

# REGIONAL OPERATING AGREEMENT

Between the  
Gulf of Mexico 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 Section



National Marine Fisheries Service

August 2016

*This Agreement outlines the roles and responsibilities of the Gulf of Mexico 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 Section (GCSE), related to preparing documentation for fishery conservation and management actions in the exclusive economic zone of the Gulf of Mexico*

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## ABBREVIATIONS

ARA	Assistant Regional Administrator
Council	Gulf of Mexico Fishery Management Council
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FMP	Fishery Management Plan
GCSE	NOAA General Counsel, Southeast Section
HQ	NMFS Headquarters
IPT	Interdisciplinary Plan Team
IQA	Information Quality Act
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
OFR	Office of the Federal Register
RA	Regional Administrator
RFA	Regulatory Flexibility Act
RID	Regulatory Information Data
RIN	Regulation Identifier Number
ROA	Regional Operating Agreement
SEDAR	Southeast Data, Assessment, and Review
SEFSC	NMFS Southeast Fisheries Science Center
SERO	NMFS Southeast Regional Office
SF	SERO Sustainable Fisheries Division
SSC	Scientific and Statistical Committee
USCG	United States Coast Guard

## TABLE OF CONTENTS

<b>PHASE I: PLANNING AND SCOPING .....</b>	<b>3</b>
Annual Workload.....	3
Scoping Fishery Management Actions .....	4
<b>PHASE II: DOCUMENT DEVELOPMENT.....</b>	<b>7</b>
Data and Analyses.....	7
Developing Fishery Management Action Documents.....	8
Process Requirements .....	10
<b>PHASE III: PUBLIC REVIEW AND COUNCIL ACTION TO</b>	<b>12</b>
<b>RECOMMEND A MEASURE .....</b>	<b>12</b>
Developing Fishery Management Action Documents.....	12
Council Final Action.....	13
<b>PHASE IV: POST COUNCIL ACTION TO RECOMMEND A MEASURE.....</b>	<b>15</b>
(A) Preparation for Transmittal .....	15
(B) Secretarial Review and Implementation.....	17
<b>PHASE V: ONGOING MANAGEMENT .....</b>	<b>19</b>
<b>STATEMENT OF COMMITMENT .....</b>	<b>20</b>
<b>APPENDIX A – IPT OPERATING PROTOCOL .....</b>	<b>21</b>
<b>APPENDIX B – REFERENCES/GUIDANCE .....</b>	<b>23</b>

# **Regional Operating Agreement**

## **Statement of Purpose**

The purpose of this Regional Operating Agreement (ROA) is to confirm the mutual responsibilities of the Gulf of Mexico Fishery Management Council (Council), Southeast Regional Office (SERO), Southeast Fisheries Science Center (SEFSC), and NOAA General Counsel Southeast Section (GCSE) in the development and preparation of inter-agency fishery management actions that address the needs and requirements for conservation and management of the Nation's fisheries. This ROA establishes the roles, responsibilities, and commitments of these parties, for the coordination of the analytical and structural/component requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), National Environmental Policy Act (NEPA), and other federal regulatory requirements.

## **Background**

In 2015, the National Marine Fisheries Service (NMFS) distributed revised operational guidelines for developing and implementing fishery management actions (Operational Guidelines) to Office Directors, Regional Administrators, and Regional Fishery Management Councils. The Operational Guidelines specify principles that guide all actions to develop, review, and implement fishery management plans, amendments and regulations. The Operational Guidelines require each NMFS' Regional Office and Council to update its Regional Operating Agreement to ensure that it addresses these guiding principles. The Regional Operating Agreement describes region-specific agency and Council roles, responsibilities, and obligations related to developing fishery management decision documents using a frontloading approach.

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

This Regional Operating Agreement describes processes, products, roles, and responsibilities designed to maximize frontloading during each of the five main fishery management phases described in the Operational Guidelines:

I) Planning and scoping; II) Document development; III) Public review and Council action to recommend a measure; IV) Post council action to recommend a measure (a) preparation for transmittal and (b) secretarial review and implementation); and V) Ongoing management. The intended result of the described protocol is to promote and coordinate early planning, cooperation, and open communication in developing fishery management documents, with the objective of streamlining the review and approval process, and ultimately improving the quality and transparency of fishery management

decision-making. 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. Instead, it is considered a “living document,” which will change over time in response to learned or improved best practices, changing management needs and conditions, or new statutory requirements.

**STATEMENT OF RESPONSIBILITIES**  
**Phase I: Planning and Scoping**

**Annual Workload**

**(a) Process**

Stock assessment schedule and priorities will be defined by the Southeast Data, Assessment, and Review (SEDAR) Steering Committee. Additional research needs are defined by a Five-year List of Fishery Research and Socio-Economic Priorities, compiled by the Council in consultation with its Scientific and Statistical Committee (SSC), Special SSC's, and SEFSC.

**(b) Products/Deliverables**

<b>DOCUMENT</b>	<b>DESCRIPTION</b>	<b>LEAD DRAFTER</b>	<b>CONTRIBUTORS/ REVIEWERS</b>
<b>Schedule of SEDAR Assessments and Workshops</b>	On an annual basis, plan and prioritize the schedule of stock assessments and procedural workshops to be conducted over the next 2-3 years. Provide sufficient flexibility to accommodate unanticipated needs/issues that are likely to arise throughout the year.	SEDAR Steering Committee	Council Members Council Staff SEFSC SSC's
<b>5-year List of Fishery Research Needs and Socioeconomic Priorities</b>	List and prioritize biological, social, and economic research needs over a 5-year period. Review the previous priorities and revise and update the list every 5 years.	Council Staff	Council Members SERO SSC SEFSC SSC

**(c) Roles/Responsibilities**

Council Members, Council Staff, and SSC's

- Review and comment on 5-year research plan
- Review and comment on SEDAR priorities
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

Council Staff

- Lead in drafting and revising 5-year research plan

SERO

- Review and comment on 5-year research plan. Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

SEFSC

- Review and comment on 5-year research plan. Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

**Scoping Fishery Management Actions**

**(a) Process**

The Council, SERO, SEFSC, and GCSE will collaborate through Interdisciplinary Planning Team (IPTs) in planning and defining the scope of individual fishery management actions. An IPT will consist of Council Staff, SERO, SEFSC, GCSE, and NEPA staff, including technical staff to write biology, ecology/habitat, economics, and socio-cultural sections, as well as any applicable *Federal Register* notices (Appendix A).

**(b) Products/Deliverables**

<b>DOCUMENT</b>	<b>DESCRIPTION</b>	<b>LEAD DRAFTER</b>	<b>CONTRIBUTORS/ REVIEWERS</b>
<b>Purpose and need</b>	Describe why an action is needed and what part of the MSA supports taking the action. At this stage, this is not a stand-alone document, but rather the Council discussion or motion requesting an action, supported by the minutes of the Council meeting.	Council Members with the assistance of Council Staff	IPT
<b>IPT Memo</b>	Describe issues requiring action, request staff support, and communicate expectations related to role of IPT members (IPT Protocol in Appendix A). One general email and one memo to the SEFSC.	SERO	Council Staff SEFSC
<b>Action Plan</b>	Describe problem/objective, possible actions/alternatives, data/analytical requirements (including preliminary NEPA documentation), tentative implementation schedule, proposed staff assignments, outstanding questions/issues, IPT membership.	IPT	Council Staff SERO SEFSC
<b>Notice of Intent/Scoping Comment Period (if applicable)</b>	<i>Federal Register</i> notices that meet applicable NEPA, MSA, and Office of Federal Register (OFR) requirements. Request regulation identification number.	SERO	GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>Council Scoping Meeting Notices (if applicable)</b>	<i>Federal Register</i> notices that meet applicable NEPA, MSA, and OFR requirements.	Council Staff	Council Staff
<b>Scoping Paper (if applicable)</b>	Preliminary draft document describing purpose and need, problems/objectives and key issues/concerns; intended to provide background information for scoping meetings.	Council Staff	Council Members IPT SEFSC
<b>Scoping Comment Period and Workshop Summary Reports (if applicable)</b>	Summaries of comments and ideas/concepts submitted during scoping process.	Council Staff (workshop summaries) SERO (comment period summary)	Council members IPT

**(c) Roles/Responsibilities IPT**

Council Staff

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Conduct scoping meetings (if applicable) or provide other means for public comment
- Draft and/or review *Federal Register* notices (if applicable)
- Present IPT advice/recommendations to Council
- Prepare scoping document and supporting materials for scoping workshops
- Prepare scoping summary report and communicate scoping comments to Council (if applicable)
- Review IPT products/deliverables
- Summarize and review scoping comments (if applicable)
- Add to the Action Schedule

Council Members

- Identify purpose and need for management actions (rationale for taking action)
- Establish priority and timeline for the new action to help the IPT
- Develop preliminary range(s) of options (if appropriate)
- Review IPT products/deliverables

SERO

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Establish IPT through IPT email and SEFSC memo

- Draft and/or review *Federal Register* notices (if applicable)
- Prepare scoping summary report for comments on the environmental impact statement (EIS) notice of intent (if applicable)
- Review IPT products/deliverables

#### SEFSC

- Identify staff from appropriate disciplines who will serve on IPT
- If needed, provide initial data and analyses to support IPT products/deliverables
- Review IPT products/deliverables

#### GCSE

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

#### IPT

- Review IPT protocol outlined in Appendix A
- Advise Council and SERO on: purpose and need statement (problems/objectives); type of NEPA analysis (e.g., categorical exclusion, environmental assessment, environmental impact statement); identify documentation/analyses required by other applicable laws
- Propose implementation schedule/timeline that takes into account all relevant timing requirements (e.g., NEPA, Administrative Procedures Act, Endangered Species Act (ESA)) and General Council schedule
- Discuss data, analytical, and writing assignments and develop timelines
- Identify key reviewers of draft and final documentation within Council, SERO, SEFSC, and NMFS Headquarters (HQ)
- Assist in drafting scoping document (if applicable)
- Review scoping comments (if applicable)

## Phase II: Document Development

### Data and 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 actions.

#### (b) Products/Deliverables

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

#### (c) Roles/Responsibilities

##### Council Staff

- Draft and review SERO/SEFSC data request memos (if any)
- Provide IPT with statistical analyses (as needed)
- Provide Council with requested data/analyses
- Provide Council with reports from SSC review and recommendations

##### SERO

- Collect and maintain permit data for use in tracking fishery participation and evaluating the effects of fishery management 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 Information Quality Act (IQA) requirements

- Provide IPT with statistical analyses (as needed; e.g., bag limit, size limit adjustments)

#### SEFSC

- Assume responsibility for quality of data (Accumulated Landings System, Fisheries Logbook System, Trip Interview Program, Southeast Area Monitoring and Assessment Program, Fisheries Information Network, Marine Recreational Fisheries Statistics Survey/Marine Recreational Information Program (MRIP), 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 actions (e.g., bag limit, size limit adjustments)
- Review analyses conducted by SERO and Council staff for routine management actions (e.g., bag limit, size limit adjustments)
- Provide IPT with statistical analyses for non-routine actions (as needed)

#### IPT

- Identify data and analytical needs (Data Plan, optional)
- Conduct statistical analyses (as needed/appropriate)
- Draft documentation supporting preliminary Council action

### **Developing Fishery Management Action Documents**

#### **(a) Process**

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in drafting and reviewing documentation needed to support fishery management actions. All parties will ensure draft documentation is sufficient for preliminary action prior to Council selection of preferred alternative(s), and approval of a draft public hearing document or Draft Environmental Impact Statement (DEIS) (if applicable).

**(b) Products/Deliverables**

<b>DOCUMENT</b>	<b>DESCRIPTION</b>	<b>LEAD DRAFTER</b>	<b>CONTRIBUTORS/ REVIEWERS</b>
<b>Options Paper</b>	Preliminary draft document describing purpose and need, problems/objectives, proposed action/initial alternatives, key issues/concerns, and preliminary analyses; intended to inform/solicit Council input on how to proceed in developing public hearing draft and associated analyses.	IPT co-leads	Council Members IPT
<b>Draft Fishery Management Plan (FMP) Amendment &amp; Analyses</b>	Public hearing draft/DEIS (if applicable) with range of reasonable alternatives and required analyses (e.g., NEPA and MSA, Executive Order (EO) 12866, etc.).	IPT	Council Members SEFSC GCSE IPT

**(c) Roles/Responsibilities**

Council Staff

- 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
- Convene the appropriate Advisory Panel and Scientific and Statistical Committee for review and recommendations

Council Members

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

SERO

- Ensure review by SERO and GCSE staff in key responsibilities, and by HQ staff (NMFS Office of Sustainable Fisheries, NMFS Office of Protected Resources, NMFS Office of Habitat Conservation), (as needed/appropriate)
- Frontload ESA and Essential Fish Habitat (EFH) consultation information to the extent practicable
- Ensure draft documentation/analyses are consistent with legal mandates, using the references/guidance provided in Appendix B.

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 HQ staff as appropriate
- Assist IPT and Council in developing draft documentation/analyses that are legally sufficient and provide a rational basis for decision making
- Advise Council of any legal issues as they arise

IPT

- Coordinate (co-leads), draft, review, and revise needed documentation/analyses, following the IPT protocol outlined in Appendix A

**Process Requirements**

**(a) Process**

The Council and SERO will collaborate in ensuring compliance with the process requirements of the MSA, NEPA, Administrative Procedure Act, and other applicable laws.

**(b) Products/Deliverables**

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>Notice of Public Hearings (if applicable)</b>	<i>Federal Register</i> notice that meets applicable MSA and OFR requirements.	Council Staff	
<b>Bulletins/ Newsletters (optional)</b>	Bulletins or newsletters advising public of the availability of draft documentation and public hearing logistics (if applicable).	Council Staff SERO	
<b>Regulatory Information Data (RID) Form and Listing Document</b>	Regulatory Information Data (RID) form required to obtain a Regulation Identifier Number (RIN) for a proposed rule. Document requesting Office of Management and Budget concurrence on significance determination;	SERO	GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
	must be transmitted no more than six months before Council submits actions for Secretarial review.		
<b>DEIS filing/transmittal package (if applicable)</b>	Letters/memos requesting Environmental Protection Agency (EPA) notice the availability of the DEIS and solicit comments on the draft documentation. Prepare Fishery Bulletin to advertise the DEIS comment period.	SERO	GCSE
<b>Public Hearing Summary Report (if applicable)</b>	Report summarizing comments received during public hearings.	Council Staff	Council Members IPT
<b>Final ESA Consultation (if applicable)</b>	Biological Opinion (if applicable)	SERO	NMFS

**(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 (if applicable) and summarize/distribute public comments to the Council

Council Members

- Conduct public hearings (if applicable)
- Review and consider public hearing comments

SERO

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

SEFSC

- Review document drafts
- Provide comments in a memo format

GCSE

- Review listing document, DEIS, and transmittal package (if applicable)

## Phase III: Public Review and Council Action to Recommend a Measure

### Developing Fishery Management Action Documents

#### (a) Process

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

#### (b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>Preliminary Final Fishery Management Actions and Analyses</b>	Preliminary final fishery management actions with required analyses (e.g., NEPA, MSA, RFA, EO 12866, etc.).	IPT	Council Members IPT SEFSC GCSE
<b>SEFSC Review</b>	Letter requesting SEFSC review.	SERO	

#### (c) Roles/Responsibilities

##### Council Staff

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

##### SERO

- Ensure complete document review by SERO, SEFSC, and GCSE staff in key responsibilities
- Ensure “final” documentation/analyses are consistent with legal mandates/administrative record, using the references/guidance provided in Appendix B, and including EPA
- 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
- Provide comments in a memo format

GCSE

- Ensure review by GCSE staff in key responsibilities
- Review “final” documentation/analyses for legal sufficiency, and provide recommendations as necessary

IPT

- Coordinate (co-leads), revise, and finalize fishery management action and supporting documentation/analyses, following the IPT protocol outlined in Appendix A.
- Write response to public comments on the DEIS, including EPA review, and Final EIS (if applicable)

**Council Final Action**

**(a) Process**

The Council will review all documentation and analyses associated with its fishery management actions before voting to submit the actions for Secretarial review and agency action.

**(b) Products/Deliverables**

<b>DOCUMENT</b>	<b>DESCRIPTION</b>	<b>LEAD DRAFTER</b>	<b>CONTRIBUTORS/ REVIEWERS</b>
<b>Final Draft Fishery Management Actions for Council Action</b>	Final draft fishery management actions with required analyses (e.g., NEPA, MSA, RFA, EO 12866, etc.).	IPT	Council Members Council Staff SERO SEFSC GCSE
<b>Codified text</b>	Codified text to be inserted into the Code of Federal Regulations	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

### Council Members

- Ensure text of fishery management actions reflects Council's intent and rationale
- Review codified text to ensure it is necessary and appropriate to implement the fishery management actions.
- Vote to submit (or not) the Council actions for Secretarial review and deem the codified text as necessary and appropriate (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 codified text for Council deeming (if applicable)
- Request SEFSC review of the fishery management actions before Council takes final action to approve for Secretarial review

### SEFSC

- Advise Council of any science issues prior to final action

### GCSE

- Advise Council and SERO regarding the legal sufficiency of documentation and process prior to Council final action

**Phase IV: Post Council Action to Recommend a Measure**  
**(A) Preparation for Transmittal**

**(a) Process**

Council staff will finalize the documentation and analyses associated with the Council’s fishery management actions. SERO will prepare the package of supporting materials and transmit to the Secretarial for review.

**(b) Products/Deliverables**

<b>DOCUMENT</b>	<b>DESCRIPTION</b>	<b>LEAD DRAFTER</b>	<b>CONTRIBUTORS/ REVIEWERS</b>
<b>Final Fishery Management Actions &amp; Analyses Submitted to NMFS</b>	Final fishery management actions with required analyses (e.g., NEPA, MSA, RFA, EO 12866, etc.). Log stamped cover letter	IPT Council staff	Council Members Council Staff SERO SEFSC GCSE
<b>Issues Advisory</b>	Memo advising HQ of pending proposed rule/actions.	SERO	GCSE
<b>Coastal Zone Management Act (CZMA)</b>	Letters requesting state coastal zone management agencies review proposed actions for consistency with coastal zone management plans.	SERO	GCSE, as applicable
<b>Vessel Safety Request</b>	Letter requesting United States Coast Guard (USCG) review proposed actions with respect to vessel safety and enforcement.	SERO	GCSE, as applicable
<b>SEFSC Certification</b>	Letter requesting SEFSC certification.	SERO	

**(c) Roles/Responsibilities**

IPT

- Make any final edits to Council documentation/analyses requested by the Council as appropriate

Council Staff

- Prepare and transmit Council recommendation to SERO for Secretarial review
- Draft transmittal letter and final document
- Post transmitted document on Council website

Council Members

- Redeem the codified text as necessary and appropriate (if needed)

### SERO

- Draft ESA and EFH consultation memos, as appropriate
- Draft issues advisory
- Prepare and transmit CZM consistency review request to state CZM agencies
- Prepare and transmit vessel safety and enforcement review request to USCG
- Request SEFSC certification
- Fishery Management Plan (FMP/FMP Amendment) is complete

### SEFSC

- Draft certification memo(s) as needed/appropriate

### GCSE

- Review consultation memos, issues advisories, and CZM memos, as appropriate

**Phase IV: Post Council Action to Recommend a Measure  
(B) Secretarial Review and Implementation**

**(a) Process**

NMFS will approve, disapprove or partially approve the proposed action. SERO staff will prepare the Notice of Availability (NOA) (if applicable), and proposed and final rule packages, as appropriate.

**(b) Products/Deliverables**

<b>DOCUMENT</b>	<b>DESCRIPTION</b>	<b>LEAD DRAFTER</b>	<b>CONTRIBUTORS/ REVIEWERS</b>
<b>Issues Advisories</b>	Memo advising HQ of pending proposed and final rules.	SERO	GCSE
<b>Rules</b>	Proposed and final rules to implement Council actions.	SERO	GCSE
<b>Decision Packages</b>	Regulatory packages required to publish NOA, proposed rule, and final rule (e.g., decision/info/transmittal memos, attorney work products, IQA memo, ESA and EFH consultation memos, etc.).	SERO	GCSE

**(c) Roles/Responsibilities**

NMFS

- Publish NOA for an amendment (if applicable)
- Publish proposed rule and request comments
- Approve, disapprove or partially approve the proposed action
- Publish final rule

SERO

- Draft issues advisories
- Draft NOA (if applicable) and proposed rule
- Prepare NOA and proposed rule package, using regional office checklists provided at [http://home.nmfs.noaa.gov/organization/hq/sf/divisions/sf5/regulatory\\_streamlining/examples\\_checklists.html](http://home.nmfs.noaa.gov/organization/hq/sf/divisions/sf5/regulatory_streamlining/examples_checklists.html)
- Declare transmittal date
- Draft final rule and respond to comments on proposed rule and NOA (if applicable)
- Draft Categorical Exclusion, Finding of No Significant Impact or Record of Decision, as applicable
- Prepare final rule package, using regional office checklists provided at [http://home.nmfs.noaa.gov/organization/hq/sf/divisions/sf5/regulatory\\_streamlining/examples\\_checklists.html](http://home.nmfs.noaa.gov/organization/hq/sf/divisions/sf5/regulatory_streamlining/examples_checklists.html)

- Disband IPT after the effective date of the final rule

GCSE

- Review NOA, proposed rule and final rule packages (as applicable) for consistency with Council actions and applicable laws
- Draft attorney work product(s) (e.g., Certification of Attorney Review and Attorney Review Memoranda), as appropriate

## Phase V: Ongoing Management

**(a) Process**

SERO will monitor implemented regulations and report to the Council on any recommended changes. The Council may review regulations at regular intervals.

**(b) Products/Deliverables**

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>Commercial Quota Monitoring Reports</b>	Reported commercial landings for managed species submitted weekly.	SEFSC	SERO
<b>Recreational Quota Monitoring Reports</b>	Reported recreational landings for managed species submitted by wave.	SEFSC	SERO
<b>Landings Reports to the Council</b>	Reports on landings of managed fisheries.	SERO	Council
<b>In-season Notices</b>	<i>Federal Register</i> notices of fishing closures and trip and bag limit changes, with supporting documents	SERO	GCSE

**(c) Roles/Responsibilities**

SEFSC

- Collect commercial dealer reports and submit weekly to SERO
- Collect recreational landings data from MRIP and states, and submit by wave to SERO

SERO

- Monitor landings and close fishing when landings are projected to reach a quota
- Implement other accountability measures, such as trip and bag limit reductions, based on landings
- Prepare landings reports for select Council meetings

## **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 Gulf of Mexico.

### **Gulf of Mexico 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 Section:**

\_\_\_\_\_  
**Southeast Section Chief**

\_\_\_\_\_  
**Date**

## **Appendix A – IPT 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. SERO lead will be responsible for arranging the meeting location and writing meeting summaries;
- Drafting IPT work products and timeline, where applicable (e.g., Action Schedule, Data Plan/Requests, etc.);
- Circulating to the IPT for review and comment all documents that will be provided to the Council, including scoping papers, options papers, public hearing drafts/analyses, and final draft document/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 workshops, public hearings, and IPT reviews;
- 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;
- Ensuring adequacy and sufficiency of documentation developed by the IPT to support fishery management actions; and
- SERO lead will disseminate NEPA and SEFSC comments and compile responses.

### 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 within timeline 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. An IPT member will notify the co-leads in the event they are not able to review a document.

### 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; and
- The SERO co-lead will summarize each IPT meeting, send to the Council co-lead for review, and circulate the summary to the IPT.

### Timing of IPT Responsibilities

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 agreed upon time to review and comment on the document at various stages of development. In particular, IPT co-leads need to ensure enough time to review public hearing drafts/analyses and final draft documentation/analyses before Council final action and transmission to the Secretary of Commerce for review. If the IPT agreed upon deadlines cannot be achieved, the reviewer should notify their supervisor and the SERO and Council co-leads as soon as practicable. In some cases, abbreviated timelines and schedules must be accomplished by the IPT.

### 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 or on a conference call to the Sustainable Fisheries (SF) Gulf Branch Chief 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 Director.
- Issues that cannot be resolved between the Gulf Branch Chief and Deputy Director of the Council will be elevated to the SF Assistant Regional Administrator (ARA) and Council Executive Director using the same format described above.
- Issues that cannot be resolved in discussions between the SF ARA and Council Executive Director will be elevated to the Regional Administrator (RA), SEFSC Director, Council Chair, and Executive Director, as appropriate, using the same format described above.

## Appendix B – References/Guidance

Note: Derived/adapted from the Operational Guidelines

<b>DOCUMENT/LEGAL REQUIREMENT</b>	<b>TITLE OF REFERENCE DESCRIBING STANDARDS</b>	<b>REFERENCE DATE/ CITATION</b>
<b>Coastal Zone Management Act (CZMA)</b>	Implementing Regulations	15 CFR part 930
<b>Information Quality Act (IQA)</b>	NMFS Policy on the Data Quality Act	06/27/2012
	NOAA’s Information Quality Guidelines	10/30/2014
<b>Endangered Species Act (ESA)</b>	ESA Consultation Handbook	
	Implementing Regulations	50 CFR 402.01 et seq.
<b>Executive Order (E.O.) 12866, Regulatory Impact Review (RIR)</b>	Guidelines for Economic Analysis of NMFS Regulatory Actions	65 FR 65841; 03/20/2007
	NOAA General Counsel for Fisheries Guidance on Executive Order 12866 compliance	Macpherson memo; 02/06/1998
<b>Federal Register Act (FRA)</b>	OFR Document Drafting Handbook	
	Preparation of FR Documents	2013
<b>Magnuson-Stevens Fishery Conservation &amp; Management Act (MSA)</b>	National Standard Guidelines	50 CFR 600.305
	EFH Final Rule	67 FR 2343; 01/17/02
	EFH Consultation Guidance	National Marine Fisheries Service; 04/2004
	Guidelines for Assessment of the Social Impact of Fishery Management Actions	03/19/2001
	Guidelines & Principles for Social Impact Assessment	
<b>National Environmental Policy Act (NEPA)</b>	Implementing Regulations	40 CFR 1500 et seq.; <a href="http://ceq.eh.doe.gov/nepa/reg/s/ceq/toc_ceq.htm">http://ceq.eh.doe.gov/nepa/reg/s/ceq/toc_ceq.htm</a>
	Forty Most Asked Questions Concerning CEQ’s NEPA Regulations	03/16/1981 <a href="https://ceq.doe.gov/nepa/regs/40/40p3.htm">https://ceq.doe.gov/nepa/regs/40/40p3.htm</a>
	NAO 216-6A	April 22, 2016
	EPA Guidance, “Reviewing Environmental Impact Statements for Fishery Management Plans”	11/2004
	Guidance for Social Impact Assessment	03/19/2001; Appendix 2(g)

<b>DOCUMENT/LEGAL REQUIREMENT</b>	<b>TITLE OF REFERENCE DESCRIBING STANDARDS</b>	<b>REFERENCE DATE/ CITATION</b>
	Guidelines & Principles for Social Impact Assessment	5/2004; NOAA Tech Memo NMFS-F/SPO-16
<b>Regulatory Flexibility Act (RFA)</b>	How to Comply with the Regulatory Flexibility Act	Small Business Administration, May 2012; <a href="http://www.nmfs.noaa.gov/sfa/laws_policies/economic_social/sba_rfaguide2012.pdf">http://www.nmfs.noaa.gov/sfa/laws_policies/economic_social/sba_rfaguide2012.pdf</a>
	Guidelines for Economic Review of NMFS Regulatory Actions	03/20/2007
<b>Secretarial Review &amp; Decision Packages</b>	Examples	RSP website; <a href="http://home.nmfs.noaa.gov/organization/hq/sf/divisions/sf5/regulatory_streamlining/examples_checklists.html">http://home.nmfs.noaa.gov/organization/hq/sf/divisions/sf5/regulatory_streamlining/examples_checklists.html</a>
	Regional Office Checklists	
	Forms	