

NOAA Fisheries Policy Directives – Managing Marine Ecosystems

Fisheries Management – An overview of all policies relevant to the NEFMC Program Review is provided, along with the purpose and goals (if available). The date listed after each policy is the original implementation date, and all policies with a description have been renewed unless otherwise noted. Full copies of all policies are available online from NOAA Fisheries: <https://www.fisheries.noaa.gov/national/laws-and-policies/policy-directive-system>

01 - Fisheries Management

- **01-101 Fishery Management Actions (2/07/2006)**

- 01-101-01 **Procedures for Initiating Secretarial Review of FMPs and Amendments (3/01/1991)**

This policy outlines the process and timing for the Council submitting regulatory and supporting documents (required by MSA) to the NMFS Regional Administrator. This includes the following documents: FMP or FMP amendment, proposed regulations, regulatory impact review (RIR), regulatory flexibility analysis (RFA), an environmental impact statement (EIS)/ environmental assessment (EA)/ or supplemental EIS (SEIS), biological opinion (Section 7 of the Endangered Species Act) or informal consultation (signed by the RA indicating formal consultation is no required), and a Paperwork Reduction Act package, along with accompanying memorandums. This policy encourages the Council, Region, Center, and General Counsel to work collaboratively to prepare these documents for Secretarial Review in advance of the Council's final decision to submit an FMP or amendment, to the extent practicable.

- 01-101-03 **Revised Operational Guidelines (9/30/2015)******This 81-page document (including appendices) is the cornerstone of Council operations, and sets out the Regional Operating Agreement requirement. Therefore, it is recommended that members of the Review Panel read this document in its entirety if you are unfamiliar with these guidelines. Appendix 2 has a table of all applicable legislation and Executive Orders that will be included separately in the background materials.*

Purpose: This document, "Operational Guidelines for the Magnuson-Stevens Fishery Conservation and Management Act Fishery Management Process" (OGs), provides guidance on the development, review, and implementation of federal fishery management plans (FMPs), amendments, and regulations. This guidance reflects and builds on the progress that the National Marine Fisheries Service (NMFS) and Councils have made, since implementation of the Fishery Conservation and Management Act (FCMA) in 1976, towards fostering a cooperative and accessible public process for managing our nation's fisheries.

Goals:

- Promote and continually improve the quality of fishery management decisions and documentation; and
- Promote a timely, effective, and transparent public process for development and implementation of fishery management measures pursuant to the MSA.

Key objectives for achieving these goals include:

- Simplify and speed the flow of work: Promote efforts to streamline compliance with regulatory requirements, including working to ensure that relevant information and comment is provided early in the process and that unnecessary delays are eliminated.
- Increase transparency: Promote transparency and effectiveness of the decision making process by clearly explaining the Council and regulatory process, promoting the public's accessibility to the process, fostering effective and constructive public input, and providing mechanisms for people to track the progress of different actions.
- Achieve appropriate standardization: Apply standardized practices where appropriate, while still recognizing regional variability, including continuing to seek ways to standardize compliance with other applicable laws (e.g., Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Marine Mammal Protection Act (MMPA)).

Other Relevant Sections: Section II B, Guiding Principals, (pgs. 3-4); Section II C, Regional Operating Agreements (pg. 4); and Appendices 1-4.

○ 01-101-04 **Protocol for Regulatory Training Program (7/15/2004)**

The Regulatory Training Program (RTP) will address specific needs related to the development and implementation of fishery management actions. It will include model curricula as well as an electronic inventory of additional training opportunities. The program will be designed to ensure that Regional office staffs are fully conversant with Federal Register documentation requirements, Agency documentation standards for compliance with all legal requirements, and docketing and administrative records requirements. The RTP is available to Council staff, based on approval from the office sponsoring the training.

○ 01-101-06 **Improved Coordination of Regulatory Documents (12/26/1995)**

This policy describes several actions to improve NMFS' coordination of regulatory policy issues, including the following: prepare council meeting pre-brief memos to provide an opportunity for early input on issues that may arise during the meeting (providing an opportunity for early input from HQ and Regional offices – SF and PR staff, as well as GC and OLE) and specific staff to distribute the Regional Director's post-council meeting reports to.

○ 01-101-07 **Policy Guidelines for the Use of Emergency Rules (8/21/1997)**

This Policy describes the purpose for, and requirements around the use of emergency rulemaking, including rationale, criteria, and justification. Under the rational for emergency rulemaking WRT to the Council, the Secretary may promulgate emergency regulations to address an emergency or overfishing if the Council, by unanimously vote of it's voting members, requests the Secretary to take such action. The subsequent rationale also allows the Secretary to promulgate emergency rules with less than a unanimous vote by Council members. The Councils and Secretary must, whenever possible, afford the full scope of public participation in rulemaking.

○ 01-101-08 **Procedures on Public Comments on Fishery Management Plans (02/24/1997)** – N/A

This 2014 revision moves a 1997 Policy on Public Comments to a procedure under the overarching Fishery Management Policy Directive (01-101)

○ 01-101-09 **Procedures to Determine Stock Status and Rebuilding Progress (10/11/2017)**

Purpose: This document provides the administrative procedures for stock status and rebuilding progress decisions under section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). It applies whenever a stock status or adequate rebuilding progress decision memo is required, developed, and submitted.

Objectives: This procedure describes the following:

1. Situations that require a stock status determination decision memo (DM).
2. Process for developing a stock status DM.
3. Notification process to the Regional Fishery Management Councils (Councils) whenever a stock status DM is submitted.
4. Procedures for reviewing adequate rebuilding progress for stocks in rebuilding plans.
5. Process for developing a DM when stocks are not making adequate rebuilding progress.
6. Notification process to the Councils whenever a determination is made that a stock is not making adequate rebuilding progress.

Other relevant sections: Notification Letters to the Council (pgs.5-6)

• **01-105 Timely Allocation of Interjurisdictional Fisheries Act Funding (8/21/1997)** – N/A

• **01-106 Bycatch (2/07/2006)**

- 01-106-01 **Managing the Nation's Bycatch: Priorities, Programs and Actions For NMFS (6/01/1998)**

Purpose: This bycatch plan is intended to serve as a guide for the National Marine Fisheries Service (NMFS) and its cooperators — the fishery management councils, states, commissions, fishing industry, the conservation community, and other special interest groups—to current programs and future efforts to reduce bycatch and bycatch mortality of marine resources. These programs represent a broad array of research, management, and enforcement activities that include fisheries covered under U.S. statutes and international agreements as well as all marine mammals, “threatened” and “endangered” species, seabirds, and other living resources of the marine ecosystem. This plan is also intended to guide the regional fishery management councils and to provide a common focus for industry-government bycatch coordination. It provides a dynamic and adaptive framework that anticipates change in program emphasis and priorities as more information on bycatch becomes available on a fishery-by-fishery basis.

Goal: The national goal of the National Marine Fisheries Service's bycatch plan activities is to implement conservation and management measures for living marine resources that will minimize, to the extent practicable, bycatch and the mortality of bycatch that cannot be avoided. Inherent in this goal is the need to avoid bycatch, rather than create new ways to utilize bycatch.

Other relevant sections: A Conceptual Approach to the Bycatch Problem (pg. 14), National Recommendations (pgs. 39-41), and Northeast Region – Regional Characteristics (pgs. 43-52)

○ 01-106-02 **Evaluating Bycatch: A National Approach to Standardized Bycatch Monitoring**

Programs (10/01/2004)

Purpose: This document identifies the SBRM objectives, protocol, and recommended precision goals that NMFS has established to meet its stewardship responsibilities for monitoring bycatch. The actions that are being taken by NMFS and the Fishery Management Councils to further reduce bycatch are addressed elsewhere.

Background: Based on its stewardship responsibilities defined elsewhere in the MSA and in other laws, including the MMPA and ESA, NMFS believes that: (1) the SBRM for each FMP fishery should address the bycatch of marine mammals and seabirds, as well as fish and sea turtles, and (2) an effective and efficient SBRM should be established for each federally managed fishery and for each other fishery that either takes ESA-listed species that are under NMFS jurisdiction or is an MMPA Category I or II fishery.

The combination of data collection and analyses that is used to estimate bycatch in a fishery constitutes the SBRM for that fishery. For example, an at-sea observer program, effort and landings data collection, and analyses to estimate overall bycatch can constitute an SBRM. NMFS, working with the Regional Fishery Management Councils and other management agencies, has implemented some or all of the elements of an SBRM for each federally managed fishery and for each other fishery that either takes ESA-listed species that are under NMFS jurisdiction or is an MMPA Category I or II fishery.

Roles: In many instances, NMFS will establish, review and improve SBRMs collaboratively with the Regional Fishery Management Councils, MMPA Take Reduction Teams, other fishery management agencies, the fishing industry, the environmental community, university or private sector researchers, and other stakeholders. In most cases, a NMFS Regional Office and/or Science Center will take the lead and be principally responsible for implementing the SBRM objectives and protocol for specific fisheries.

• **01-107 Bycatch Reduction Engineering Program (1/11/2008)**

Section 316 of the Magnuson-Stevens Fishery Conservation and Management Act, as amended through January 12, 2007 (MSRA), requires the Secretary of Commerce (Secretary), in cooperation with the Councils and other affected interests, and based upon the best scientific information available, to establish a Bycatch Reduction Engineering Program (BREP), including grants, by mid-January 2008 to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. According to the MSRA, the BREP will:

1. be regionally based;
2. be coordinated with projects conducted under the cooperative research and management program established under MSRA;
3. provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the BREP; and
4. provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the BREP in fishery management plans (FMPs) developed by the Councils.

Section 316 also authorizes FMPs prepared by a Council or the Secretary to establish a system of incentives to reduce total bycatch and seabird interactions

- **01-108 Exempted Fishing, Scientific Research Permits, and Letters of Acknowledgment (10/28/2003)**

- 01-108-01 **Procedures for Implementation of the Rule Defining Scientific Research, Exempted Fisheries, and Exempted Educational Activities (7/29/1998)**

This is primarily a NMFS-led process; however Councils are consulted and involved in public notice of an EFP review, by making an announcement during the specific FMP discussion at Council meetings.

- 01-108-02 **Improving the Exempted Fishing Permit Process and Revising Definitions Related to Research Activities in NMFS (10/28/2003)**

This policy discusses gaining efficiencies and streamlining the RFP process, primarily within NMFS; however, there were several recommended options in the 'Public Comment and Clearance Process' section involving the Council: 1) Encourage regional offices to receive public comment [on EFPs] at Council meetings, utilizing the provision in the regulations that allows for this alternative. This may speed up the EFP process by removing the 14-45 days FR comment period and could be done by listing the specific EFPs to be discussed in the notice of the Council meeting published in the FR. 2) When a Council meeting or Council committee meeting notice is published, encourage regional offices to include a generic announcement that applications for EFPs may be reviewed, and public comments taken, at the meeting.

- 01-108-03 **New Procedures For Processing Exempted Fishing Permit Federal Register Notices (1/28/2004)** – N/A

- 01-108-04 **Delegation of Responsible Program Managers Applicable to the Approval of Exempted Fishing Permits, Related Science Research Permits, and Related financial Assistance (12/08/2003)** – N/A

- **01-111 Policy on RFA and RIR Review Process (3/17/1997)**

- 01-111-02 **Guidance for Social Impact Assessment (revised as of Dec. 24, 2007) (3/19/2001)**

The purpose of this document is to provide Councils and fishery managers with an understanding of the objectives and techniques of Social Impact Assessments (SIAs). This guidance paper also lays out the general process, analytical content and form of SIAs.

In developing SIAs for specific fisheries, Councils should employ the services of professional anthropologists or sociologists experienced in social impact assessment. These may be on Council staff or appointed to Council Scientific and Statistical Committees (SSCs) or the Council may engage qualified contractors.

The SIA is completed when the analyst provides the fishery manager or Council with the assessment of impacts of alternative actions in comparison to the status quo or to the baseline case. The assessment should be incorporated in the NEPA document, but can also be in an appropriate part of the FMP or FMP amendment. The fishery manager or Council then uses the combined ecological, economic, and social assessments to select the preferred management alternative. The final SIA should be available as early in the decision process as possible but no later than when the final decision prior to public review is made by the Council.

- 01-111-03 **Procedures for Periodic Review of Significant Rules Under Section 610 of the Regulatory Flexibility Act (9/09/2005)**

Rules subject to review under Section 6.0 of the Regulatory Flexibility Act: NMFS considers subject rules to be those for which a final regulatory flexibility analysis (FRFA) was prepared. All final rules implementing a FMP, Amendment or other management program and which contain a FRFA are subject to the section 610 review except: (1) annual or multi-year specifications requiring proposed and final rulemaking; (2) in-season

actions requiring proposed and final rulemaking; and (3) temporary or emergency rules requiring proposed and final rulemaking. With the exception of multi-year specifications, these actions are effective for one year or less and are rescinded by default. Multi-year specifications could be effective for longer periods. However, these are reviewed annually and revised by the Councils or NMFS when appropriate.

- 01-111-04 **Regulatory Analysis (2/07/2006)**

For almost every regulatory action, the National Marine Fisheries Service is required to prepare a Regulatory Impact Review (RIR), which includes an analysis of the economic effects of the preferred and alternative actions. One of the purposes of the RIR is to comply with the requirements of E.O. 12866. The RIR is intended to assist the Councils and NMFS in selecting the regulatory approach that maximizes net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

Regulatory Flexibility Act Analysis (RFAA) is necessary to satisfy the requirements of the RFA. The RFAA should assess the impacts of the proposed/final rule on small entities and describe steps the agency has taken to minimize any significant economic impact on small entities while still achieving regulatory goals.

- 01-111-05 **Guidelines for Economic Review of National Marine Fisheries Service Regulatory Actions (3/20/2007)**

The purpose of this document is to provide guidance on understanding and meeting the procedural and analytical requirements of Executive Order (E.O.) 12866 and the Regulatory Flexibility Act (RFA)(5 U.S.C. 601 et seq.) for regulatory actions promulgated by the National Marine Fisheries Service (NMFS).

Typically the economist from the NEFSC on the PDT prepares the analysis under EO 12866 and the RFA, though on occasion, NEFMC staff prepare analyses under the RFA. For example, NEFMC staff prepared the Regulatory Impact Review for Atlantic Sea Scallops. Responsibility to prepare these analyses is discussed by NEFMC staff and NEFSC Social Science Branch staff early in the development of a management action.

Other relevant sections: Appendix B – Typical Regulatory Process

- **01-113 Decision Memo: U.S. National Plan of Action for the Management of Fishing Capacity (6/22/2004)**

This memo references the U.S. National Plan of Action for the Management of Fishing Capacity (NPOA/Capacity) that was prepared to meet a commitment made by the US when it agreed in 1999 to the FAO-sponsored International Plan of Action for the Management of Fishing Capacity. The NPOA/Capacity stresses the key role of the Regional Fishery Management Councils as originators of capacity management programs, and notes the variety of means that are available to address capacity issues. The Plan has a long-term goal to significantly reduce or eliminate overcapacity in 25 percent of federally managed fisheries by 2009 and in a substantial majority of fisheries in the following decade.

- 01-113-01 **U.S. National Plan of Action for the Management of Fishing Capacity (8/04/2004)**

The Councils play a critical role in deciding which of the fisheries under their jurisdiction require capacity management, especially reduction of overcapacity, and the specific measures that will be used to manage capacity in particular fisheries. The legal framework that addresses capacity management is contained in the Magnuson-Stevens Act, in particular its provisions in sections 303 and 304 relating to Individual Fishing Quotas (IFQs) and section 312(b)-(e) vessel buybacks. It is the policy of NOAA Fisheries to use its authorities to help the Councils and industry manage capacity with the major objective of bringing about a reasonable balance between harvesting capacity and available resources. Ultimately, levels of harvesting capacity should be sufficient to promote optimum use and resource sustainability. Conversely, overcapacity in the harvesting sector should be addressed through one or more means with the goal of achieving significant and sustainable reductions in overcapacity. A key element in this policy is the collaborative relationship between NOAA Fisheries and the Councils.

NOAA Fisheries will work cooperatively with the Councils to identify fisheries in need of capacity reduction and to develop measures to achieve those reductions. Programs to manage capacity will typically include (1) limited entry and permit management programs, (2) exclusive quota programs, and (3) publicly and privately funded buybacks of permits and/or vessels.

A 2001 NOAA report referenced in this document lists the following Northeast fisheries having qualitative indicators of overcapacity: tilefish, spiny dogfish, NE groundfish, large mesh mixed trawl, small mesh mixed trawl, and Atlantic sea scallop.

Other relevant sections: III(A)(3) – Progress Report, Capacity Measures and Assessments (Pgs. 10-12). The information in this policy is somewhat dated as it refers to targets in 2005-2009. Despite being renewed in 2014, there were no revisions or additions of new goals, target dates, or thresholds. NOAA's Office of Policy confirmed that this action plan is still in place as there are international agreements that require a national plan of action on capacity. This document will be reviewed as part of the agencies overall effort to review existing regulations, policies, and procedures in support of our implementation of the various recent Executive orders (*Pers. Comm w/ Adele Irwin, 10/17/17*).

- **01-114 Regional Fishery Management Council Consultation in MPA Nomination Process (3/09/2009)**

The objective of this policy directive is to establish the process for consulting with Councils:

1. on whether sites that were established under the authorities of the MSA as a result of Council action should be nominated to be included in the National System, and
2. when adding, modifying, or removing MPAs in the National System.

Other relevant sections: 4.0 Process to Consult with Regional Fishery Management Councils in MPA Nominations and Revisions to Designations (Pgs. 3-6)

- **01-115 Fishery Management Council Statements of Organization, practices and procedures**

(9/22/2009)

In accordance with Magnuson-Stevens Fishery Conservation and Management Act §302(f)(6) [P.L. 94-265, 16 USC 1852(f)(6)], each of the regional fishery management councils is required to “determine its organization, and prescribe its practices and procedures for carrying out its functions” in accordance with uniform standards prescribed by the Secretary. Accordingly, each Council will publish and make available to the public a statement of its organization, practices, and procedures (SOPP). A Council's SOPP¹ will reflect its compliance with the regulations and other requirements listed below.

Other relevant sections: Section 3 – Requirements (Pgs. 1-2)

- 01-115-01 **Approval of Council SOPPS (11/05/2010)**

A Council may occasionally need to update its SOPP to respond to emerging needs or to comply with changes in relevant statutes, regulations, and policies. Each Council has its own procedures for amending its SOPP. Pursuant to 50 CFR 600.115(b), amendments to Council SOPPs must be approved by the Assistant Administrator for Fisheries (AA), on behalf of the Secretary of Commerce, and a notice must be published in the Federal Register (FR) announcing the availability of the SOPP to the public. This instruction describes the procedures that will be followed by the National Marine Fisheries Service (NMFS) to ensure that SOPPs, when submitted for approval, are handled consistently by the agency, reviewed relative to established standards, and approved in a timely manner. To assist staff at every stage of the SOPP review and approval process, a checklist is included in this instruction and will be posted on the Regulatory Services Division's website

In the past, the approval process for revisions to the NEFMC SOPP took multiple years. Therefore, relevant policies and other information included in the NEFMC Operations Handbook are updated more frequently.

Other relevant sections – Section 2.2 Councils (Pg. 4)

- **01-116 Fishery Management Council Financial Disclosures (09/29/2014)** – *This policy is under review.*

Objective: It is the policy of NMFS to carry out the responsibilities of the Secretary pursuant to Section 302(j) of the MSA and implementing regulations to provide an effective process for submission and review of financial disclosures and for identifying and resolving any conflicts of interest by Council members. The process should ensure Council appointments are made using complete and accurate information from nominees, financial

¹ The NEFMC SOPP is provided separately in the background materials.

disclosure of Council members are complete and transparent to the public, and Council members are aware of the conditions of conflict of interest and need to rescue themselves. The information required to be reported must be disclosed on the Statement of Financial Interests form NOAA 88-195, or such other form as the Secretary may prescribe.

Other relevant sections: 3.4 – Council Executive Directors are responsible for...(Pg. 3)

- 01-116-01 **Procedures for Review of Fishery Management Council Financial Disclosures**

(09/25/2014)

This directive provides the guidance necessary to ensure a successful and thorough vetting process to review the completeness and accuracy of information in financial disclosure forms submitted by Council nominees and members; and to better clarify the process for identifying conflict of interests.

Other relevant sections: Section 3 – Criteria for Identifying and Conflicts of Interest (Pgs.3-4)

- **01-117 Integration of Endangered Species Act Section 7 with Magnuson-Stevens Act Process**

(January 19, 2015)

Purpose: This Policy Directive implements the Marine Fisheries Advisory Committee (MAFAC)'s and the Council Coordinating Committee (CCC)'s recommendations pertaining to the CCC's first issue of better integrating Councils into the ESA section 7 process.

Applicability: This policy applies to ESA section 7 consultations that are conducted on fishery management activities that: (1) are governed by fishery management plans developed by the Councils pursuant to the MSA; and (2) may affect endangered or threatened species or designated critical habitat under NMFS' jurisdiction. This policy does not apply to fisheries managed solely by the Secretary. It does not pertain to consultations on species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service. It does not apply in the case of consultations conducted on activities taken by other action agencies.

There are generally three opportunities for collaboration with the Councils when section 7 of the ESA applies. The first occurs when a Council is in the process of developing a new or modified management measure and NMFS determines that the action may affect endangered or threatened species or designated critical habitat. The second opportunity is during formal or informal consultation between the unit of NMFS functioning as the action agency (Sustainable Fisheries (SF)), and the unit of NMFS functioning as the consulting agency (generally Protected Resources (PR)), once a proposed action has been identified. Another opportunity occurs when a change external to the Council process triggers the need for initiation, or reinitiation, of consultation on the fishery action. For example, reinitiation is triggered by a change in species listings, a designation or revision of critical habitat, an exceedance of the amount or level of incidental take specified in an ITS, or if new scientific information becomes available that may affect the findings of an existing BO. NMFS has determined that this policy is applicable to all three situations. NMFS and the Councils are encouraged to use this policy and guidance to foster broad cooperation and communication pertaining to our joint stewardship and management responsibilities.

Other relevant sections: Section IV(a) – Recognition of the Unique Roles of Councils and IV(b) Fostering Council Involvement (Pgs. 3-10)

- **01-118 National Saltwater Recreational Fisheries Policy (02/12/2015)**

The purpose of this policy is to provide guidance for Agency consideration in its deliberations pertaining to development and maintenance of enduring and sustainable high quality saltwater recreational fisheries. This policy identifies goals and guiding principles to be integrated into NMFS' planning, budgeting, decision-making, and activities, and includes examples of implementation concepts and strategies supported by NMFS.

Consistent with, and in furtherance of, the purposes of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other applicable federal statutes, the goals of this policy are to: 1) support and maintain sustainable saltwater recreational fisheries resources, including healthy marine and estuarine habitats; 2) promote saltwater recreational fishing for the social, cultural, and economic benefit of the nation; and, 3) enable enduring participation in, and enjoyment of, saltwater recreational fisheries through science-based conservation and management.

This policy recognizes the authorities and responsibilities of other federal natural resource management agencies, regional fishery management councils, interstate marine fisheries commissions, states, tribes, and advisory bodies. *Though there is no mention on the specific roles and responsibilities of NMFS and these other agencies.*

- **01-119 Fisheries Allocation Review Policy (2/23/2017)**

The objective of this policy is to briefly describe the fisheries allocation review process collaboratively developed by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) Office of Sustainable Fisheries and the CCC (see Figure 1). This policy will provide a mechanism to ensure fisheries allocations are periodically evaluated to remain relevant to current conditions. In addition, it will improve transparency and minimize conflict for a process that is often controversial.

Other relevant sections – Section 3 – Authorities and Responsibilities:

"This policy directive establishes the following authorities and responsibilities. Regional Fishery Management Councils (Councils) will be responsible for determining what triggers are applicable for each of their fishery management plans (FMPs) that contain a fisheries allocation, including allocations across jurisdictions (e.g., state, regional), across sectors (e.g., commercial, recreational, tribal, research), and within sectors (e.g., individual fishermen, gear types)..."

- 01-119-01 **Criteria for Initiating Fisheries Allocation Reviews. Council Coordinating Committee**

- Allocation Workgroup Guidance Document (07/27/2016)**

The CCC Allocation Working Group proposes a protocol based on adaptive management consisting of three separate steps: (a) Triggering an allocation review; (b) the allocation review; (c) and if deemed necessary by the review, a reallocation action to amend the FMP. Critical aspects are the decision threshold for initiating an allocation review and the subsequent reallocation action. The focus of the CCC working group's exploration is the first of those steps – triggering an allocation review.

Other relevant sections: Adaptive Management (Pgs.3-6)

- 01-119-02 **Recommended Practices and Factors to Consider When Reviewing and Making**

- Allocation Decisions (07/27/2016)**

NMFS commissioned a report to facilitate a productive discussion about allocation decisions and socio-economic objectives for fisheries management. It summarizes input from discussions with a wide range of stakeholders and suggests five steps NMFS can take to address allocation issues: 1) increase stakeholder engagement in allocation decisions, 2) increase biological and social science research and data, 3) periodically review allocation decisions, 4) compile a list of past allocation decisions, and 5) create a list of factors to guide allocation decisions.

This document addresses the fifth recommendation by providing a summary of recommended practices and guidance on allocation factors that a Regional Fishery Management Council (Council) should consider when making allocation (initial or reallocation) decisions. The factors are drawn from, or are relevant to, MSA provisions and other legal mandates and thus should already be considered in the fisheries management process.

Other relevant sections: Recommended Practices When Reviewing and Making Allocation Decisions (Pgs. 3-4) & Factors to consider when reviewing and making allocation decisions (Pgs. 5 -12)

- **01-120 Ecosystem-Based Fisheries Management Policy (05/23/2016)**

NOAA asserts that ecosystem-based management (EBM) will assist the agency in better meeting its mandates to sustainably manage the nation's trust living marine resources (LMR). In this context, NOAA Fisheries has taken several steps to advance the ecosystem-based fisheries management (EBFM) portion of this strategic EBM goal. Coordinated implementation of EBFM across mandates will lead to greater efficiency and will enable NOAA Fisheries to explicitly consider trade-offs between fisheries, fishery species, and other ecosystem components (e.g., other species, habitats, and humans) and processes that affect, or are affected by, fisheries.

The purpose of this policy is to:

- Define EBFM;
- Describe the benefits of EBFM;

- Discuss how EBFM relates to existing LMR management legal authorities and requirements;
- Establish a framework of guiding principles to enhance and accelerate the implementation of EBFM within NOAA Fisheries, and in cooperation with NOAA Fisheries partners, when EBFM would further improve fisheries decision-making, provide social or economic benefits, and/or provide desired ecological outcomes; and
- Build on the agency's (and its partners') past progress and clarify the agency's commitment to integrating its management programs for living marine resources and their habitats under changing climate, ecological, and ocean conditions.

Other relevant sections: Guiding Principles (Pgs.3-5)

○ 01-120-01 **Ecosystem-Based Fisheries Management Procedure (11/17/2016)**

The NOAA Fisheries EBFM Road Map builds upon the Policy by providing a national implementation strategy for the Policy. This Road Map describes how to operationalize the Policy's six Guiding Principles through a series of core components for each one:

1. Implement ecosystem-level planning
 - Engagement Strategy
 - Fishery Ecosystem Plans
2. Advance our understanding of ecosystem processes
 - Science to Understand Ecosystems
 - Ecosystem Status Reports
3. Prioritize vulnerabilities and risks to ecosystems and their components
 - Ecosystem-Level Risk Assessment
 - Managed Species, Habitats and Communities Risk Assessment
4. Explore and address trade-offs within an ecosystem
 - Modeling Capacity for Trade-offs
 - Management Strategy Evaluations
5. Incorporate ecosystem considerations into management advice
 - Ecosystem-Level Reference Points
 - Ecosystem Considerations for Living Marine Resources
 - Integrated Advice for Other Management Considerations
6. Maintain resilient ecosystems
 - Resilience
 - Community Well Being

Other relevant sections (with respect to processes involving the Council, not analysis): 2.1 Implement ecosystem-level planning—Guiding Principle 1, a) Develop engagement strategies to facilitate the participation of partners and stakeholders in the EBFM process and b) Support development of Fishery Ecosystem Plans (Pgs.9-15)

• **01-121 NOAA Catch Share Policy (1/4/2017)**

To achieve long-term ecological and economic sustainability of the Nation's fishery resources and fishing communities, NOAA encourages the consideration and adoption of catch shares wherever appropriate in fishery management and ecosystem plans and their amendments, and will support the design, implementation, and monitoring of catch share programs. To allow stakeholders to make an informed decision when considering a catch share option, Councils should specify sufficient catch share design characteristics during the scoping phase for a proposed FMP or amendment such that stakeholders can understand their potential impact. Major catch share design choices on such features as allocation and transferability will have varying consequences on their operation. However, NOAA is not advocating that every fishery management plan (FMP) or amendment submitted to the Secretary must include a catch share alternative.

Purpose: The purpose of this policy is to encourage well-designed catch share programs to help maintain or rebuild fisheries, and sustain fishermen, communities and vibrant working waterfronts, including the cultural and resource access traditions that have been part of this country since its founding.

Goals: NOAA's goals for this policy are: to help reduce administrative or organizational impediments to the consideration and adoption of catch shares in appropriate fisheries; to inform and educate stakeholders of the different options and capabilities of catch share programs; and to help organize collaborative efforts with interested Councils, states, communities, fishermen and other fishery stakeholders on the design and implementation of catch share programs.

Other relevant sections: Catch Share Guiding Principals (Pgs.3-4), Catch Share Program Support (Pgs. 4-5) other sections.

o 01-121-01 **Guidance for Conducting Review of Catch Share Programs (4/13/17)**

The goal of this guidance is to provide a resource to help ensure the reviews of catch share programs (CSPs) are comprehensive and targeted at meeting statutory requirements; coordinated with stakeholders; carried out in a transparent, efficient, and effective manner; and are conducted by applying consistent standards across the country while allowing necessary regional flexibility. This guidance applies to CSPs established by the Regional Fishery Management Councils or the Secretary of Commerce.

Section 303A(c)(1)(G) of the MSA requires the Councils and Secretary to "include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant Fishery Management Plan (FMP); but no less frequently than once every 7 years)" of all LAPPs established after January 12, 2007.

Other relevant sections: IV. Process and Procedures (Pgs.3-5). The rest of the document outlines the approach, scope and content of the review.