

# *Putting it All Together: The Complete Process*



**Council Member  
Orientation**

**October 2009  
Silver Spring, MD**

# ***The Road to Fishery Management***

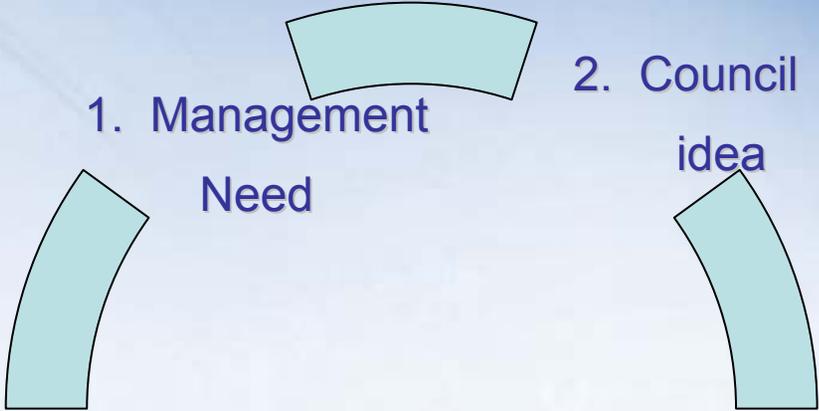
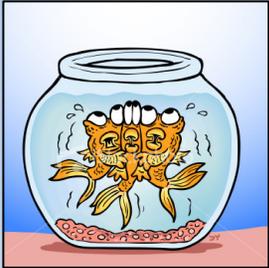
- ◆ Mission and Process Review
- ◆ Added Complexities
  - ◆ Multiple Mandates
  - ◆ Multiple Parties
- ◆ Planning a Timeline



# *Mission: Fishery Management*



# Process: What is Missing?

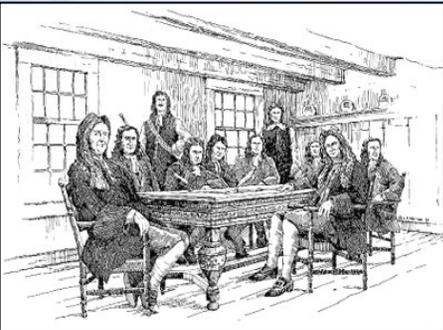


5. Ongoing Review  
And public input

3. NMFS Review



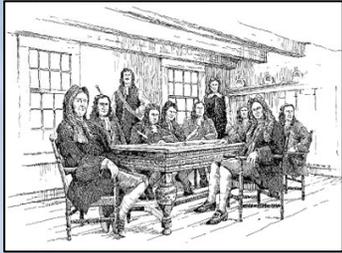
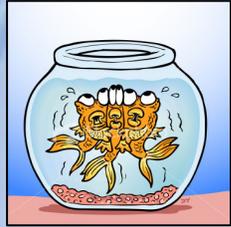
4. Implementation



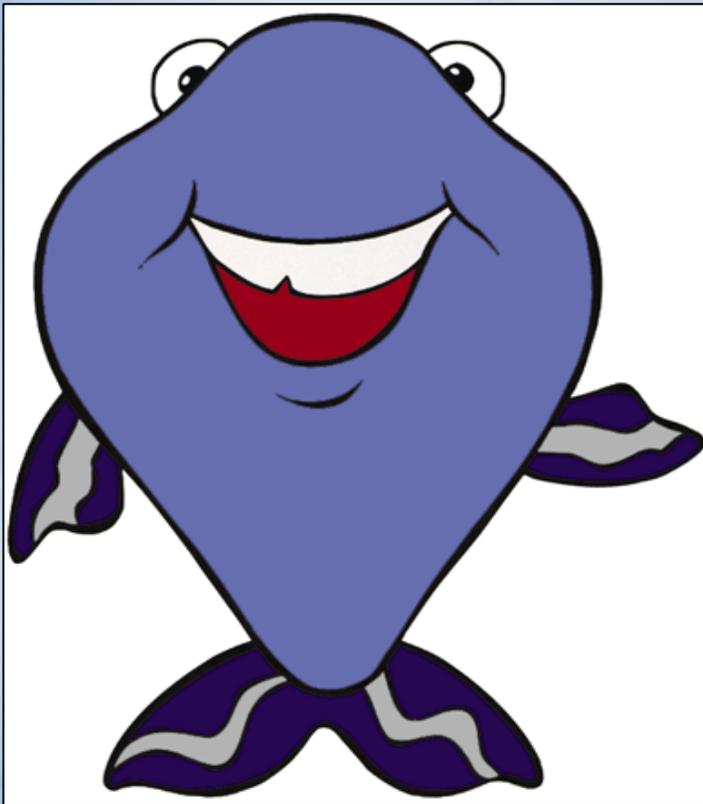
Code of Federal Regulations

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

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## ESA

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

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## RFA

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

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## EO 12866

- Alternatives, Cost-benefit analysis

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## APA

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

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## Others

CZMA, PRA, treaty rights, etc.

# Balancing Multiple Mandates



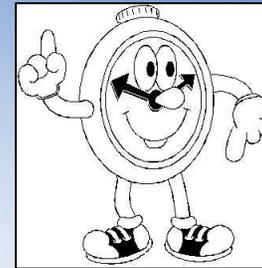
- *Many Timelines*

- *Many Parties*



# Overview of Timeline Interactions

Statutory and Regulatory  
Timelines



Logical Interactions



Clearance Requirements



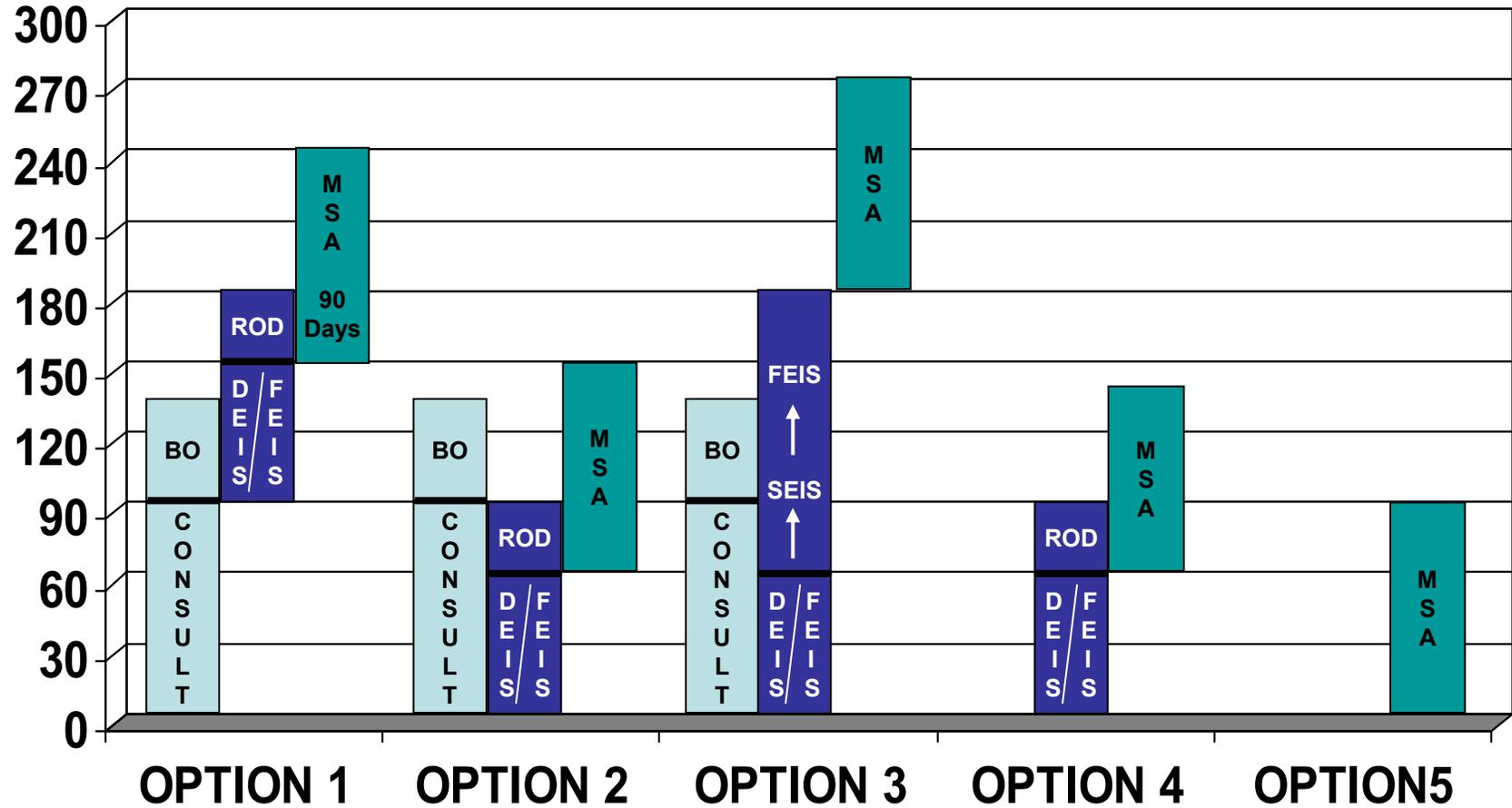
# Statutory and Regulatory Timelines

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



# Logical Interactions

DAY

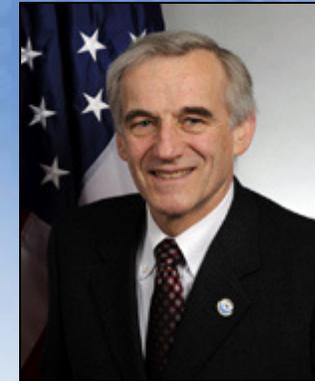


# Clearance Requirements

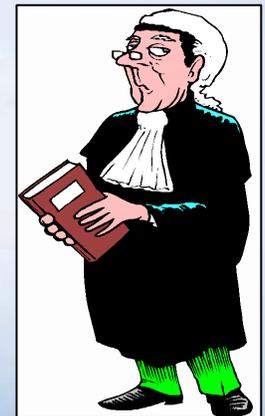


Meeting of the Pacific Fishery Management Council

Councils  
and  
NOAA  
Fisheries



NOAA GC  
DOC/GC

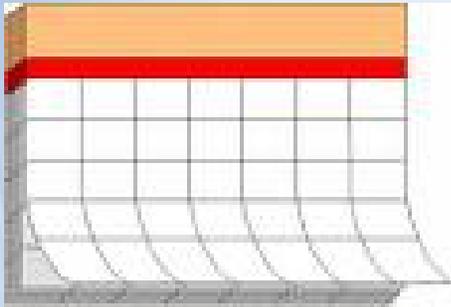


External Forces:  
States,  
Congress, OMB

Other Agencies



# *Planning Considerations*

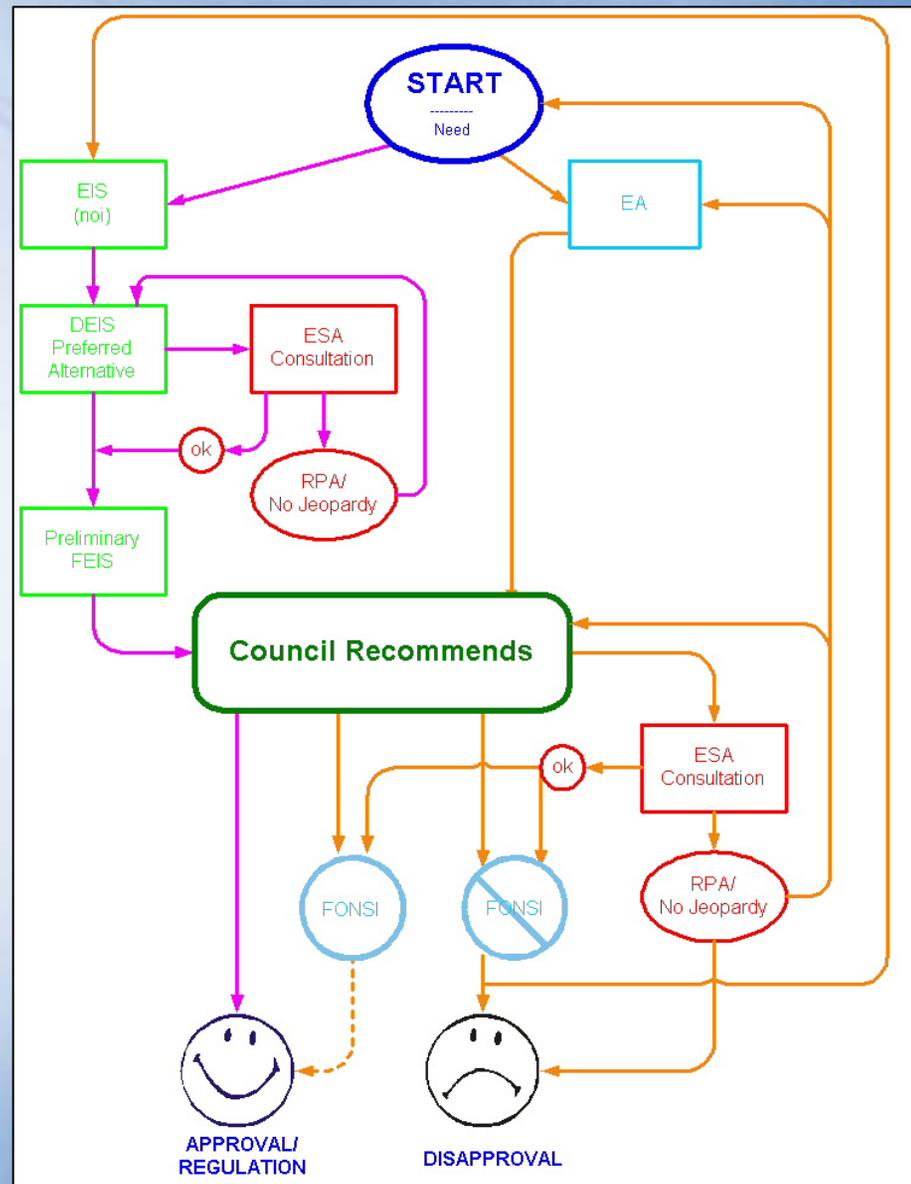


- Council meeting schedule
- Management Need
- MSA and O.A.L.s
- Deadlines and drivers
- Logistics
- Staff Resources
- Other agency review needs





# Frontloading



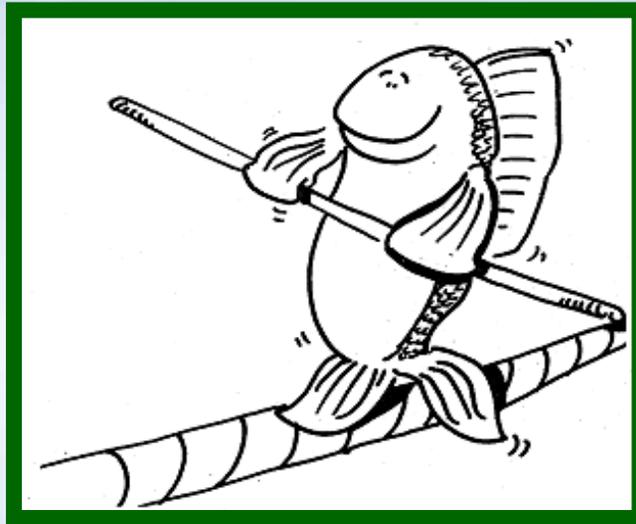
# *Re-Cap: Planning for Success*

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



# *Planning Your Action*

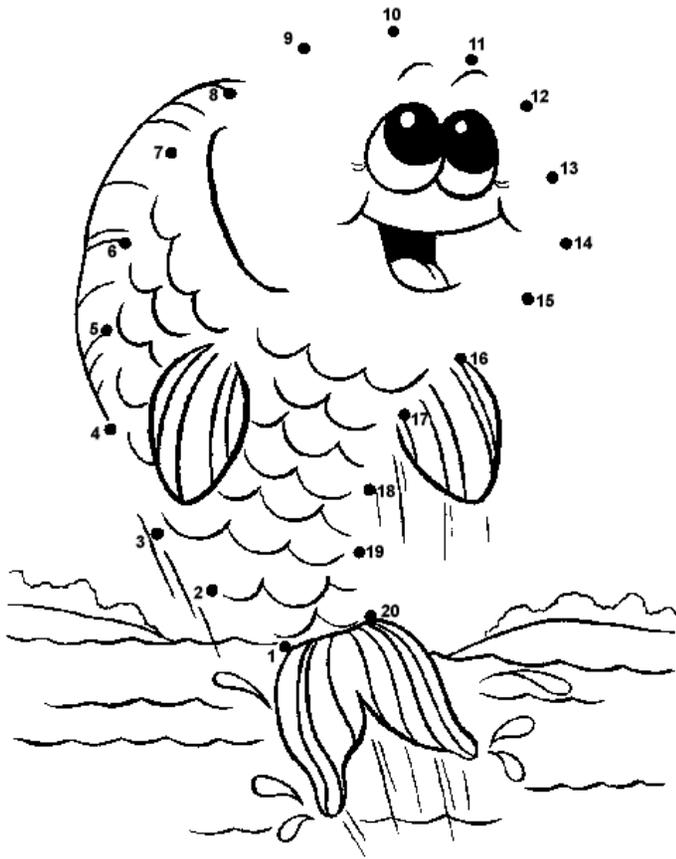
**Many Parties**



**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