# Phases for development of an FMP or FMP amendment

NEFMC Program Review
Reference Document #7a

Source of this summary information is Appendix 2 of NMFS Procedural Directive #01-101-03, Operational Guidelines for the MSA Process

## Phases for development of an FMP or FMP amendment

Phase I

- Planning (Council Staff)
- Scoping (Council Staff)

Phase II

 Document development (Council and NMFS Staff)

Phase III

- Public Review (Council Staff)
- Council Action to Recommend a Measure (Council Staff and Council Members)

Refer to NMFS Operational Guidelines for MSA (#01-101-03) for details on these phases (Appendix 2, Table Z, and Appendix 3b, included in the PDF subfolder).

### FMP Development Phases continued

Phase IV

 Post-Council Action to Recommend a Measure

Phase IVa

- Preparation for Transmittal
- (Council + NMFS Staff)

Phase IVb

- Secretarial Review & Implementation
- (NMFS Staff)

### Phase I – Planning

### Planning

- Management actions are identified during the priority setting process each fall
- Committees have initial meetings
- Action plans are developed

## Phase I – Scoping

### Scoping

- Scoping requirements vary depending on the type of action
  - NEPA requires a specific scoping process for an EIS
  - MSA does not prescribe a specific scoping process
- Public hearings may be held as part of NEPA scoping, though they are not required
- Information gathering & written comments
- Public comment during Council meeting

### Phase II – Document Development

- Draft analytical documents, e.g., Draft
   Environmental Assessment or Environmental
   Impact Statement
  - Other applicable laws, e.g., ESA, MMPA
- Plan teams collaborate with Council, GARFO, and NOAA GC – analyze & synthesize data

## Phase III – Public Review and Comment

- Draft documents are shared online and presented at Council meetings.
- Public comments are accepted during Council meetings and in writing.
- Councils continue to explore alternatives & develop/refine recommendations.
- Ends when Council votes to make a management recommendation to NMFS

### Phase IV(a) – Preparation for Transmittal

- In addition to the NEPA document, all supporting documentation must be prepared by NMFS and Council staff
- Compliance with regulations & executive orders, including but not limited to:
  - Prepare CZMA consistency letters
  - ESA Section 7 consultation, if applicable
  - E.O. 12866, Regulatory Flexibility Analysis, etc.

## Phase IV(b) – Secretarial Review & Implementation

- NMFS reviews and approves, partially approves or disproves the Councils' recommended FMP or amendment
- NMFS prepares memoranda for decision package
- NMFS drafts regulatory text for Federal Register (FR) notice
- NMFS submits the FR Notice of Availability and/or proposed rule for a 60-day comment period
- After reviewing comments, the RA makes a decision and the AA determines whether to concur.

### Phase V – Ongoing Management

#### Monitoring, Evaluation, Adjustment & Revision

- -Identify research, data, and monitoring needs to respond to changing conditions in the fishery
- -Establish an adaptable management structure that quickly responds to those changes.

#### **Performance Measurement**

Review regulatory activity to determine effectiveness & usefulness

#### Frameworking

An expedited rulemaking process for implementing recurrent, routine or foreseeable actions

### Frameworking

- Expedited
- Appropriate for actions that are recurrent, routine, or foreseeable
- Examples:
  - In-season closures,
  - Trip or bag limit adjustments
  - Setting annual specifications: these may be adjusted through FWs, though there is a separate process for setting specifications.