

COUNCIL OPERATING PROCEDURE

Plan Amendment Cycles

Approved by Council: 07/10/85
Revised: 09/16/87, 04/06/95, **03/11/05**

PURPOSE

To serve as a guide to fishery management plan (FMP) amendment sponsors and establishes a general schedule for FMP amendments conducted by the Council, its advisory entities, and staff.

GENERAL PLAN AMENDMENT SCHEDULE

The Council may initiate the amendment process at anytime as management needs are identified. Potential amendments should be clearly identified by the sponsoring parties and address the criteria below which will be used by the Council and its advisory entities to assess the need for pursuing the amendment:

- a. Assessment of need for action and compatibility with the objectives of the pertinent fishery management plan
- b. Alternative ways to address the problem without plan amendment
- c. Potential impacts from the proposed action
- d. Possible amendment alternatives
- e. Complexity or controversial nature of the proposed action

Technically complex amendment issues may require special meetings or assignments to advisory entities to develop basic data or modeling tools before the Council determines whether or not to proceed with the amendment process.

Once the Council decides to proceed with a plan amendment, Council staff will determine whether an environmental assessment or Environmental Impact Statement (EIS) must be prepared. If an EIS will be prepared, a notice of intent (NOI) must be published in the *Federal Register*. Scoping may occur before the NOI is published and must occur afterwards.

The first Council meeting listed in the schedule below occurs after the preliminary identification described above has occurred. The subsequent meetings are not necessarily consecutive meetings, but depend on the specific amendment schedule the Council develops at the first meeting.

Meeting or Interim	Management Activity
First Meeting	<p>The Council formally identifies pertinent amendment issues based on input from advisory entities and the public.¹ All major issues should be identified at this time. This scoping may be conducted within the normal Council meeting agenda and/or in one or more advertised scoping sessions outside of the Council meeting agenda.^a</p> <p>The Council establishes a schedule for completion of the amendment, taking into account its current meeting schedule, work load, budget, requirements of the National Environmental Policy Act (NEPA), and other relevant issues. The Council instructs the pertinent advisory entities and staff to prepare an initial analysis.^a</p>
First Interim	<p>The staff and pertinent advisory entities prepare the initial draft amendment package for Council review.</p>
Second Meeting	<p>Pertinent Council advisory entities and the public provide comments on the preliminary draft amendment package.</p> <p>The Council considers the comments, decides on the issues and the range of alternatives to be included in the amendment, selects preferred alternatives, if possible, adopts a draft amendment package for public review, and instructs the staff and other pertinent personnel to complete all necessary documentation. If the Council believes additional alternatives should be developed, additional analysis prepared, or additional public review is necessary, it may direct a repeat of the first interim and second meeting steps.^a</p>
Second Interim	<p>Staff and pertinent advisory entities complete the final draft amendment, including a preliminary environmental impact analysis and make it available for public comment.</p> <p>For amendments that are controversial and/or have wide ranging impacts, public hearings may be held during this interim period in strategic locations pertinent to the impacts of the amendment. In other cases, there may be a formal hearing linked to the third Council meeting, or the hearing is held during a final comment period during the agenda of the third meeting.</p>
Third Meeting	<p>The Council considers final advisory entity and public comments, and adopts the final amendment for implementation by the Secretary of Commerce.^a</p> <p>If an EIS is prepared for the action, the Council may authorize staff to</p>

¹ Action required.

Meeting or Interim

Management Activity

release a complete draft for the required statutory public comment period after either the second or third meeting.