

# Part III

- Evolution of the Process
- Ongoing Efforts to Improve

## Early Efforts: 1994-2003

- 1994: Management Control Review
- 1996: Charter Team; Changes to Laws: (SFA) and (RFA).
- 1998: Year of the Ocean: Influx of NEPA, ESA, and SFA-based litigation.
- 2000: Administrator's Fund Project commenced; closure of Alaska groundfish fisheries due to NEPA and ESA issues, (the first of a series around the country).
- 2001: Administrators' Fund Project recommendations: clarify roles, hire NEPA coordinators, create multi-disciplinary teams, update procedural guidance, establish a training program, use web-based guidance, and more.
- Senate Approp. Cmt. directed NMFS to address "unnecessary delays, unpredictable outcomes, and lack of accountability" and to apply "standardized practices" to "improve the quality and efficiency of regulatory decisions and raise the likelihood of success in litigation." (S.Rpt. 107-42).
- 2002: NAPA Report, "Courts, Congress, and Constituencies: Managing Fisheries by Default," recommendations on litigation dockets; administrative records; regulatory process; budget; science; and partnerships and constituencies.
- 2003: NMFS begins "Regulatory Streamlining Project" required by S.Rpt. 107-42.

# Improvements: 2003- 2012

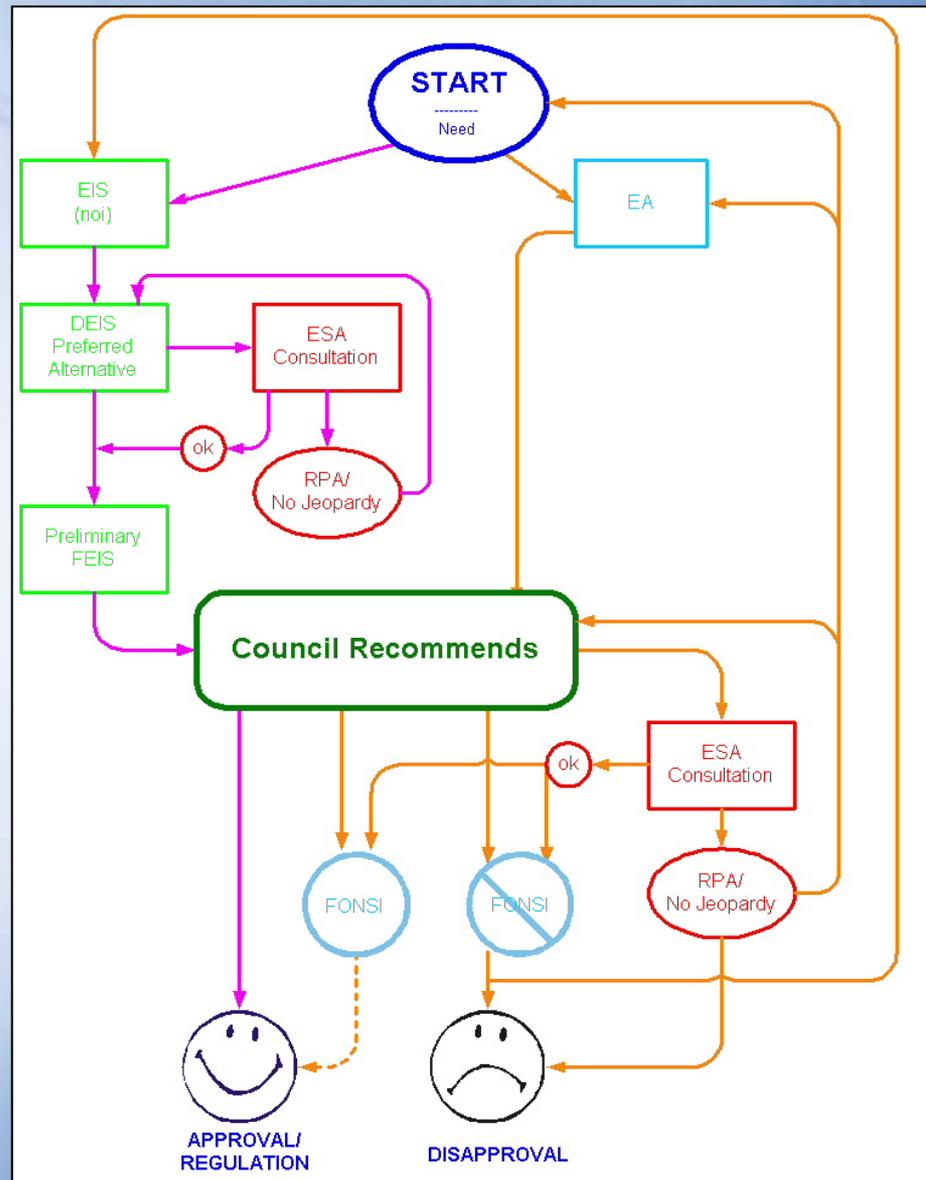
- Council/Region pairs utilizing increased “front-loading” (early participation of all reviewers to prevent surprises and delay).
  - Front-loading of NEPA into Council MSA processes, and utilization of MSA public venues for early, public outreach and analyses pursuant to NEPA.
  - Established National Training Program: classroom and online training.
  - NEPA Coordinators hired in Headquarters and regions
  - Elimination of layers of review; delegations to appropriate levels with QC/QA protocols.
  - Increased outreach and use of technology: e-Rulemaking, tracking databases, electronic ARs, and web-based guide to examples, standards, and guidance.
  - Online system of Policy Directives
- \*See also 2005 Follow-up NAPA Report: “Improving Fisheries Management: Actions Taken in Response to the Academy’s 2002 Report”**

[http://www.napawash.org/wp-content/uploads/2005/05\\_01.pdf](http://www.napawash.org/wp-content/uploads/2005/05_01.pdf)

# Training

- New Council Member Training
  - [http://www.nmfs.noaa.gov/sfa/reg\\_svcs/councils.htm](http://www.nmfs.noaa.gov/sfa/reg_svcs/councils.htm)
- Regulatory Training For Agency and Council Staff
- On-line e-learning Resources
- Intranet Guidance and Examples (disc being prepared)

# Frontloading



# Ongoing Efforts: 2005- 2012

2005: NMFS Circulates Draft Procedural Guidance. Output oriented with QC checkpoints. Promoted teamwork and frontloading. Key concepts partially implemented, but never required.

2006/7: MSRA mandated integrating NEPA requirements into MSA's public processes.

2008: Proposed rule published; controversial (over 150,000 comments); draft final rule prepared and ultimately withdrawn from OMB review.

2008/2009: NOAA announces intention to update and revise NOAA Administrative Order (NAO) on NEPA guidance (NAO 216-06)

2011 - Ongoing – NMFS working with NOAA to develop MSA/NEPA guidance tailored to MSA process within NAO 216-06