

Putting it All Together: The Complete Process



**Council Member
Orientation**

**December 1, 2011
Silver Spring, MD**

The Road to Fishery Management

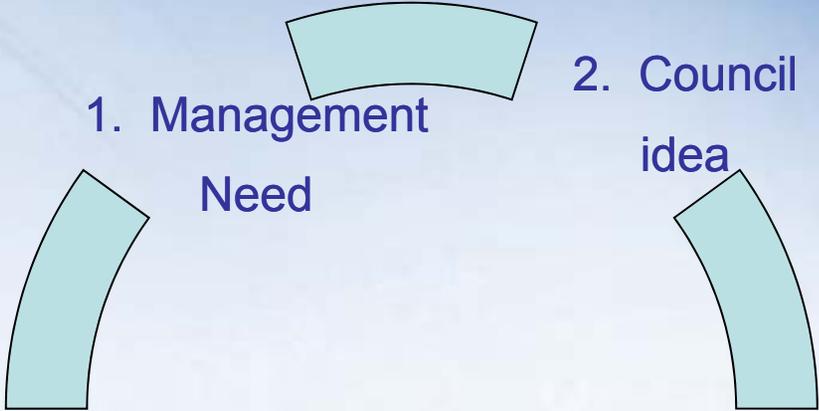
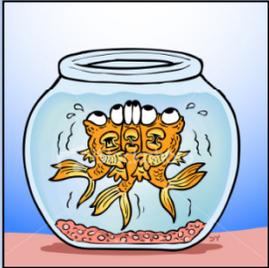
- ◆ Mission and Process Review
- ◆ Added Complexities
 - ◆ Multiple Mandates
 - ◆ Multiple Parties
- ◆ Planning a Timeline



Mission: Fishery Management

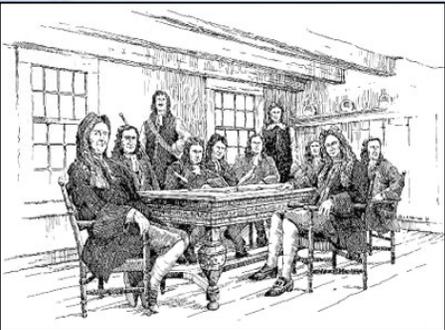


Process: What is Missing?



5. Ongoing Review
And public input

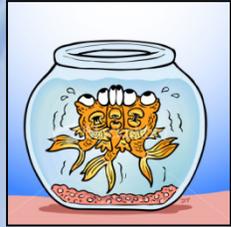
3. NMFS Review



4. Implementation



FMP Process



1. Management
Need

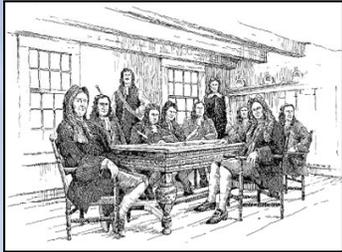
2. Council idea

3. NMFS Review

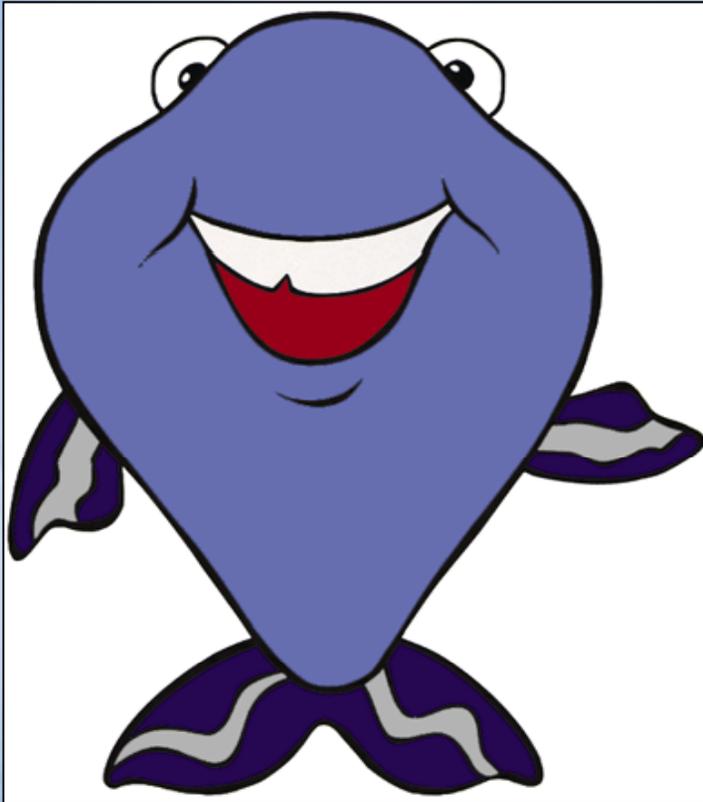
**4. Compliance
with all
applicable law**

5. Implementation

6. Ongoing Review
And public input



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

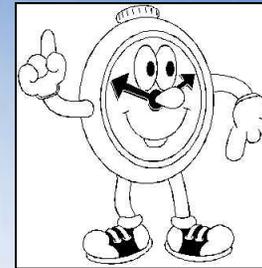
CZMA, PRA, treaty rights, etc.

Balancing Multiple Mandates



Overview of Timeline Interactions

Statutory and Regulatory
Timelines



Logical Interactions



Clearance Requirements



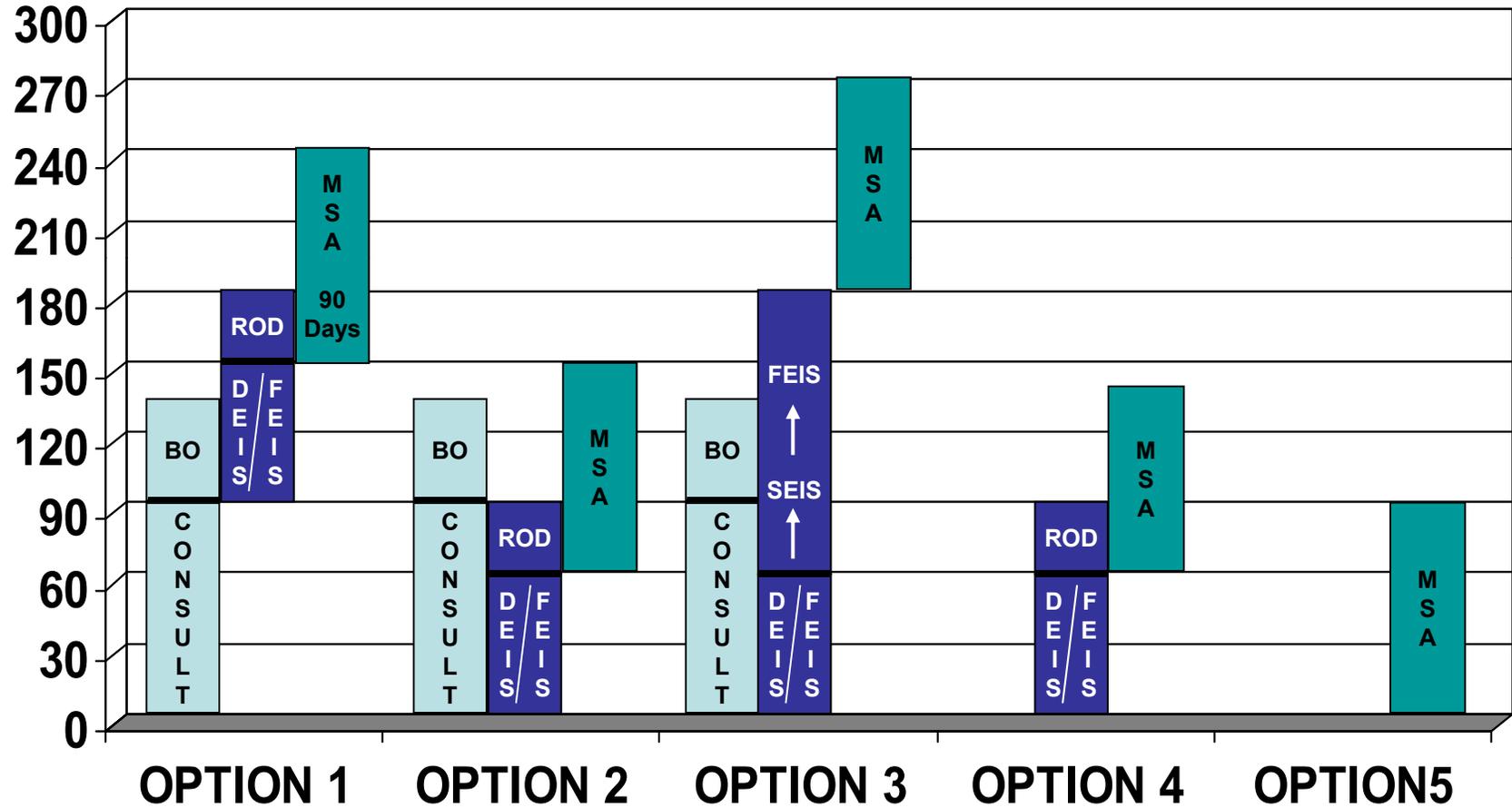
Statutory and Regulatory Timelines

| 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



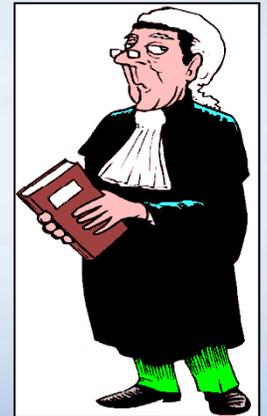
Meeting of the Pacific Fishery Management Council

**Councils
and
NOAA
Fisheries**



**External Forces:
States,
Congress, OMB**

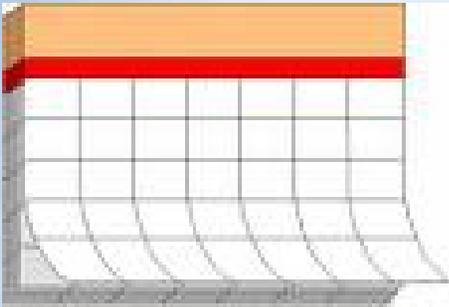
**NOAA GC
DOC/GC**



Other Agencies

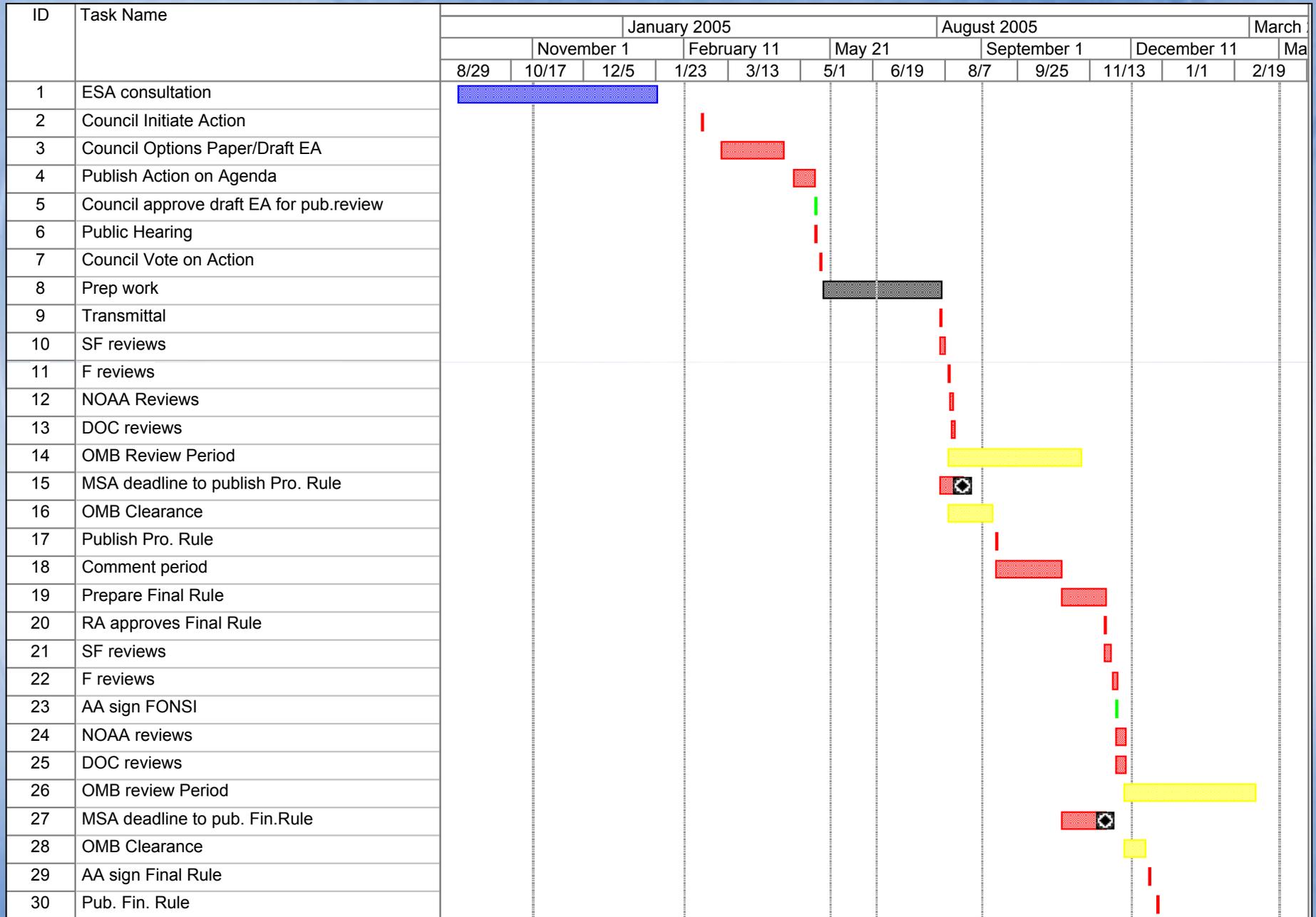


Planning Considerations

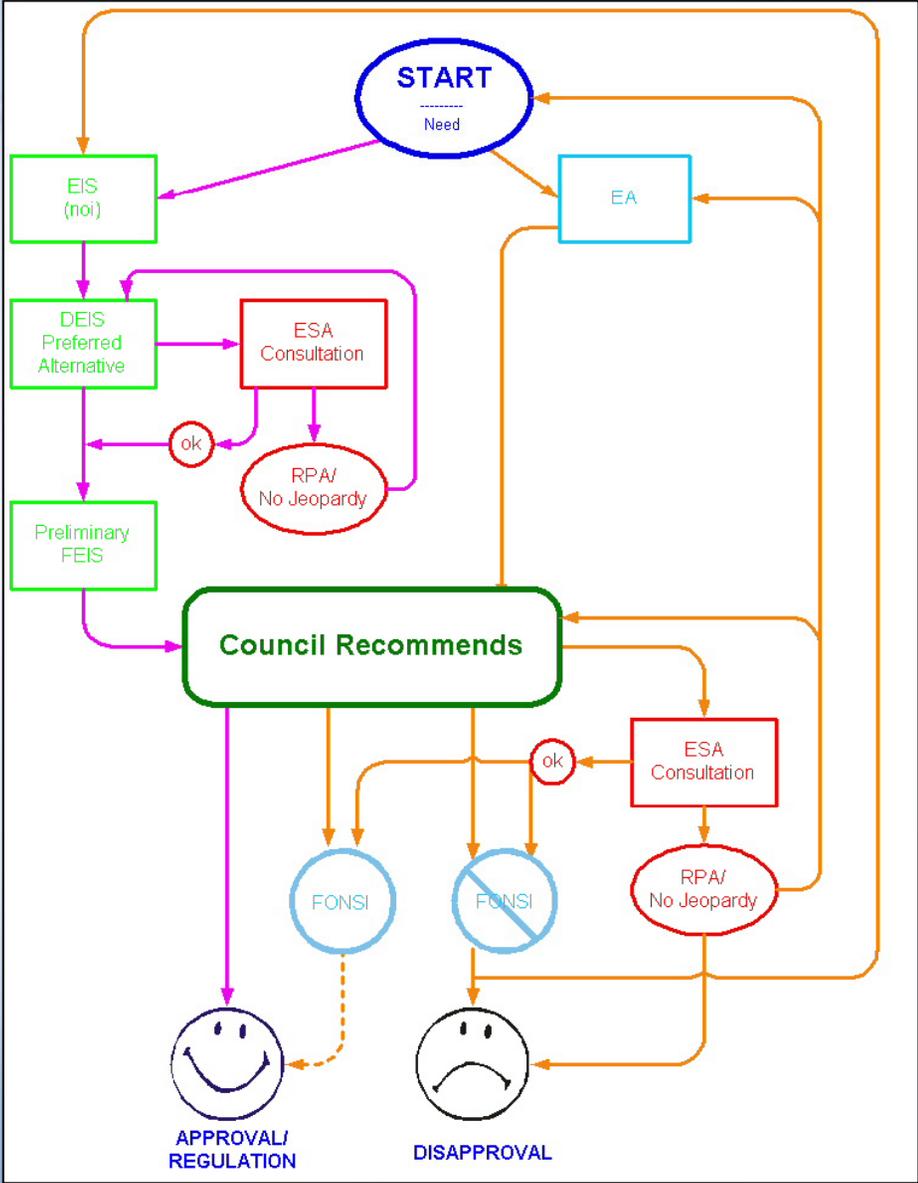


- Council meeting schedule
- Management Need
- MSA and O.A.L.s
- Deadlines and drivers
- Logistics
- Staff Resources
- Other agency review needs

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

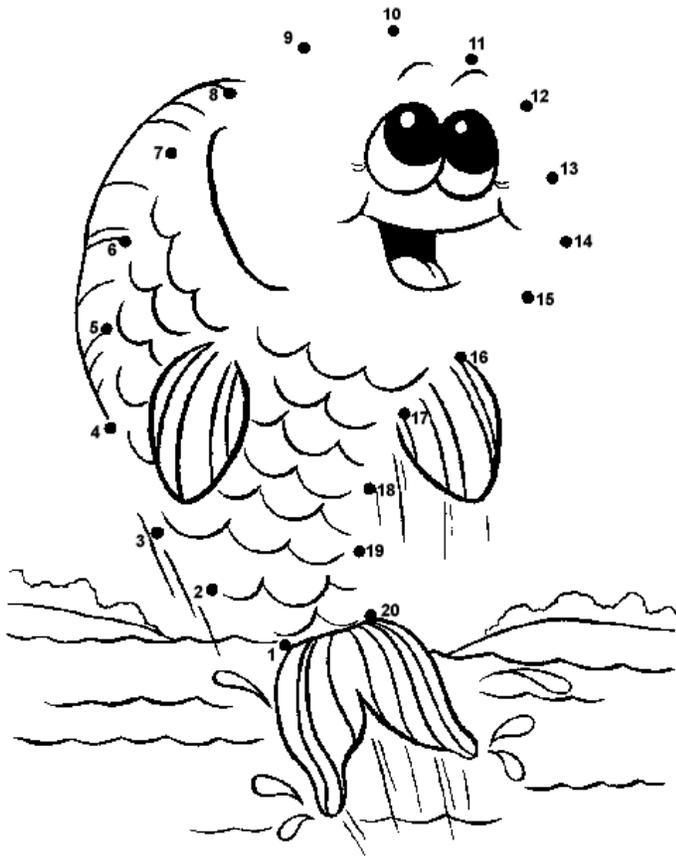
Many Parties



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