

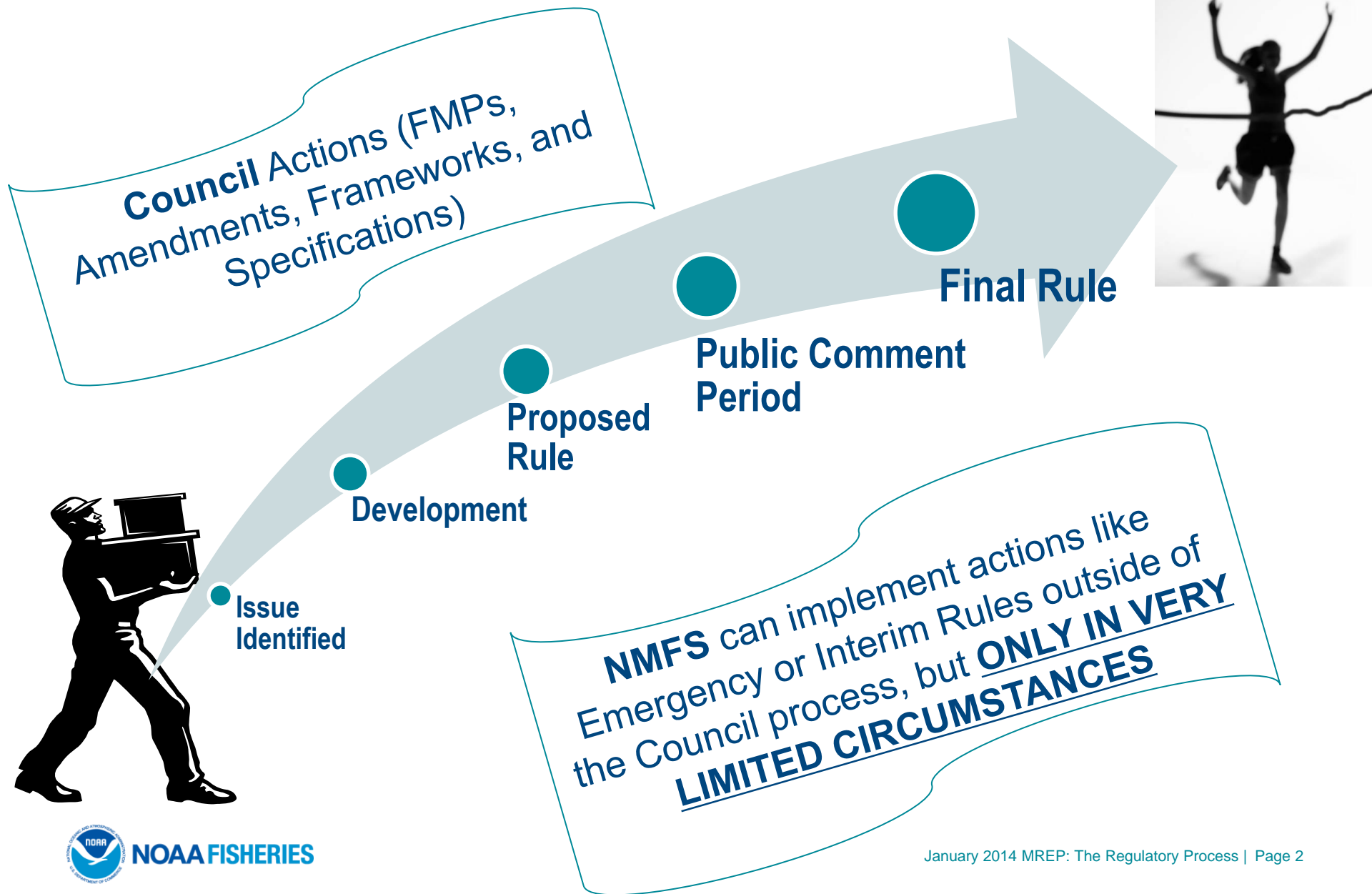


The Regulatory Process for Fisheries Management

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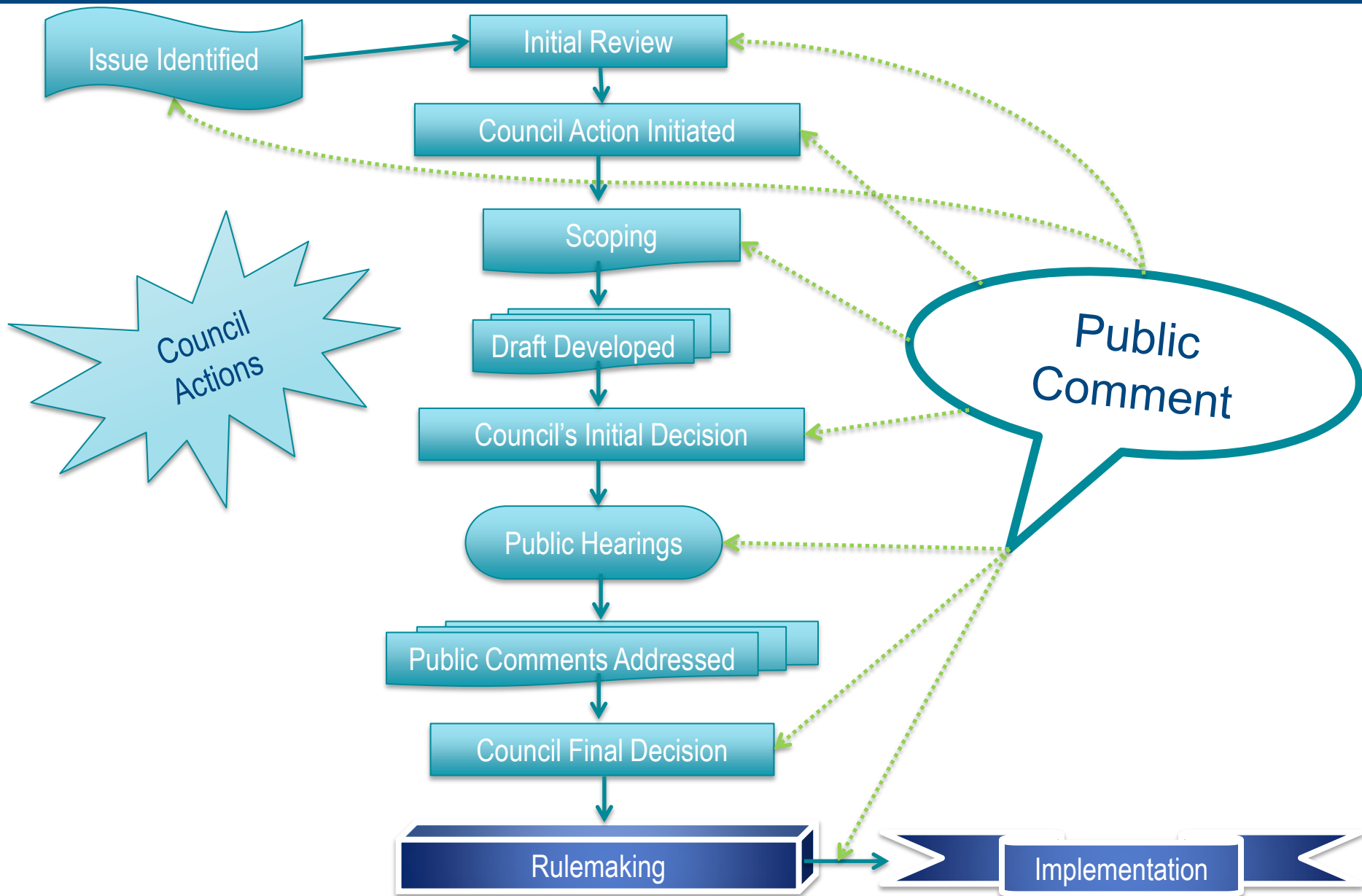


The Regulatory Process

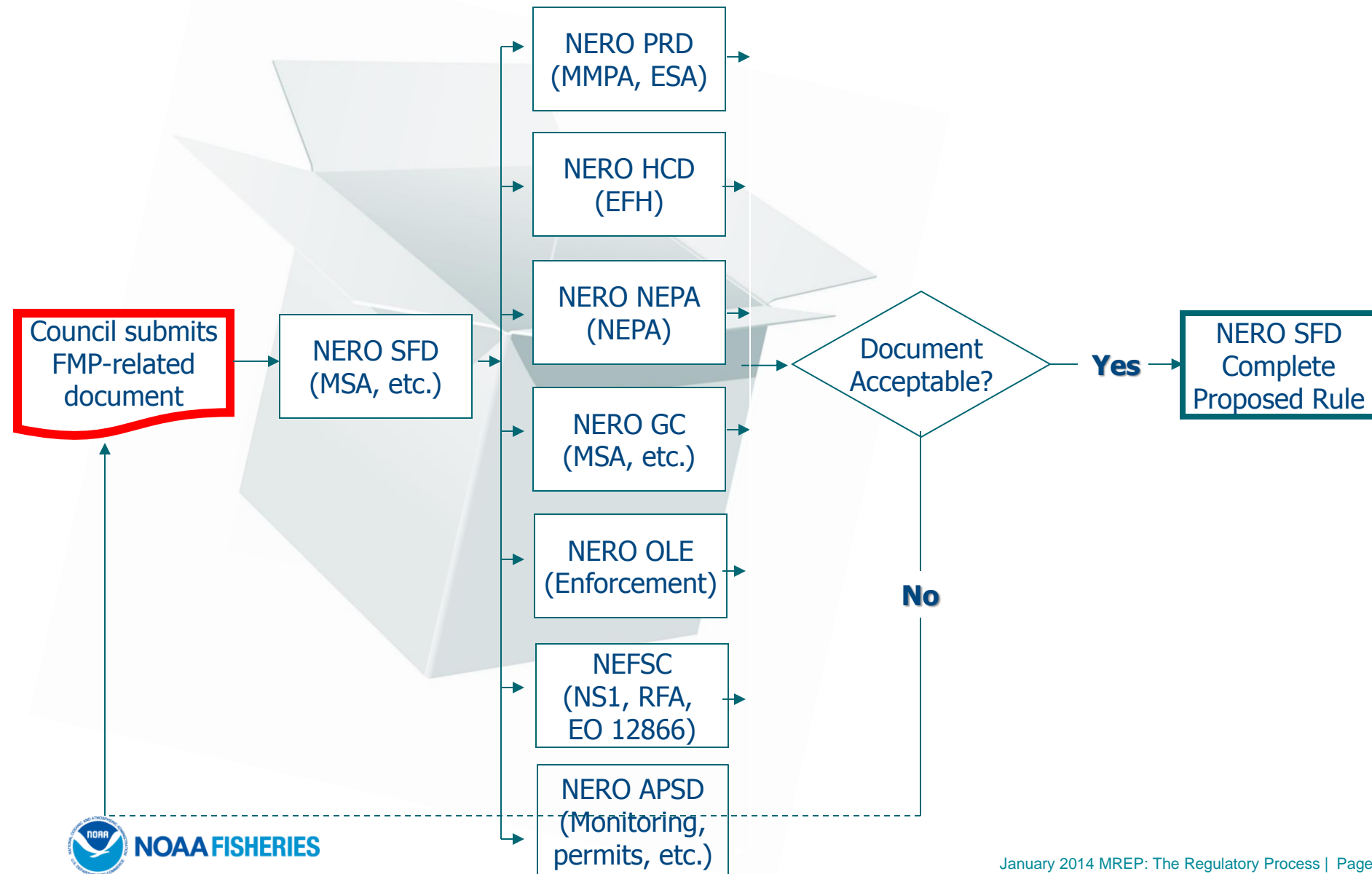


How is a Council Action Reviewed?

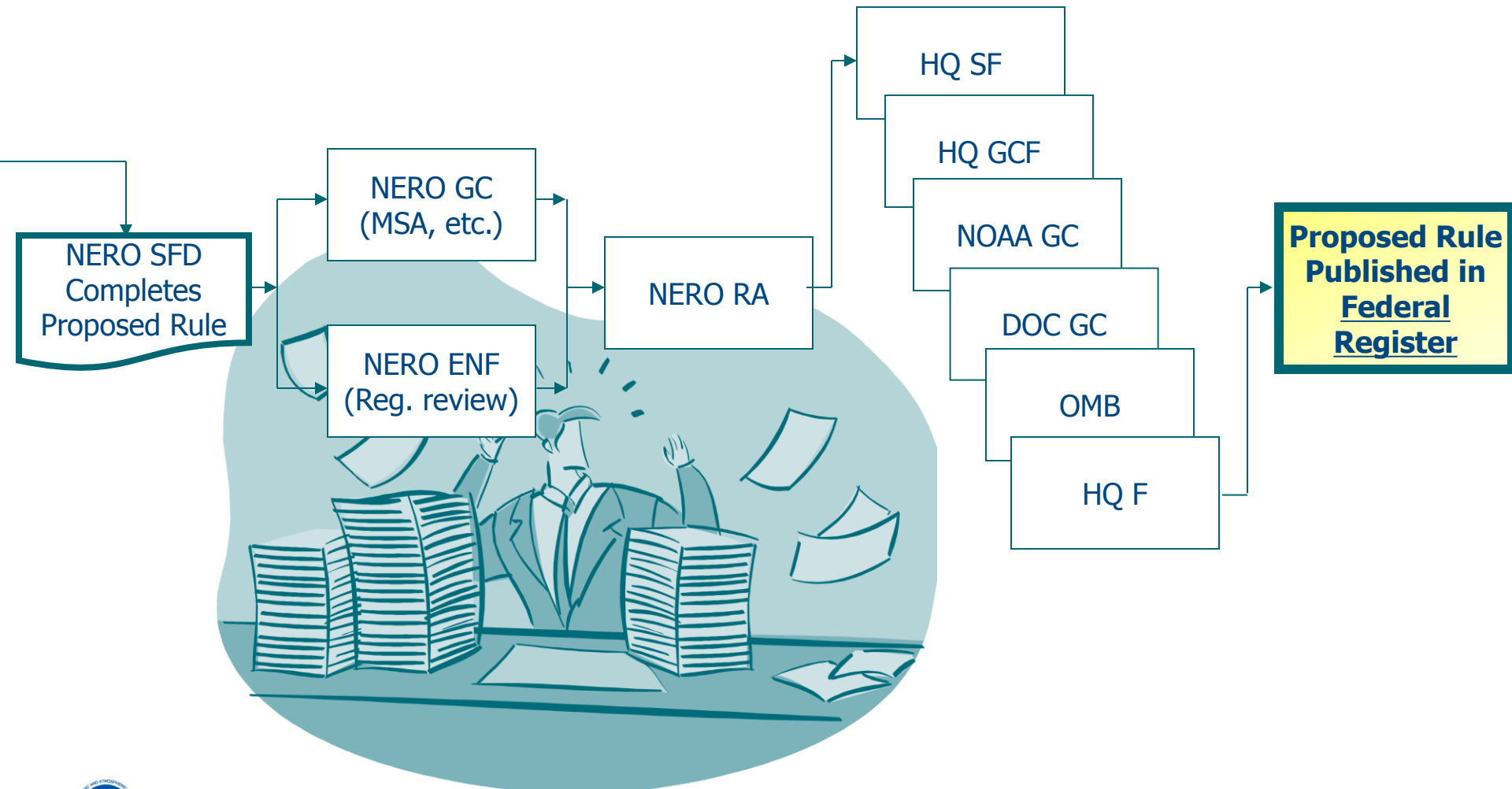
- Who does what?
- Why does it take so long?
- Why isn't the review process more open?



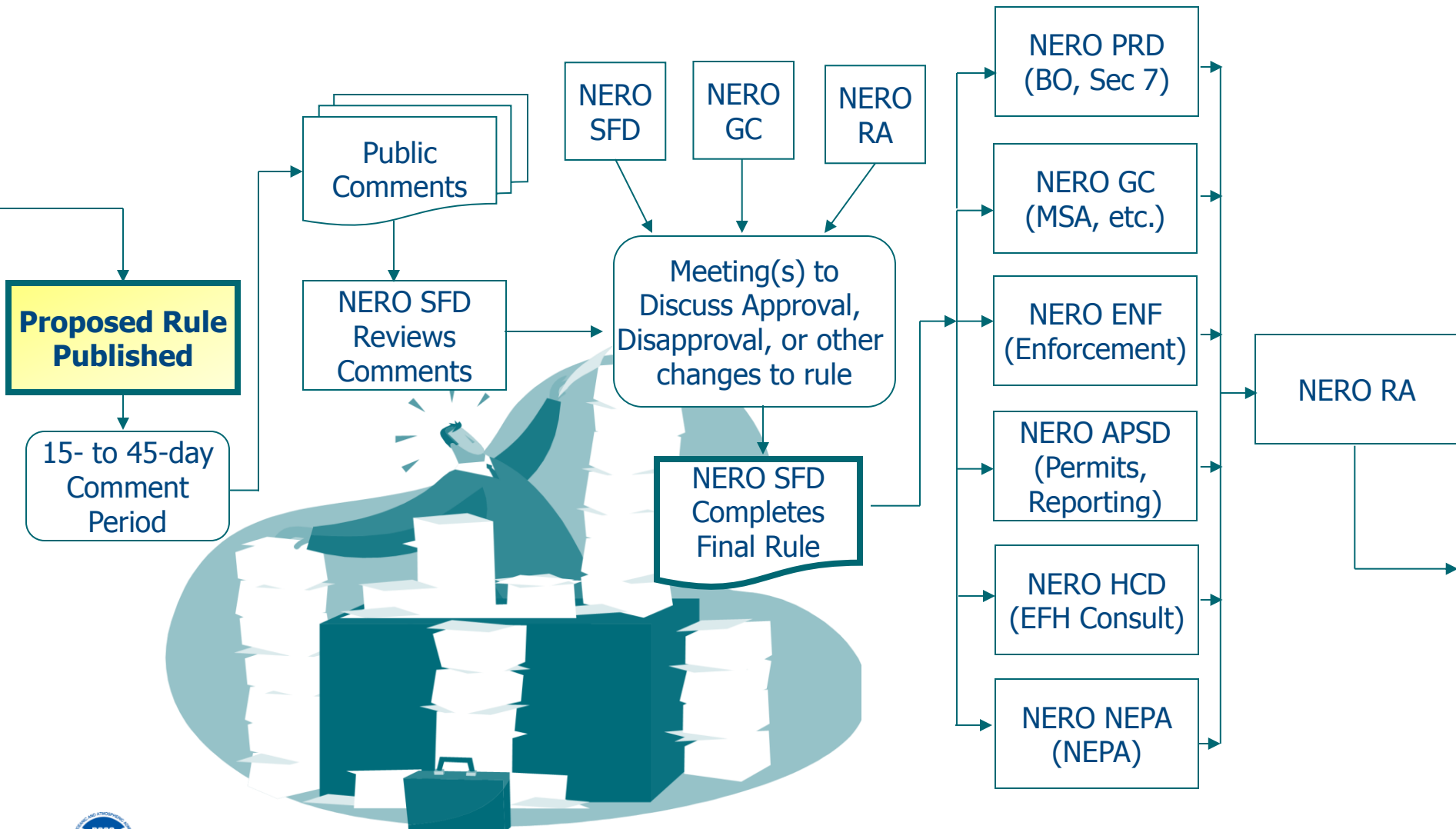
Regulatory Review Process (1st Phase)



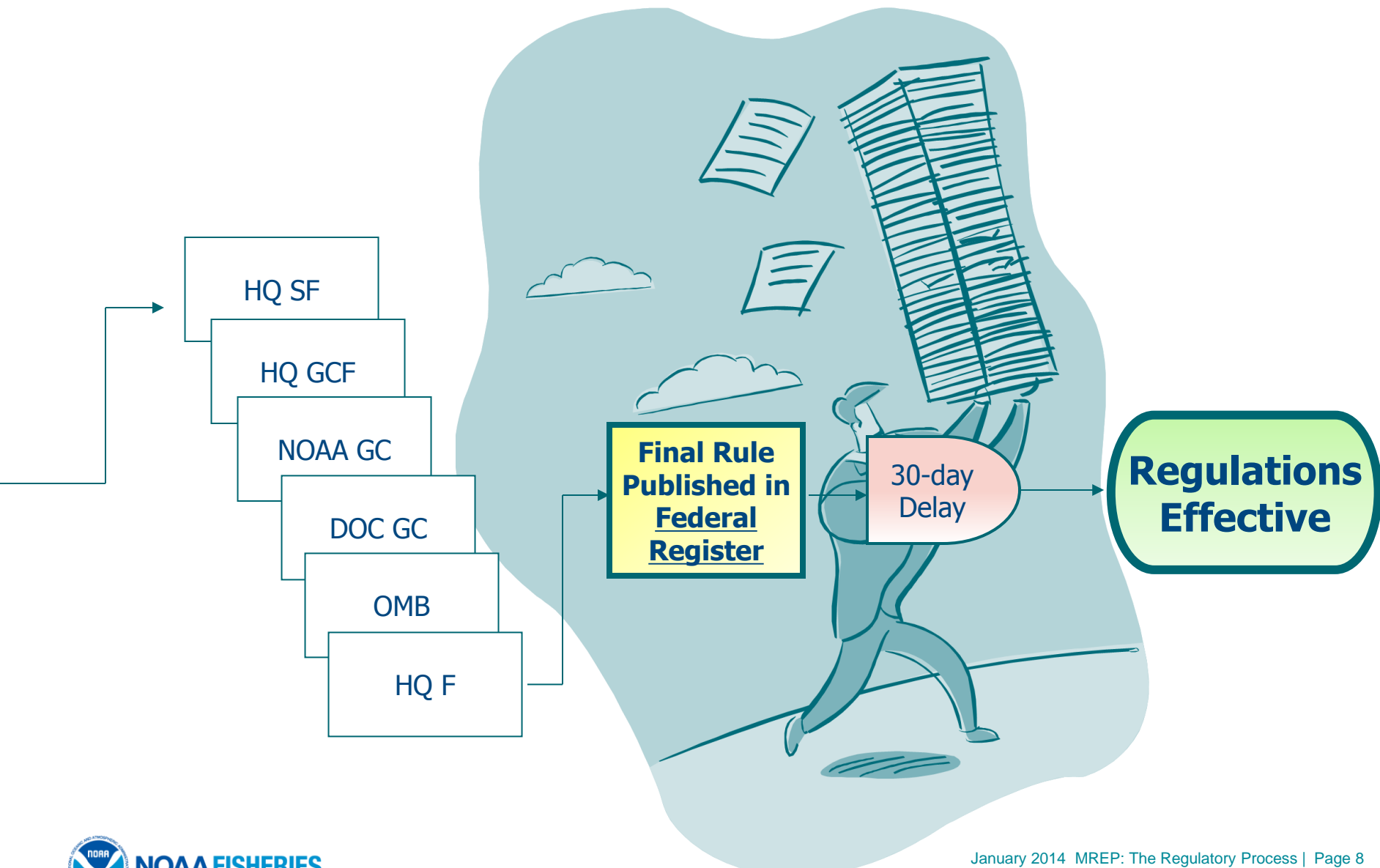
Regulatory Review Process (2nd Phase)



Regulatory Review Process (3rd Phase)



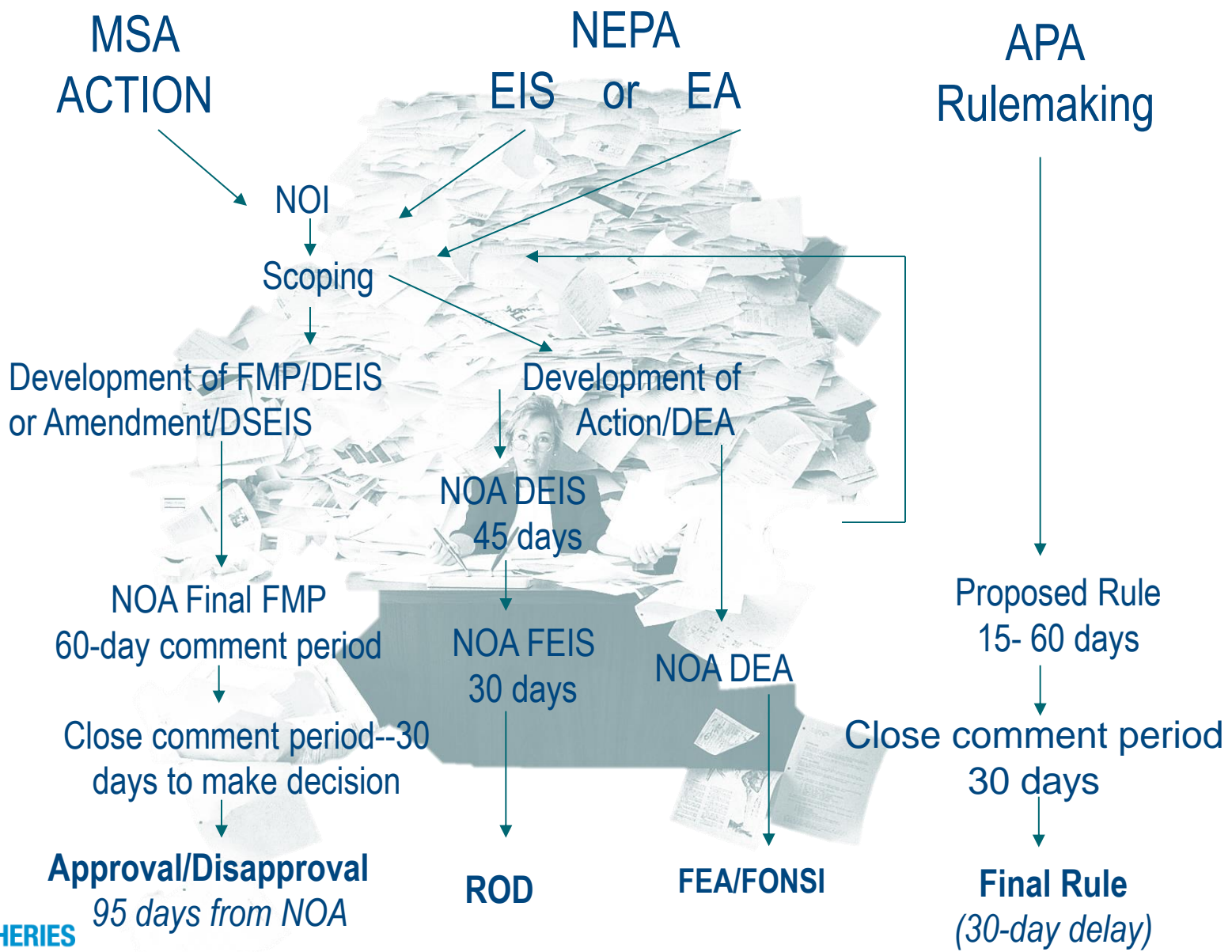
Regulatory Review Process (Final Phase)



Integrating Rulemaking & NEPA Process

MSA = Magnuson-Stevens Act
NEPA = National Environmental Policy Act
APA = Administrative Procedure Act
NOI = Notice of Intent
NOA = Notice of Availability
EIS = Environmental Impact Statement
EA = Environmental Analysis
ROD = Record of Decision
FONSI = Finding of No Significant Impact
F = Final
D = Draft
S = Supplemental

1-3 years



NMFS as Reviewer

- Can only approve or disapprove FMPs (including amendments or framework adjustments); **generally cannot modify after submitted** – can only change something under very limited authority
- NMFS implements and enforces regulations (permit programs, data collections, tag programs, ITQ program), so review must include administrative and enforcement feasibility

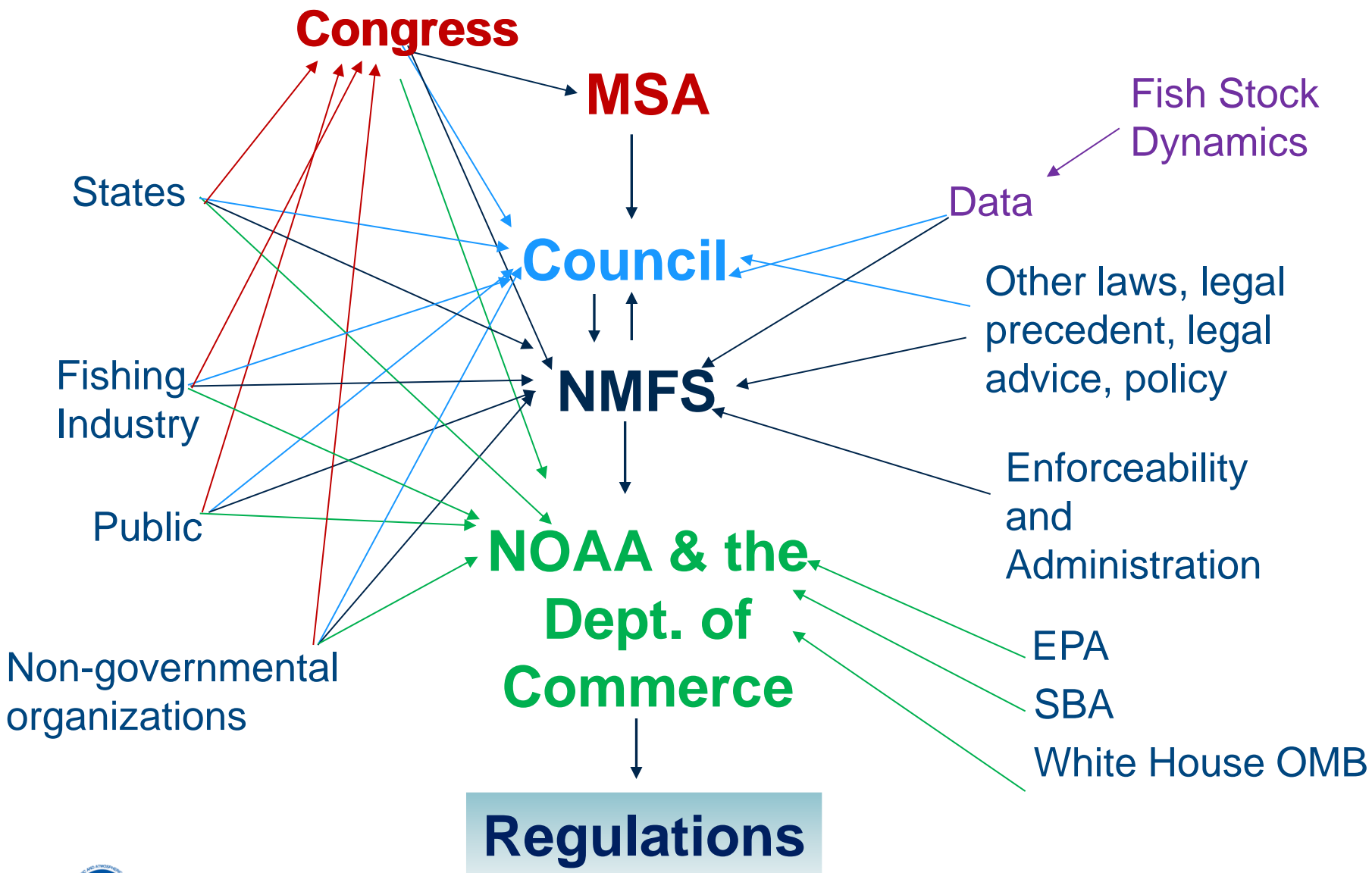
Why Does Review Take So Long?

- Many laws have their own mandated timeframes (e.g., CZMA, PRA, APA)
- Magnuson-Stevens Act allows **95 days** for FMP review after submission is complete
 - If a formal decision on the Amendment is not made by that date, the Amendment is automatically approved.
- Actions aren't just passed along -- there is internal review and debate at every stage

How is the Process Open to the Public?

- Initial debate and decision-making takes place in Council arena (i.e., Committee and Council meetings)
- After submission to NMFS, review and comment process is formalized as per APA requirements – provides that all comments are treated equally
- Everyone has equal chance to comment on the information in the record (e.g., during DEIS/DEA, proposed rule, and/or MSA comment periods)
- Management decisions are made based on the information in the record, including relevant comments received

All Together...



Questions?



NOAA FISHERIES