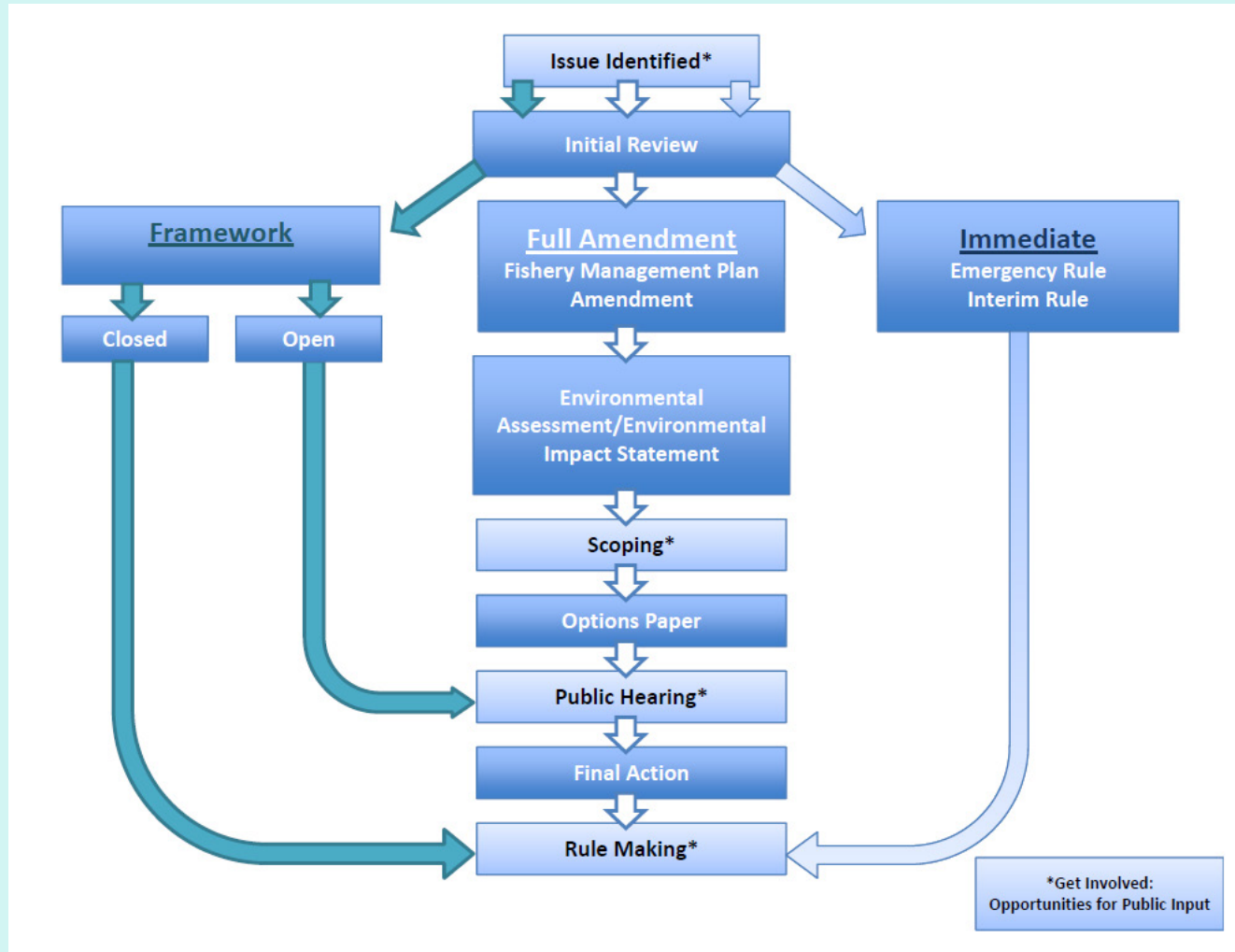


## Issue Identified

All regulatory actions begin when a fishery issue is identified. Issues can be brought to the Council's attention through many different channels. The latest numbers produced by a stock assessment could trigger action; a fisherman may raise an issue; or a new national policy could mandate Council action.



## Initial Review

The Council and NOAA Fisheries Service review new issues and policies and decide what type of regulatory action, if any, to take.

When action is necessary, one of three regulatory tracks is used to address the issue.

### Full Amendment Track

The full amendment track is used to develop fishery management plans and amendments to fishery management plans. This track takes the most time and allows for the most public input.

### Immediate Track

The immediate track is used to make changes to fishery regulations when urgent action is necessary. These immediate rule changes occur quickly, offering little time and opportunity for public comment before a proposed rule is developed.

- **Interim rule** - used to manage fish stocks that are overfished and/or experiencing overfishing, last for only 180 days, and can be extended for an additional 186 days following an open public comment period.

- **Emergency rule** - used under emergency situations to address unanticipated events or problems

### **Framework Track**

The framework track is a quick way to make changes to fishery management plans that are equipped with a framework procedure. Framework procedures are a standardized way to make management changes that are already included in a fishery management plan.

**Closed framework actions** are specifically described in the framework of a fishery management plan. The fishery management plan clearly defines the circumstances under which a particular management action is to be taken. An example of a closed framework action is the in-season closure of a fishery once the quota has been met. Public input is solicited during the development of the framework itself, and a comment period is opened by the Secretary of Commerce once a proposed rule is published.

**Open framework actions** are management changes that are included in the framework procedure of a fishery management plan, but cannot be described with the specificity of a closed framework action. In this case, the Council retains control over choosing the necessary management measure in response to an issue. Open framework actions include, but are not limited to, the use of certain gear; permitting requirements; and minor changes to size limit, fishing season, or quota. The Council typically hosts at least one public comment session on proposed open framework actions before taking final action.

### **Environmental Assessment/Environmental Impact Statement**

NOAA Fisheries Service determines whether the management plan would significantly affect the environment. If so, an Environmental Impact Statement, which thoroughly evaluates the impacts of the proposed actions, is required. If an Environmental Impact Statement is required, the Council must initiate the scoping process. If no Environmental Impact Statement is required, the Council may choose to skip the scoping process.

### **Scoping**

Scoping is the process of identifying issues, potential impacts, and reasonable alternatives associated with the issue at hand. Through this process, the Council holds workshops to gather suggestions and ideas from stakeholders. Scoping documents are made available on the Council's website, and written input is also welcome. Comments provided during the scoping process are reported to the Council and included in the development of management options.

### **Options Paper**

The Council develops a list of management options and alternatives based on input received during scoping, and from advisory panels and science committees. The Council reviews the proposed options, begins choosing preferred alternatives, and may suggest new alternatives for consideration.

### **Public Hearing**

A draft public hearing document is developed after management options have been identified through scoping or as a part of a framework. The draft contains a list of management options and alternatives, along with analysis of each possible management measure. Public hearings are held to solicit public input and people are encouraged to send in written comments regarding the proposed actions and alternatives. At the end of the comment period the Council reviews public input and input from its advisory bodies, and either goes back to the drawing board or takes action.

### **Final Action**

Final action occurs once the Council decides that a fishery management strategy is appropriate. The Council votes to approve and submit the fishery management plan or amendment to the Secretary of Commerce for approval and implementation.

### **Rule Making**

Once the Council submits a proposed rule, the Secretary of Commerce opens a final public comment period. The proposed regulations are published in the Federal Register along with information on how to submit comments. After the final comment period ends, the Secretary of Commerce decides whether to approve, partially approve, or disapprove the proposed measures. Final regulations are then published in the Federal Register.

