

OPERATING AGREEMENT

Between the
South Atlantic Fishery Management Council,
NOAA National Marine Fisheries Service Southeast Regional Office,
NOAA National Marine Fisheries Service Southeast Fisheries Science
Center, and
NOAA General Counsel, Southeast Region



National Marine Fisheries Service

May 22, 2014

This Agreement outlines the roles and responsibilities of the South Atlantic Fishery Management Council (Council), NOAA National Marine Fisheries Service (NMFS) Southeast Regional Office (SERO), NMFS Southeast Fisheries Science Center (SEFSC), and NOAA General Counsel, Southeast Region (GCSE), related to preparing documentation for fishery conservation and management actions in the exclusive economic zone of the South Atlantic.

OPERATING AGREEMENT

STATEMENT OF PURPOSE

The purpose of this Agreement is to confirm the mutual interests of the Council, SERO, SEFSC, and GCSE in the need for and principles associated with the wise conservation and management of the Nation's fisheries, and to establish the roles, responsibilities, and commitments of the parties to that end.

BACKGROUND

NMFS distributed draft operational guidelines for developing and implementing fishery management actions (Operational Guidelines) to Office Directors, Regional Administrators, and Regional Fishery Management Councils (Councils) in August 2005. The purpose of the Operational Guidelines is to provide a model process for better integrating the agency's multiple statutory mandates to address the following specific needs:

- More clearly define missions, authorities, roles, and responsibilities;
- Assure adequacy of decision documents;
- Reconcile statutory timelines;
- Eliminate unnecessary delays and unpredictable outcomes;
- Increase accountability; and
- Utilize standardized practices.

The Operational Guidelines provide a general description of the model process, which relies heavily on the concepts of cooperation, shared responsibility, and frontloading of review among the Councils, NMFS Regional Offices, NMFS Science Centers, NMFS Headquarters, NOAA General Counsel, and the NOAA National Environmental Policy Act Coordinator. However, they require NMFS' Regional Offices and the Councils delineate in Regional Operating Agreements region-specific agency and Council roles, responsibilities, and obligations related to developing fishery management decision documents using a frontloading approach. The relationship between NMFS' Headquarters and Regional Offices is to be addressed separately through a Communication Protocol.

Generally, the purpose of Regional Operating Agreements is to specify how frontloading procedures will be used to ensure the processes and documentation associated with fishery management proposals are legally adequate, timely, and provide a rational basis for decisionmaking. For that reason, the Operational Guidelines encourage Regional Offices to address in their Operating Agreements the roles and obligations of all responsible/contributing parties, including the Science Centers and General Counsel, to the extent possible.

This Operating Agreement describes processes, products, roles, and responsibilities designed to maximize frontloading during each of the four main rulemaking phases described in the Operational Guidelines: I) Planning and scoping; II) Document

preparation; III) Council final action; and IV) Secretarial review and implementation. The intended effect of the described protocol is to promote early planning, cooperation, and open communication in developing fishery management documentation, with the objective of streamlining the review and approval process and, ultimately, improving fishery management decisionmaking. The Regional Operating Agreement is not intended to limit or prevent staff from agreeing upon alternative processes on a case-specific basis in response to specific management needs or concerns. Additionally, it is considered a “living document,” which will change over time in response to lessons learned, and to changing management needs and conditions.

ACRONYMS & ABBREVIATIONS

ACCSP	Atlantic Coastal Cooperative Statistics Program
ALS	Accumulated Landings System
APA	Administrative Procedure Act
ARA	Assistant Regional Administrator
BiOp	Biological Opinion
CE	Categorical Exclusion
Council	South Atlantic Fishery Management Council
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment
EFH	Essential Fish Habitat
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
F/HC	NMFS Office of Habitat Conservation
FLS	Fisheries Logbook System
FMP	Fishery Management Plan
F/PR	NMFS Office of Protected Resources
F/SF	NMFS Office of Sustainable Fisheries
FY	Fiscal Year
GCF	NOAA General Counsel for Fisheries
GCSE	NOAA General Counsel, Southeast Region
HC	SERO Habitat Conservation Division
HQ	NMFS Headquarters
IPT	Interdisciplinary Plan Team (defined in the Operational Guidelines as the Fishery Management Action Team, or FMAT)
IQA	Information Quality Act
MARMAP	Marine Resources Monitoring, Assessment, and Prediction
MRFSS	Marine Recreational Fisheries Statistics Survey
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
OFR	Office of the Federal Register
OMB	Office of Management and Budget

PPI	NOAA Office of Program Planning and Integration
PR	SERO Protected Resources Division
RA	Regional Administrator
RFA	Regulatory Flexibility Act
RID	Regulatory Information Data
RIN	Regulation Identifier Number
ROD	Record of Decision
SEAMAP	Southeast Area Monitoring and Assessment Program
SEDAR	Southeast Data, Assessment, and Review
SEFSC	NMFS Southeast Fisheries Science Center
SERO	NMFS Southeast Regional Office
SF	SERO Sustainable Fisheries Division
TIP	Trip Interview Program

**STATEMENT OF RESPONSIBILITIES
PHASE I: PLANNING & SCOPING**

1. ANNUAL WORKLOAD

(a) Process

The Council, SERO, and SEFSC will identify and prioritize fishery management needs and actions for each fiscal year using a collaborative planning process. This process will take the form of an annual operating meeting to occur the summer preceding each fiscal year. Meeting logistics will be determined annually based on budgetary constraints. FY stock assessment schedule and priorities will be defined by the Southeast Data, Assessment, and Review (SEDAR) Steering Committee.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
FY Annual Operating Plan	Summarize & prioritize the FY workload agreed upon at the annual operating meeting; provide sufficient flexibility to accommodate unanticipated needs/issues that are likely to arise throughout the year.	SERO	Council Members/ Staff SEFSC
Council Follow Up Document	Track key components of the Annual Operating Plan (e.g., status of current actions, schedule of pending actions) throughout the FY (see Attachment 1 for summary example).	Council Staff	SERO SEFSC

(c) Roles/Responsibilities

Council

Staff and Members

- Participate in annual operating meetings
- Review and comment on FY Annual Operating Plan
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

Staff

- Assume lead in drafting, revising, and finalizing no later than ten working days after each Council meeting the Council Follow Up Document

SERO

- Organize, staff, and participate in annual operating meetings
- Assume lead in drafting and finalizing FY Annual Operating Plan
- Review and comment on Council Follow Up Document after each Council meeting
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

SEFSC

- Participate in annual operating meetings
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee
- Review and comment on FY Annual Operating Plan
- Review and comment on Council Follow Up Document after each Council meeting

2. INDIVIDUAL FISHERY MANAGEMENT PROPOSALS/ACTIONS

(a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in planning and defining the scope of individual fishery management actions.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
IPT Memo	Describe regulatory proposals/actions, request staff support, & communicate expectations related to role of IPT members (IPT Protocol; Attachment 2).	SERO	Council Staff SEFSC
Action Plan	Describe problem (need) & objective (purpose), proposed action/alternatives, data/analytical requirements (including preliminary NEPA documentation), tentative implementation schedule	IPT	Council Staff SERO SEFSC

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
	based on general Council schedule, proposed staff assignments, outstanding questions/issues, IPT membership.		
Notice of Intent/Scoping Meetings (if applicable)	<i>Federal Register</i> notices that meet applicable NEPA, MSA, & OFR requirements.	SERO	IPT GCSE Council Staff
Other Scoping Meeting Notices (if applicable)	<i>Federal Register</i> notices that meet applicable NEPA, MSA, & OFR requirements.	Council Staff	
Scoping Paper (if applicable)	Preliminary draft document describing problems/objectives, proposed action/initial alternatives, & key issues/concerns; intended to provide background information for scoping meetings.	IPT	Council Members/ Staff SERO SEFSC
Scoping Summary Report (if applicable)	Report summarizing comments & alternatives submitted during scoping.	Council Staff	IPT SERO SEFSC
Options Paper (optional)	Preliminary draft document describing problems/objectives, proposed action/initial alternatives, key issues/concerns, & preliminary analyses; intended to inform/solicit Council input on how to proceed in developing public hearing draft & associated analyses.	IPT	Council Staff SERO SEFSC

(c) Roles/Responsibilities

Council

Staff

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Draft and/or review *Federal Register* notices (if applicable)
- Conduct scoping meetings (if applicable)
- Present IPT advice/recommendations to Council
- Prepare Scoping Summary report and communicate scoping comments to Council (if applicable)
- Review IPT products/deliverables

Members

- Identify need for management proposals/actions, and develop preliminary range(s) of alternatives
- Review IPT products/deliverables

SERO

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Establish IPT through IPT memo
- Draft and/or review *Federal Register* notices (if applicable)
- Review Scoping Summary report (if applicable)
- Review IPT products/deliverables

SEFSC

- Identify staff from appropriate disciplines who will serve on IPT
- Review IPT products/deliverables

GCSE

- Identify staff member who will serve on IPT in advisory capacity
- Review *Federal Register* notices (if applicable)
- Review Scoping Summary report (if applicable)
- Review IPT products/deliverables

IPT

- Review IPT protocol outlined in Attachment 2
- Advise Council and SERO on: purpose and need statement (problems/objectives); type of NEPA analysis (e.g., CE, EA, EIS); initial range of alternatives; documentation/analyses required by other applicable laws

- Propose implementation schedule/timeline that takes into account all relevant timing requirements (e.g., NEPA, APA, ESA) and general Council schedule
- Propose data, analytical, and writing assignments
- Identify key reviewers of draft and final documentation within Council, SERO, SEFSC, and HQ
- Draft Action Plan
- Draft Scoping and Options Papers (if applicable)
- Review scoping comments (if applicable)

PHASE II: DOCUMENT PREPARATION

1. DATA & ANALYSES

(a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in identifying, synthesizing, reviewing, and analyzing data needed to develop fishery management proposals/actions.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER/ANALYST	CONTRIBUTORS/ REVIEWERS
Data Plan (optional)	Plan outlining data/analytical needs, deliverables, & review schedule.	IPT	Council Staff SERO
Data Memo(s)	Memo describing data & analyses, or analytical support, needed from SEFSC, & schedule information.	SERO	IPT Council Staff
Statistical Analyses (if applicable)	Statistical analyses IPT needs to draft documentation informing preliminary Council action.	TBD by need according to capabilities of staff at the SERO, SEFSC, & Council	TBD by need according to capabilities of staff at the SERO, SEFSC, & Council

(c) Roles/Responsibilities

Council

Staff

- Review SERO data memos (if any)
- Provide IPT with statistical analyses (as needed)

SERO

- Collect and maintain permit data for use in tracking fishery participation and evaluating the effects of fishery management proposals/actions
- Assume responsibility for quality of permit and other (e.g., law enforcement) data provided by SERO to the IPT
- Draft memo(s) requesting additional data and statistical analyses from SEFSC (as needed)
- Ensure data used by IPT meet IQA requirements (Quality Control Standards; Attachment 3)
- Provide IPT with statistical analyses (as needed)

SEFSC

- Assume responsibility for quality of data (ALS, FLS, TIP, SEAMAP, ACCSP, MARMAP, MRFSS, etc.) provided by SEFSC to the IPT relative to IQA principles
- Update (as needed) data provided to the IPT during the document preparation process
- Provide analytical assistance (e.g., models/programs/staff support) to SERO and Council staff analyzing routine management proposals/actions (e.g., bag limit, size limit adjustments)
- Review analyses conducted by SERO and Council staff for routine management proposals/actions (e.g., bag limit, size limit adjustments)
- Provide IPT with statistical analyses for non-routine proposals/actions (as needed)

IPT

- Identify data and analytical needs (Data Plan, optional)
- Conduct statistical analyses (as needed, appropriate)

2. DRAFT DOCUMENTATION SUPPORTING PRELIMINARY COUNCIL ACTION

(a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in drafting and reviewing documentation needed to support fishery management proposals. All parties will ensure draft documentation is sufficient for

preliminary action prior to Council selection of preferred alternative(s), and approval of public hearing draft/DEIS (if applicable).

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Draft FMP/ Amendment & Analyses	Public hearing draft with required analyses (e.g., NEPA, MSA, RFA/E.O. 12866, etc.).	IPT	Council Staff SERO SEFSC GCSE
Preliminary ESA Consultation Documentation (optional)	Memo from SF ARA to RA through PR ARA stating recommendation regarding need to initiate/reinitiate Section 7 consultation.	SERO	SERO SEFSC
	Draft Biological Assessment, which describes preliminary conclusions about the probable effects of proposed action/alternatives on ESA-listed species, based on existing data/analyses.	IPT	SERO SEFSC
	Section 7 Consultation Assessment memo from the PR ARA to the SF ARA, which summarizes preliminary conclusions expected to form the basis of a subsequent BiOp based on existing data/analyses; intended to facilitate meaningful discussion about the probable effects of a proposed action/alternatives on ESA-listed species & critical habitat, as well as mitigation measures.	SERO	SERO SEFSC GCSE
Preliminary EFH Consultation Documentation (optional)	Memo from SF ARA to HC ARA requesting EFH consultation.	SERO	

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
	EFH Consultation Assessment memo from the HC ARA to the SF ARA, which summarizes preliminary conclusions about the effects of the proposed action/alternatives on EFH based on available data/analyses, & probable conservation recommendations (if appropriate).	SERO	SERO SEFSC GCSE

(c) Roles/Responsibilities

Council

Staff

- Coordinate and review work of IPT
- Ensure draft documentation reflects Council discussion/administrative record
- Ensure review by Council staff in key responsibilities
- Advise Council of IPT issues prior to selection of preferred alternative

Members

- Review and discuss any outstanding issues raised by IPT
- Identify preferred alternative(s), if any, based on draft documentation/analyses

SERO

- Draft initial ESA and EFH consultation memos (optional)
- Coordinate and review work of IPT
- Ensure review by SERO and GCSE staff in key responsibilities, and by Headquarter staff (F/SF, F/PR, F/HC, PPI) as needed/appropriate
- Frontload ESA and EFH consultation information to the extent practicable
- Ensure draft documentation/analyses are consistent with legal mandates, using the Quality Control Standards provided in Attachment 3

SEFSC

- Ensure review by SEFSC staff of all appropriate disciplines and in key responsibilities
- Ensure draft documentation/analyses and any preliminary ESA/EFH consultation documentation is based on the best available scientific information

- Advise Council of any scientific/technical issues prior to selection of preferred alternative

GCSE

- Ensure review by GCSE staff in key responsibilities, and by Headquarters staff (GCF), as appropriate
- Ensure draft documentation/analyses are legally sufficient and provide a rational basis for decisionmaking
- Advise Council of any legal issues prior to selecting preferred alternative

IPT

- Draft, review, and revise needed documentation/analyses, following the IPT protocol outlined in Attachment 2

3. PROCESS REQUIREMENTS

(a) Process

The Council and SERO will collaborate in ensuring compliance with the process requirements of the MSA, NEPA, APA, and other applicable laws (Quality Control Standards; Attachment 3).

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Notice of Public Hearings (if applicable)	<i>Federal Register</i> notice that meets applicable MSA & OFR requirements.	Council Staff	
Council Bulletins/ Newsletters (optional)	Bulletins or newsletters advising public of the availability of draft documentation & public hearing logistics (if applicable).	Council Staff	
DEIS filing/ transmittal package (if applicable)	Letters/memos requesting EPA notice the availability of the DEIS & solicit comments on the draft documentation.	SERO	GCSE
RID Form (if applicable)	Form required to obtain a RIN for a proposed rule.	SERO	GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
E.O. 12866 Listing Document (if applicable)	Document requesting OMB concurrence on significance determination; must be transmitted no more than six months before Council submits proposals/actions for Secretarial review.	SERO	GCSE
Public Hearing Summary Report (if applicable)	Report summarizing comments received during public hearings.	Council Staff	IPT SERO SEFSC GCSE

(c) Roles/Responsibilities

Council

Staff

- Advise public of the availability of draft documentation and public hearing logistics through *Federal Register* notices and Council bulletins/newsletters
- Conduct public hearings and summarize/distribute public comments to the IPT and Council (if applicable)

SERO

- Prepare and transmit DEIS filing/transmittal package (if applicable)
- Review Public Hearing Summary Report (if applicable)
- Collect and distribute to the IPT and Council comments received on the DEIS (if applicable)
- Prepare and transmit RID form and Listing Document (if applicable)

SEFSC

- Review Public Hearing Summary Report (if applicable)

GCSE

- Review listing document, RID form, and DEIS Transmittal Package (if applicable)
- Review Public Hearing Summary Report (if applicable)

4. FINAL DOCUMENTATION SUPPORTING FINAL COUNCIL ACTION

(a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in revising and finalizing documentation associated with fishery management proposals. All parties will ensure final documentation is complete and sufficient prior to final Council action.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Preliminary Final FMP/Amendment & Analyses	Preliminary Final FMP/Amendment with required analyses (e.g., NEPA, MSA, RFA/E.O. 12866, etc.).	IPT	Council Staff SERO SEFSC GCSE
ESA Consultation Documentation (optional)	Final Biological Assessment.	IPT	SERO SEFSC
EFH Consultation Documentation (optional)	Memo from the HC ARA to the SF ARA confirming preliminary assessment & response to Council action on EFH conservation recommendations (if appropriate).	SERO	SERO SEFSC GCSE

(c) Roles/Responsibilities

Council

Staff

- Coordinate and review work of IPT
- Ensure review by Council staff in key responsibilities
- Ensure “final” documentation reflects Council discussion/administrative record, and addresses/considers public comments

SERO

- Coordinate and review work of IPT
- Ensure review by SERO and GCSE staff in key responsibilities, and by Headquarter staff (F/SF, F/PR, F/HC, PPI) as needed/appropriate
- Ensure “final” documentation/analyses are consistent with legal mandates/administrative record, using the Quality Control Standards

provided in Attachment 3, and address/respond to review comments, including EPA and public comments on the DEIS (if applicable)

- Elevate unresolved policy issues as needed, assuring appropriate coordination between HQ and regional offices and ensuring consistent interpretation and application of national policies
- Confirm any preliminary ESA and EFH consultation findings to the extent practicable

SEFSC

- Ensure review by SEFSC staff of all appropriate disciplines and in key responsibilities
- Ensure “final” documentation/analyses are based on best available scientific information

GCSE

- Ensure review by GCSE staff in key responsibilities, and by Headquarters staff (GCF), as appropriate
- Ensure “final” documentation/analyses are legally sufficient, provide a rational basis for decisionmaking, and comply with all applicable laws

IPT

- Revise and finalize FMP/Amendment and supporting documentation/analyses, following the IPT protocol outlined in Attachment 2

PHASES III & IV: COUNCIL FINAL ACTION & SECRETARIAL REVIEW

(a) Process

The Council will review all documentation and analyses associated with its fishery management proposals before voting to submit the proposals for Secretarial review and agency action. SERO will initiate Secretarial review of the Council’s proposals and will review supporting documentation and analyses for consistency with applicable law.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Final FMP/ Amendment & Analyses	Final FMP/Amendment with required analyses (e.g., NEPA, MSA, RFA/E.O. 12866, etc.).	IPT	Council Members/ Staff SERO SEFSC GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Final ESA Consultation	Biological Opinion (if applicable)	SERO	
Issues Advisories	Memos advising HQ of pending proposals/actions.	SERO	GCSE
Proposed Rule (if applicable)	Rule proposing Council action(s).	Council Staff	SERO GCSE
Final Rule (if applicable)	Rule implementing Council action(s).	SERO	GCSE
Secretarial Review & Decision Packages	Regulatory packages required to complete the Secretarial review & approval processes (e.g., decision/info/transmittal memos, attorney work products, IQA memo, ESA & EFH consultation memos, SEFSC certification memo(s), CZMA letters, ROD, etc.).	SERO	GCSE

(c) Roles/Responsibilities

Council

Staff

- Advise Council of outstanding/unresolved IPT issues prior to final action
- Make any final edits to Council documentation/analyses requested by the Council
- Draft proposed rule
- Prepare and transmit Council recommendation to SERO for Secretarial review

Members

- Ensure text of FMP/Amendment reflects Council’s intent and rationale
- Vote to submit (or not) the Council proposals/actions for Secretarial review based on final documentation/analyses and taking into account any outstanding IPT concerns

SERO

- Advise Council of any agency concerns prior to final action
- Draft Biological Opinion (if applicable)
- Draft issues advisories
- Review proposed rule (if applicable)

- Prepare Secretarial review and decision packages, using regional office checklists provided at <http://home.nmfs.noaa.gov/sf/regstream/Checklists/Checklists.htm>
- Declare transmit date
- Draft final rule (if applicable)

SEFSC

- Advise Council of any science issues prior to final action
- Draft certification memo(s) (as needed, appropriate)

GCSE

- Advise Council and SERO regarding the legal sufficiency of documentation and process prior to Council final action
- Review proposed and final rule (if applicable) for consistency with Council proposals/actions and applicable laws
- Draft attorney work product(s) (e.g., Certification of Attorney Review, Federalism and Takings Assessments, etc.)

LIFE OF AGREEMENT

This Operating Agreement will become effective when signed by all parties, and will remain effective unless and until it is terminated by one or more parties or superseded by another agreement. Any party wishing to terminate the Agreement must notify the remaining parties in writing 90 days prior to the desired termination date. The Agreement may be amended at any time upon the written agreement of all parties.

STATEMENT OF COMMITMENT

By signing below, I agree, on behalf of the organization I represent, to fulfill the roles and responsibilities outlined herein, and to support the efforts of the other parties involved in managing federal fisheries in the South Atlantic.

South Atlantic Fishery Management Council:

Executive Director

Date

Southeast Regional Office:

Regional Administrator

Date

Southeast Fisheries Science Center:

Science and Research Director

Date

NOAA General Counsel, Southeast Region:

Southeast Regional Counsel

Date

**ATTACHMENT 1
COUNCIL/SERO OPERATIONS SCHEDULES/DELIVERABLES AS OF
FEBRUARY 2006
GENERAL UNDERSTANDING**

The Council Follow Up document will provide a more detailed account of Council priorities and general timelines for completing each FMP amendment. Priorities and timelines will be revised as appropriate based on Council action. The specific schedule and staff assignments associated with each Council action will be specified in an Action Plan developed by the IPT, and will be designed to correspond with the general Council schedule.

I. 2006 PRIORITIES

- 1. SNAPPER GROUPE FMP AMENDMENT 13C**
- 2. SNAPPER GROUPE FMP AMENDMENT 14**
- 3. SNAPPER GROUPE FMP AMENDMENT 15**
- 4. FISHERY ECOSYSTEM PLAN & COMPREHENSIVE AMENDMENT**

II. FMP SPECIFIC ACTIVITIES

SNAPPER GROUPE FMP

1. Amendment 13A (*Oculina* Experimental Closed Area)

Develop an Evaluation Plan for the Experimental Closed Area with needed research and monitoring studies and an enforcement/outreach program - to be completed within one year of implementing Snapper Grouper Amendment 13A. The Council approved the Evaluation Plan at the March 2005 meeting, and appointed the Evaluation Team at the September 2005 meeting.

- A. Research, monitoring and information and education projects continue, with some being completed for inclusion in the report – Fall 2005-Spring 2006
- B. Evaluation Team to meet and review any new information that is pertinent in answering questions previously outlined in a detailed written report to the Council – August/early September 2006
- C. Report completed and delivered by Evaluation Team to SAFMC – mid September 2006
- D. Appropriate APs and the SSC will be sent the report and asked to comment and make recommendations to the Council – October/November 2006
- E. Report and recommendation of the APs and SSC included in Briefing Book mail out – mid February 2007
- F. Council decision on whether or not to change the size and configuration of the *Oculina* Experimental Closed Area – March 2007
- G. Via e-mail, review material and develop status reports prior to each Council meeting – 2007-2014

2. Amendment 13B

At the December 2005 Council meeting, the Council moved MPAs back into Amendment 14, and rebuilding programs and SFA parameters for Amendment 13C species into Amendment 15. The remaining items in Amendment 13B will be addressed after Amendments 14 and 15 are completed.

3. Amendment 13C

Defines management measures that will end overfishing of snowy grouper, black sea bass, vermilion snapper, and golden tilefish, and increase the catch of red porgy.

- A. Council final action - December 2005
- B. Revise based on Council direction – January and February 2006
- C. Submit for Secretarial review – February 2006

4. Amendment 14 (MPAs)

At the December 2005 meeting, the Council moved MPAs targeting deepwater species back into Snapper Grouper Amendment 14. The amendment will also evaluate VMS as a method to address Law Enforcement concerns.

- A. Determine full range of alternatives – March 2006
- B. Approve for Public Hearings – June 2006
- C. Review Public Hearing Input & Approve – December 2006
- D. Submit for Secretarial review – February 2007

5. Amendment 15

At the December 2005 meeting, the Council moved the following actions from Amendment 13B into Amendment 15: rebuilding programs for black sea bass, red porgy and snowy grouper; SFA requirements for species in 13C; recreational sale; permit renewal and transferability; and actions to address queen snapper discard mortality and change the fishing year for golden tilefish. The amendment will also evaluate eliminating the 2 for 1 permit transfer requirement as a way to address the transferability issue.

- A. Determine full range of alternatives – March 2006
- B. Approve for Public Hearings – June 2006
- C. Review Public Hearing Input & Approve – December 2006
- D. Submit for Secretarial review – February 2007

6. Fishery Ecosystem Plan

The Fishery Ecosystem Plan will evolve from the Council's Habitat Plan and will serve as a source document, which summarizes available biological, physical, social, and economic data on the South Atlantic ecosystem. The FEP will include a Deep Water Coral Research Plan, and will identify research and data needs for other species as well.

- A. Review FEP by Habitat and Coral APs and Council – May through September 2006
- B. Approve FEP for Public Hearings – December 2006
- C. Finalize FEP – 2007

7. Comprehensive Fisheries Ecosystem Amendment

The goal of this comprehensive amendment is to begin managing marine resources in the South Atlantic ecosystem holistically; identifying the interactions/interplay of management measures. The document will consider: amending all Council FMPs to comply with the EFH final rule; establishing an “Allowable Trawling Area”; establishing six deepwater coral HAPCs; prohibiting harvest of soft corals; requiring a permit for all users; requiring VMS for all users; changing the logbook program; prohibiting all harvest of Sargassum; changing mackerel management, including establishing a separate Atlantic FMP; allowing the sale of dolphin/wahoo by tournament participants; modifying the golden crab plan; and addressing protected species interactions.

- A. Review FEP Comprehensive Amendment – June & September 2006
- B. Approve FEP Comprehensive Amendment for Public Hearings – December 2006
- C. Finalize FEP Comprehensive Amendment – 2007.

ATTACHMENT 2
INTERDISCIPLINARY PLAN TEAM
OPERATING PROTOCOL

IPT Leadership & Coordination

The Council and SERO will each identify one staff member who will co-lead the IPT. Co-lead duties include:

- Coordinating the work of IPT members;
- Ensuring IPT operations comply with the IPT Operating Protocol;
- Organizing and leading IPT meetings and videoconferences;
- Drafting IPT work products, where applicable (e.g., Action Plan, Data Plan, etc.);
- Circulating to the IPT for review and comment all documentation that will be provided to the Council at key decision points, including scoping papers, options papers, public hearing drafts/analyses, and final draft documentation/analyses;
- Commenting on documents distributed for IPT review, indicating in writing they have no comment, when applicable;
- Consolidating, distributing, tracking, and addressing responses to comments generated during scoping, public hearings, and IPT review;
- Communicating to the IPT decisions made by SERO and Council leadership regarding schedule, process, and other substantive issues that may affect documentation;
- Elevating unresolved issues to SERO and Council leadership, using the conflict resolution protocol outlined below; and
- Ensuring adequacy and sufficiency of documentation developed by the IPT to support fishery management proposals/actions.

Member Participation

Council, SERO, SEFSC, and GCSE staff appointed to an IPT will:

- Make a reasonable effort to participate in all IPT meetings and conference calls;
- Fulfill drafting and analytical commitments agreed to by their supervisors;
- Advise IPT co-leads of any potential problems that may affect decisions regarding schedule, process, and other substantive issues; and
- Comment on all documents distributed for IPT review, indicating in writing they have no comment, when applicable.

Team Communication

IPTs will utilize the following procedures to ensure open communication and minimize miscommunication to the extent possible:

- IPT members will copy co-leads on all substantive exchanges with other IPT members;

- IPT co-leads will copy the IPT on all substantive exchanges, and distribute to the IPT all member comments on draft documentation/analyses;
- IPT co-leads will circulate to the IPT notes summarizing issues in agreement and issues to be resolved following each IPT meeting; and
- Council and SERO leadership will communicate issues/questions/new developments that arise at a Council meeting to affected IPTs following each meeting.

Timing of IPT Taskings

IPT co-leads will ensure team members are provided adequate time to complete drafting and review assignments by:

- Consulting with the IPT regarding schedule decisions; and
- Making a reasonable effort to allow team members three weeks to review and comment on public hearing drafts/analyses and final draft documentation/analyses before Council action, and two weeks to review other documentation.

Conflict Resolution

The following process will be used to elevate issues that cannot be resolved at the IPT level:

- IPT co-leads will clearly define in an email to the SF ARA and Deputy Director of the Council: 1) the issue(s) that cannot be resolved; 2) a request for their resolution; 3) any applicable scheduling constraints; and 4) the pros and cons of potential fixes. Science issues that cannot be resolved will also be submitted to the SEFSC Deputy Director.
- Issues that cannot be resolved in discussions between the SF ARA and Council Deputy Director will be elevated to the RA, SEFSC Director, as appropriate, and Council Executive Director, using the same email format described above.
- Issues that cannot be resolved by the RA, SEFSC Director, and Council Executive Director will be elevated to Council members and the Assistant Administrator for Fisheries prior to taking preliminary and/or final action on fishery management proposals/actions.
- Decisions regarding unresolved issues will be communicated to the IPT in writing.

ATTACHMENT 3
QUALITY CONTROL STANDARDS

(derived/adapted from the Operational Guidelines)

DOCUMENT/LEGAL REQUIREMENT	TITLE OF REFERENCE DESCRIBING STANDARDS	REFERENCE DATE/ CITATION
Coastal Zone Management Act (CZMA)	Implementing Regulations	15 CFR part 930
Information Quality Act (IQA)	NMFS's Section 515 Pre-dissemination Review Guidelines	05/05/2003
	NOAA's Information Quality Guidelines	10/1/02
Endangered Species Act (ESA)	ESA Consultation Handbook	
	Implementing Regulations	50 CFR 402.01 et seq.
Executive Order (E.O.) 12866	Guidelines for Economic Analysis of Fishery Management Actions	65 FR 65841; 11/02/2000
	GCF Guidance on EO 12866 compliance	Macpherson memo; 02/06/1998
Federal Register Act (FRA)	OFR Document Drafting Handbook	
	Preparation of FR Documents	2004
Magnuson-Stevens Fishery Conservation & Management Act (MSA)	National Standard Guidelines	50 CFR 600 et seq.
	EFH Final Rule	67 FR 2343; 01/17/02
	EFH Consultation Guidance	U.S. Fish & Wildlife Service/National Marine Fisheries Service; 03/1998
	Guidelines for Assessment of the Social Impact of Fishery Management Actions	03/19/2001
	Guidelines & Principles for Social Impact Assessment	
National Environmental Policy Act (NEPA)	Implementing Regulations	40 CFR 1500 et seq.; http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm
	Forty Most Asked Questions Concerning CEQ's NEPA Regulations	03/23/1981
	NAO 216-6	48 FR 14734; 04/05/1983

DOCUMENT/LEGAL REQUIREMENT	TITLE OF REFERENCE DESCRIBING STANDARDS	REFERENCE DATE/ CITATION
	EPA Guidance, "Reviewing Environmental Impact Statements for Fishery Management Plans"	11/2004
	Guidelines for Assessment of the Social Impact of Fishery Management Actions	03/19/2001
	Guidelines & Principles for Social Impact Assessment	
Regulatory Flexibility Act (RFA)	How to Comply with the Regulatory Flexibility Act	Small Business Administration, May 2003; http://www.sba.gov/advo/laws/rfaguide.pdf
	Guidelines for Economic Analysis of Fishery Management Actions	65 FR 65841; 11/2/00
Secretarial Review & Decision Packages	Examples	RSP website; http://home.nmfs.noaa.gov/sf/regstream/default.htm#news
	Regional Office Checklists	
	Forms	