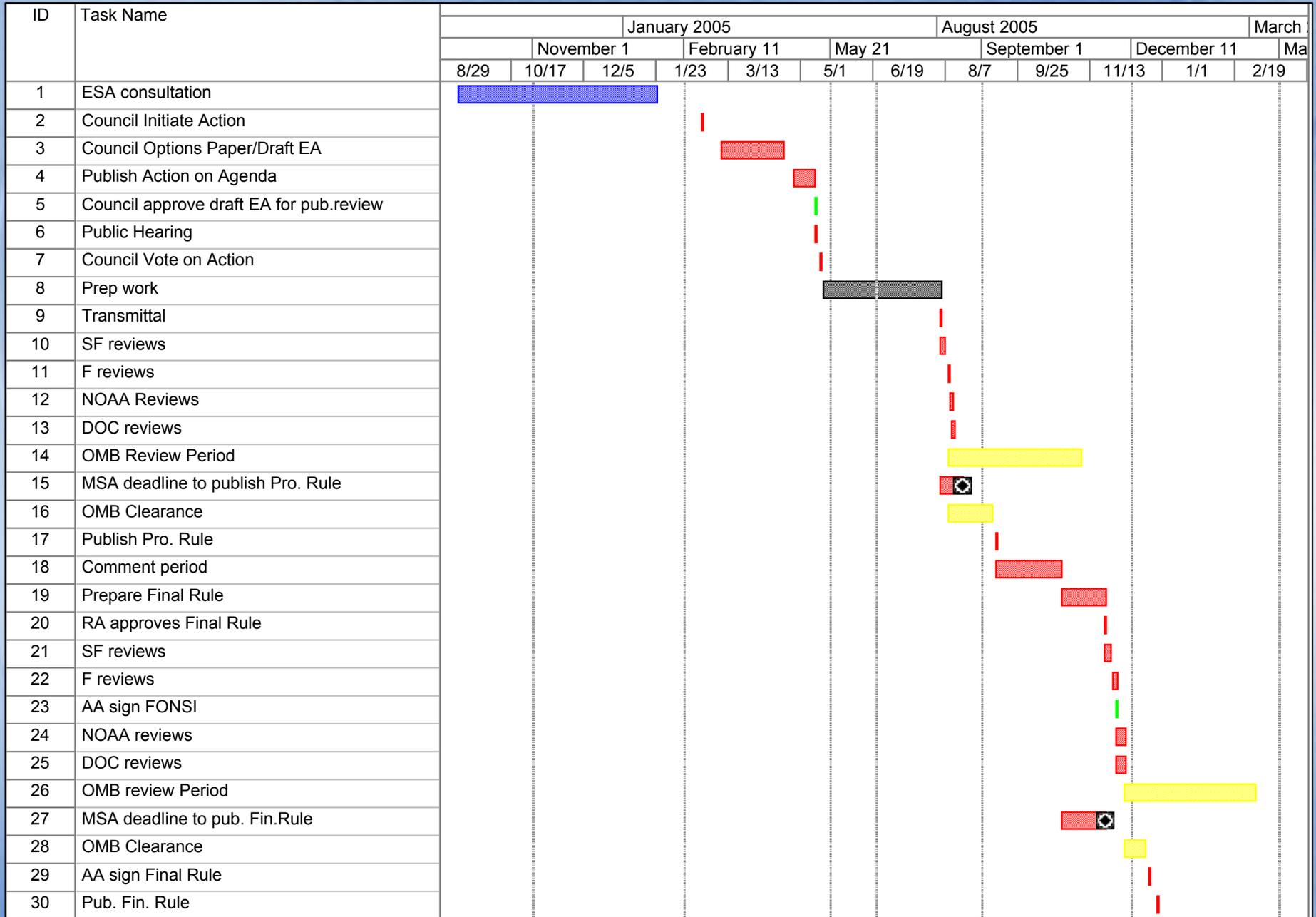


Planning Considerations

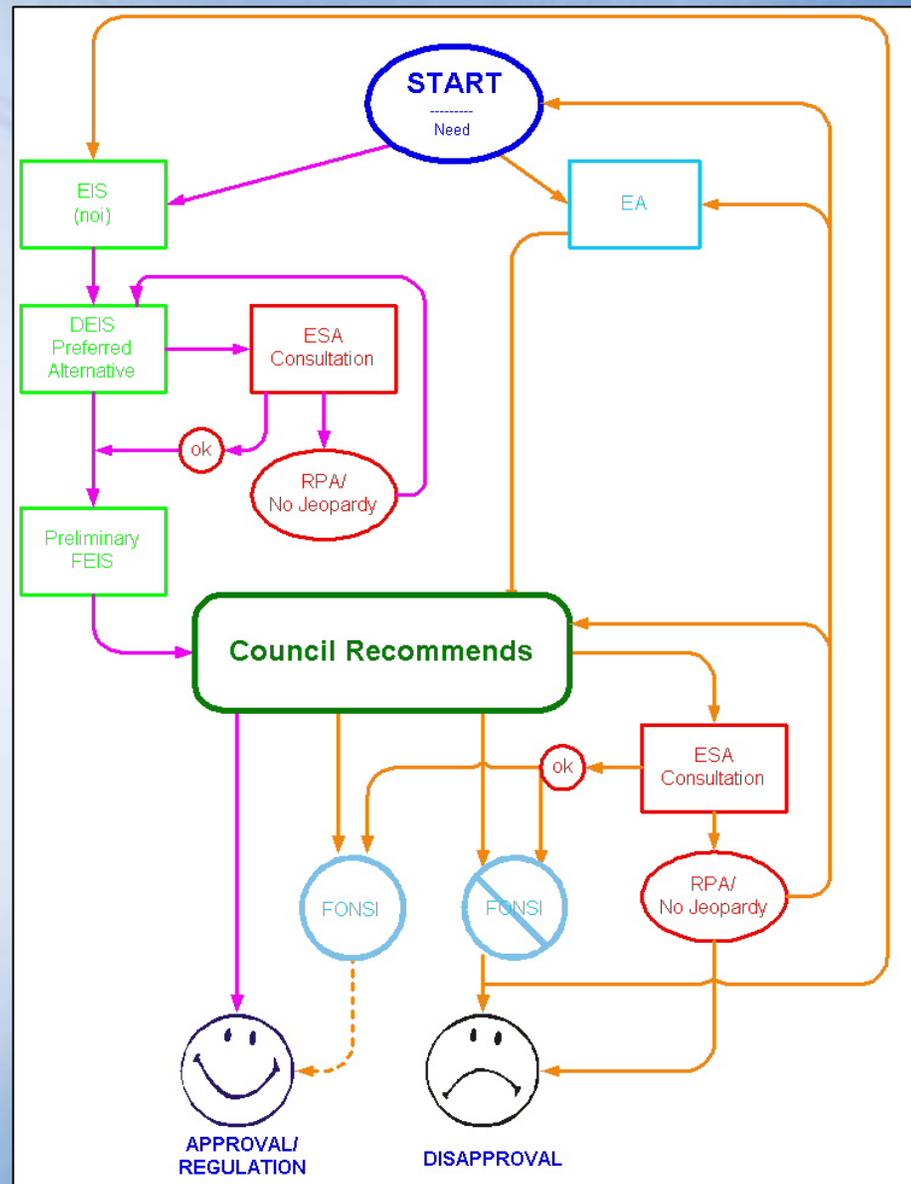


- Council meeting schedule
- Management Need
- MSA and O.A.L.s
- Deadlines and drivers
- Logistics
- Staff Resources
- Other agency review needs

Hypothetical Fishery Management Regulation with EA



Frontloading



Re-Cap: Planning for Success

- We have to look beyond the MSA
- Successful fishery management requires planning and balancing



Planning Your Action

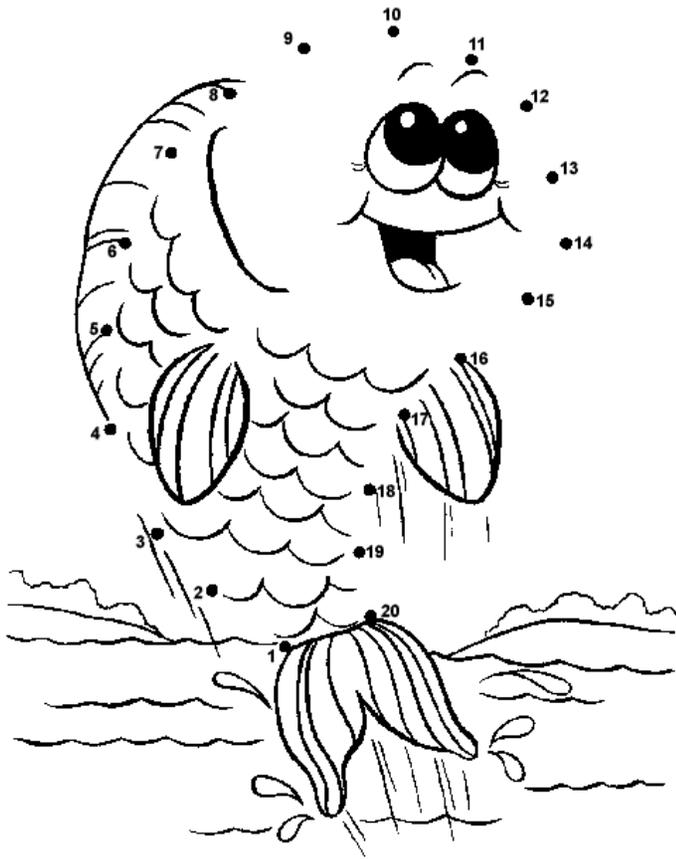
Many Parties



Many Timelines

Many Mandates

Connecting the Dots



Part I

- Write down top 5 things you have learned
- 3 minutes

Part II

- Discuss with all
- 10 minutes