



NOAA
FISHERIES

Operational Guidelines Project

June 2015

Background

OGs explain how NMFS and Councils work together to meet all legal requirements and develop effective fishery management actions.

Last updated in 1997.

Why Revise and Update?

- NMFS/Council working relationships have evolved over time
- Desire to promote best practices and consistency across Council/Region partnerships
- Jan 2013 IG Report findings and recommendations:
 - NMFS was complying with MSA requirements and had improved
 - However, NMFS had not fully implemented regulatory streamlining goals, including finalizing draft 2005 revised Operational Guidelines
- March 2013 NMFS Submitted Action Plan proposing to:
 - Review experiences and assess best practices
 - Seek additional opportunities for streamlining and transparency
 - Develop new revised OGs by Sept. 2015

Schedule/Progress

- 2013 Project Initiated, CCC appoints Subcommittee, NMFS and Subcommittee i.d. needs, goals, objectives
- Feb. 2014 Presented Options for approaches to CCC
- Aug. 2014 Fisheries Forum facilitated workshop in Seattle
- Feb. 2015 Presented First Draft to CCC
- **June 2015 – Present Revised Draft to CCC**
 - **Final Comments Due July 10th**
- Sept. 2015 Target for Final Version

Overview of 2015 Approach

The Draft 2015 OGS:

- Establish standing principles for effective and transparent public process,
- Allow staff-level tasking details to be documented in each Region-Council pair's Regional Operating Agreement (ROA), and
- Provide appendices with additional reference materials and linkages to relevant living documents.

Together they provide information on how the ROAs work and how to navigate them, memorialize the good ideas being implemented in different Council/Region settings, and provide a clear description of the process and guidance on optimum opportunities for public involvement.

What's in the Draft Guidelines?

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.

Objectives

- Simplify and speed the flow of work
- Increase transparency
- Achieve appropriate standardization

What's in the Draft Guidelines?

Guiding Principles:

- NMFS and the Councils are Partners
- **Roles and Responsibilities: NMFS and Councils must ensure clarity**
- Frontloading
- Fishery Management Decisions Must be Supported by the Facts and Analyses in the Record
- Coordination between NMFS Regions and Headquarters
- Clear and Concise Information and Analytical Products
- Promoting Meaningful Public Participation

What's in the Draft Guidelines?

Regional Operating Agreements (ROAs)

- Document How Council/Regions address Guidelines
- **Must be reviewed within 1 year of OG finalization**
- **Should be reviewed every 3 years thereafter**

What's in the Draft Appendices?

Appendices: Additional reference materials.

- Terminology
- Description of Process
 - overview of ROAs, description of Phases, information on OALs and Rulemaking
- Documentation
 - Record guidance, examples, templates, efficiencies
- Additional Resources
 - links to policies, ROAs, Matrix, and other living documents.

Key Modifications from Feb 2015

We organized Guidelines into 3 sections, and separated them from Appendices.

We deleted detailed descriptions of the contents of other policies, and replaced with cross-references.

Additional improvements/clarifications/edits:

- Added new Principle re: Roles and Responsibilities
- Added a requirement to review ROA's
- Clarified difference between NEPA and MSA scoping in Appendix 1
- Added descriptions of NMFS and Council roles in Appendix 2
- Frameworking: Added language in Appendix 2, section C.2.b (Phase v).
- Deeming: Added new Footnotes in Appendix 2, sections C.2(b)(phases) and E.3(a) (standard rulemaking)
- Added 2nd table of other applicable laws and executive orders
- Added references to petitions for rulemaking (Appendix 2 E.4).
- Added Administrative Record info in Appendix 3
- Expanded section on Efficiencies in Appendix 3

Your Feedback

Reactions?

Questions?

Next Steps?