

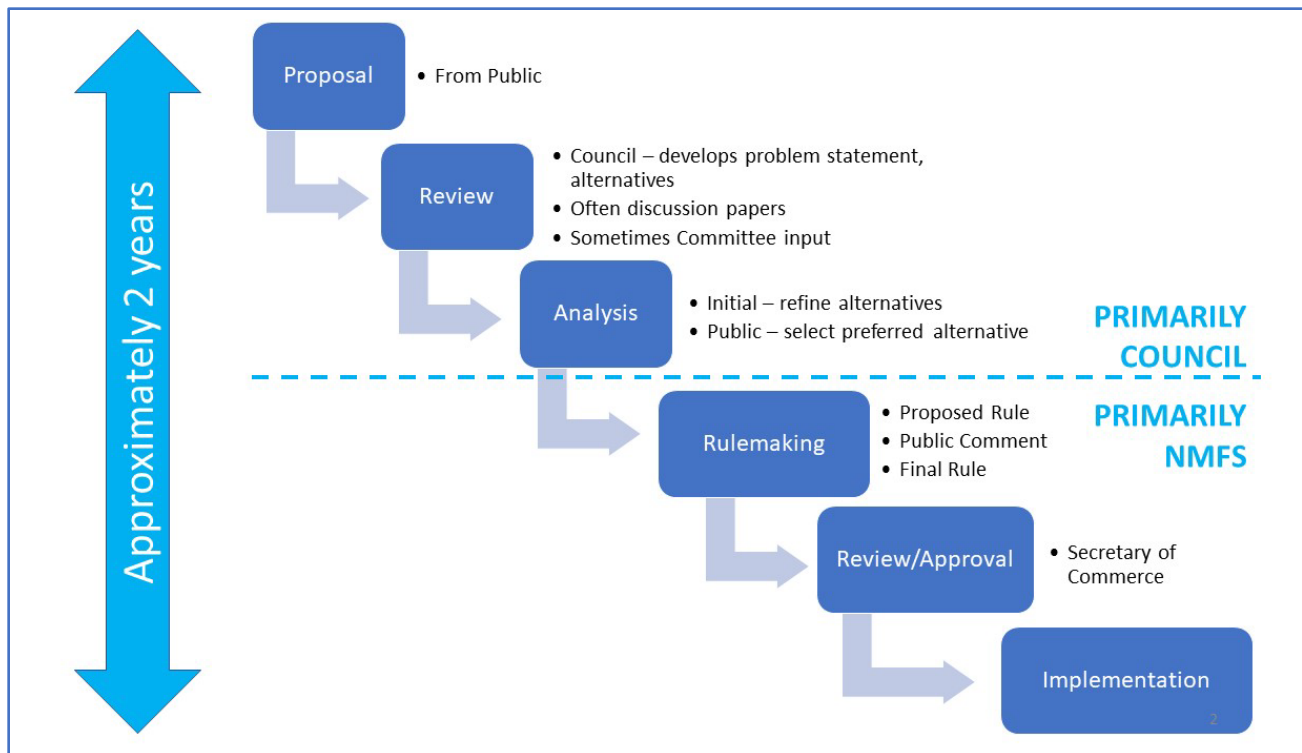


Timeline for Amendments

DRAFT May 31, 2019

Summary

It generally takes **at least 2 years** for a management change to be implemented, from the time the issue is first broached at the Council to the time that change is effective on the water. The figure below illustrates the steps in the North Pacific Council process to develop and implement fishing regulations



Minimum Council timeframe for action

The North Pacific Fishery Management Council holds 5 meetings a year, scheduled in the first weeks of February, April, June, October, and December. Three (minimum) or four (customary) meetings are required for the Council to recommend a management change, as follows:

- Meeting 1: Action is initiated. Council identifies a problem, and tasks staff to address it.
- Meeting 2: (Optional) Discussion paper. Generally, the Council tasks staff to come back with background and ground-truthing for the identified problem, and potential ways to solve it. Based on this review, the Council decides whether to initiate an analysis of specific alternatives.
- Meeting 3: Initial Review. The Council reviews an analysis that evaluates the problem and the impacts of alternative solutions. It is reviewed by the Council's Scientific and Statistical Committee, Advisory Panel of industry and other stakeholders, and the public, who provide input on the characterization of impacts in the analysis.
- Meeting 4: Final Action. The analysis has been revised based on feedback during initial review, and the Council is ready to make a final recommendation regarding a management change.

Combining this process with the pre-determined Council meeting schedule, a fastest case scenario for a straightforward, uncomplicated, and uncontroversial management action could take as little as 4-6 months (noting there is a 4-month gap between the Council's June and October meetings). In normal practice, the Council would take 6-10 months from the time of initiation to make a final recommendation. For complicated or controversial actions, the Council may choose to review several discussion papers and multiple reviews of an analysis before they are ready to take final action, or there may be other staffing priorities that must be addressed (e.g., annual harvest specifications) that delay scheduling.

Minimum timeframe for implementation, after Council final action

Once the Council has taken final action, the analysis is sent to the NMFS regional office to begin rulemaking and implementation. In the North Pacific, it is our rule of thumb that it takes a minimum of one-year from Council final action to implementation. This includes the following steps:

- NMFS develops a proposed rule to implement the Council's recommendation, and NMFS and NOAA GC review the analysis and the rule to ensure that it supports the proposed action.
- Once the proposed rule is developed, the Council formally transmits the FMP amendment to NMFS, which begins the 90-day Magnuson-Stevens Act "clock" for the Secretary of Commerce (SoC) to approve or disapprove the amendment.
 - NMFS publishes a notice of availability, which opens a 60-day comment period
 - SoC must decide on the amendment within 30 days after the comment period closes.
- NMFS responds to comments, and prepares the Final Rule, which includes an effective date for implementation. This sometimes, but not always occurs, concurrently with the SoC's decision re whether to approve the FMP amendment.
- In some cases, the management change must be implemented at the beginning of the fishing year rather than mid-year. In these cases, the effective date of implementation may be up to several months after the rule is published.