

- Required analyses or documents that support the final agency action, such as the EA/EIS, biological opinion, and FMP or amendment.

When specific questions arise regarding a particular AR, the December 2014 advises consulting with NOAA General Counsel.

B. Documentation: Examples, Models, and Techniques

1. Templates for Standardized Analysis

Some Council/Region pairs use standardized templates to develop FMPs, amendments, and other documents. Standardizing documentation, when possible and appropriate, can improve efficiency and readability, and facilitate both public and internal review by making it easier for readers to locate the information they are most interested in and see how the various requirements of the MSA, other applicable laws, and executive orders have been addressed. Where available, Councils are encouraged to post templates on their websites to enhance transparency. The Office of Sustainable Fisheries will make templates developed by the NMFS Regions and Councils available to the public, as practicable. *See*, http://www.nmfs.noaa.gov/sfa/management/councils/operational_guidelines/operational_guidelines.html

2. Consolidated FMPs

Some Councils have prepared Consolidated FMPs.

The North Pacific Fishery Management Council (NPFMC or Council), for example, endeavors to maintain updated FMPs for all six fisheries managed under FMPs. Each time NMFS approves an FMP, NPFMC staff revise the FMP to reflect the amendment and post an updated FMP on the Council's website. Because some amendments are more complicated and extensive than others, not all FMP amendments have been fully incorporated into the FMPs. The NPFMC's FMPs are posted at the following link:

<http://www.npfmc.org/fishery-management-plans/>

Two good examples of regularly updated FMPs are:

- Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (http://www.npfmc.org/wp-content/PDFdocuments/fmp/BSAI/BSAI_FMP_APR_2015.pdf)
- and
- Fishery Management Plan for Groundfish of the Gulf of Alaska (http://www.npfmc.org/wp-content/PDFdocuments/fmp/GOA/GOA_FMP_APR_2015.pdf)

Each of these FMPs contains an Appendix A – History of the FMP, which is a list of each FMP amendment with information about the subject of the amendment and decision dates. Note that the appendices to the groundfish FMPs are published as separate files on the Council’s Web site.

NMFS Alaska Region also maintains a list of all FMP amendments on its Web site at:
<http://alaskafisheries.noaa.gov/sustainablefisheries/amds/default.htm>

This page lists each FMP amendment by FMP, and includes links to the text of the FMP amendment and the associated analyses and decision documents.

Some advantages of maintaining up-to-date versions of the FMPs are that:

- The current FMP is available to the Council, Department of Commerce, and the public to develop and review proposed FMP amendments. This facilitates identification of specific revisions that should be made to the FMP to accomplish a particular policy objective, or to confirm that the required elements of an FMP are included in an FMP; and
- An up-to-date FMP allows reviewers to consider the proposed amendment in the context of the FMP as a whole.

Incorporating amendments into the FMPs on a regular basis minimizes the administrative burden of maintaining the FMPs and can be a relatively easy process if done regularly.

3. Techniques for Enhancing Efficiency

To the extent that time, resources, and data allow, Council/Region pairs may consider using the following techniques to enhance efficiencies.

a. “Frameworking” refers generally to adaptive management planning techniques through which regulatory actions can be implemented more rapidly, as needed and appropriate. Frameworking typically entails establishing in an FMP/amendment or regulations a mechanism for implementing recurrent, routine, or foreseeable actions in an expedited manner. Examples include certain FMP procedures for setting annual specifications and taking various inseason management actions, such as quota adjustments, in-season closures, and trip limit or bag limit adjustments.

Frameworking is not intended to circumvent standard FMP/amendment and rulemaking procedures under the MSA, and must be done consistent with requirements of the MSA, APA, ESA, MMPA, NEPA, and other applicable law. To the extent that statutory requirements can be addressed up front when establishing the framework mechanism, this may result in less analysis and process being needed when individual actions are executed under that mechanism. What analysis and process (including public comment) is required for each individual action will depend on the specific facts and circumstances of that action.

b. NEPA Efficiency Tools

[NOAA's Administrative Order implementing NEPA](#) highlights several approaches to streamline NEPA compliance, including the use of programmatic NEPA documents, tiering, and incorporation by reference.

Programmatic NEPA Documents: The Council on Environmental Quality encourages agencies to use programmatic EISs to eliminate repetitive discussion of the same issues. Programmatic NEPA reviews assess the environmental impacts of proposed policies, plans or programs for which subsequent actions will be implemented either based on the programmatic environmental review document or based on subsequent NEPA reviews tiered to the programmatic review. A programmatic environmental review should analyze the broad scope of actions within a policy or programmatic context. Subsequent EISs or EAs for specific actions that fall within the scope of that programmatic NEPA document then need only summarize the issues discussed in the broader statement with respect to the specific action and incorporate discussion from that environmental review by reference.

Effective programmatic NEPA documents should present document reviewers with the agency's anticipated timing and sequence of decisions, highlight which decisions are supported by the programmatic NEPA document and which decisions are deferred for some later time, and describe the time-frame or triggers for a tiered NEPA review. A [December 18, 2014, memo from the Council on Environmental Quality](#) provides additional guidance on the effective use of programmatic NEPA reviews. Appendix B (p. 49) of that document contains examples of programmatic NEPA reviews.

NEPA Advanced Planning Procedure and Tiering

The Council on Environmental Quality's NEPA guidance promotes the use of tiering as described in 40 CFR 1502.20. NMFS's Policy Directive 30-132, "[Revised and Updated NEPA Procedures for Magnuson-Stevens Act Fishery Management Actions](#)" describes a model process for utilizing tiering in a fishery management context. The model is based on the concept of tiering and using advanced planning to promote greater efficiencies in conducting NEPA analyses. Its use is optional, and it does not represent the only approach to tiering or NEPA efficiencies. Under this approach, an FMP or an EIS could establish a NEPA Advanced Planning Procedure, which would be a mechanism for allowing actions to be undertaken pursuant to a previously planned and constructed management regime without requiring additional environmental analysis.

A [December 18, 2014, memo from the Council on Environmental Quality](#) provides additional guidance on the use of tiering. The CEQ describes tiering as the review of a broad-scale agency action in a programmatic EIS with subsequent narrower environmental reviews that incorporate by reference the general discussions in the broad environmental review and concentrate solely on the issues specific to the statement subsequently prepared. Tiering can help the agency focus on the issues that are ripe for decision and exclude from consideration issues already addressed or those that are premature for review. Appendix A (p. 47) of the CEQ document provides a table

of key distinctions between programmatic NEPA documents and the subsequent tiered NEPA reviews.

Incorporation by Reference

The Council on Environmental Quality recommends incorporating other materials by reference to reduce the size of an environmental review document and avoid duplicative effort. When doing so, it is important to briefly describe the content of the material and provide a citation. The brief description should identify the referenced materials and the entity that prepared the materials, inform the reader of the purpose and value of the materials (e.g., explain how the information or analyses are relevant to the issues associated with the proposal under review), and synopsise the basis provided in those materials that support any conclusions being incorporated. No material may be incorporated by reference unless it is reasonably available to interested persons within the time frame allowed for comment on the environmental review document. Examples of information that may be incorporated by reference include “affected environment” chapters from previous EISs when the affected environment for the proposed action has not undergone noticeable changes, and discussions of cumulative impacts of a proposed action, if such impacts were discussed in a previous environmental review addressing a similar action.

A [March 6, 2012, memo from the Council on Environmental Quality](#) provides additional suggestions for preparing more efficient and timely NEPA documents.