

# Review of Fishery Management Councils' Regulatory Processes: Preliminary Findings to Date



Scientific and Statistical Committee Meeting  
October 8, 2025  
Tampa, Florida



# ***Project Background***

- Need - The federal regulatory process, while comprehensive, often lacks the agility needed to incorporate updated information and respond in a timely manner
- Goal – Gulf Council seeking thorough review of regulatory processes employed by other Councils to ultimately improve responsiveness and promote resilient fisheries in the Gulf
- Intended impact – Provide detailed evaluation and summary of best practices used by other Councils to inform a future project that will help the Gulf Council identify how to develop more nimble and responsive fisheries management in this region

# Consultants



**Deirdre Boelke**  
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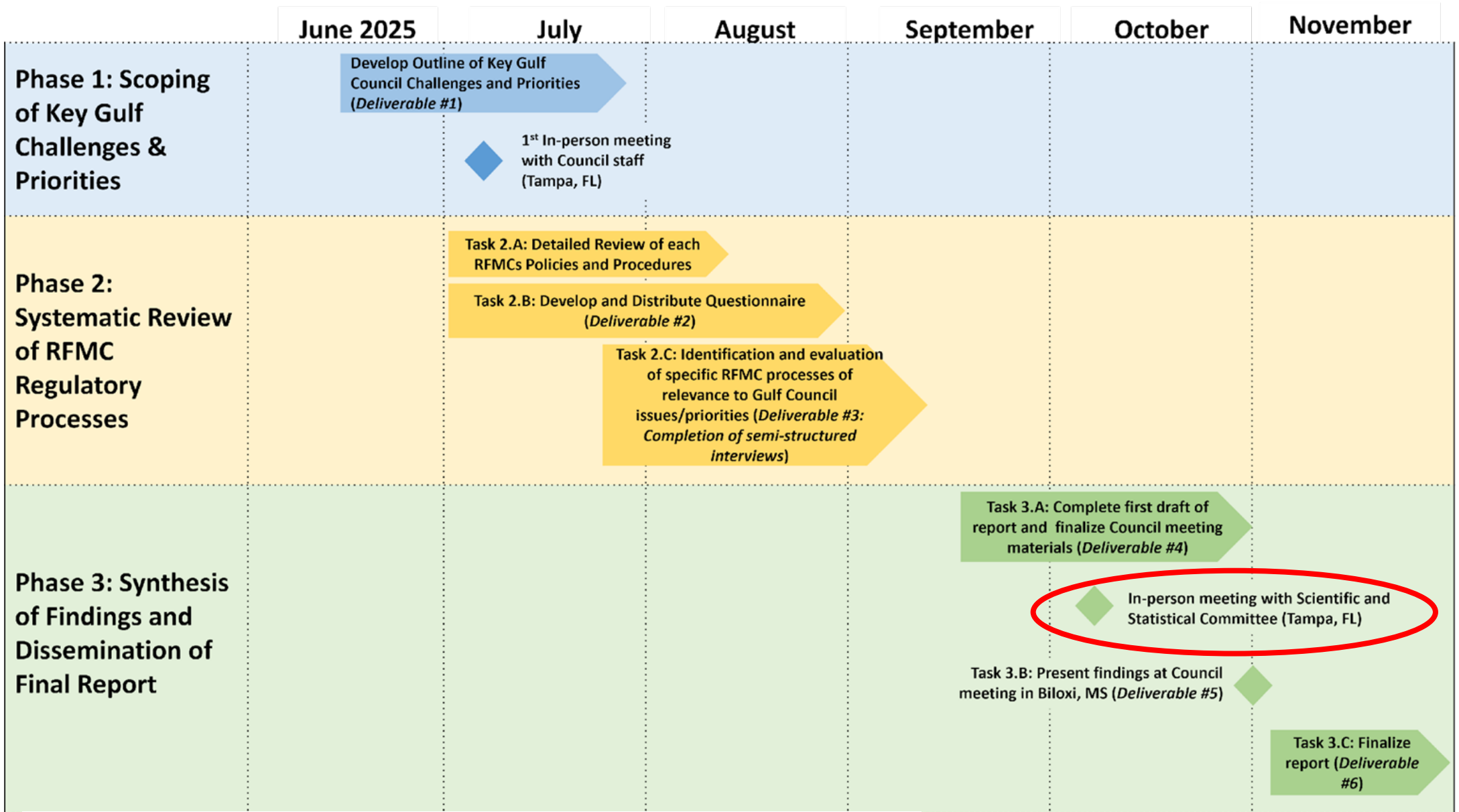


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# ***Approach (Jul-Nov 2025)***

- Phase 1: Scoping of key Gulf Council challenges and priorities (Jul-Aug)
  - Deliverable 1: Outline of key Gulf Council challenges and priorities
- Phase 2: Systematic Review of Regulatory Processes Across Councils (Jul-Sep)
  - Deliverable 2: Develop and distribute online questionnaire
  - Deliverable 3: Complete semi-structured interviews (subset of questionnaire invitees)
- Phase 3: Synthesis of Findings and Dissemination of Final Report (Sep-Nov)
  - Deliverable 4: Complete first draft of report
  - Deliverable 5: Present findings at Nov Council meeting (Biloxi, MS)
  - Deliverable 6: Finalization of Report



*\*In addition, conduct biweekly check-ins with relevant Gulf Council staff*

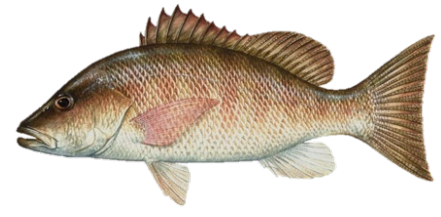
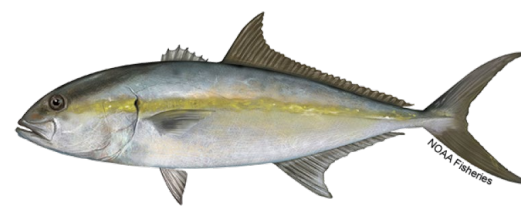
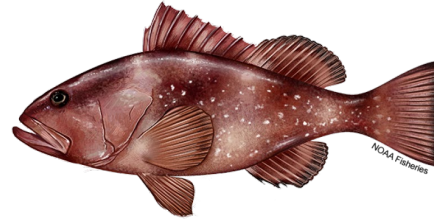
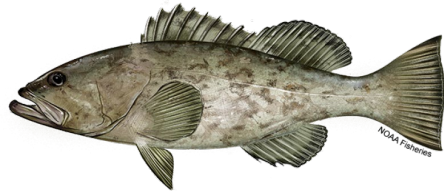
# Phase 1: Overview of Gulf Challenges and Priorities

## Overall challenges and priorities:

1. Reducing lag times between on-the-water changes (identified through scientific data collection and stakeholder observations) and management action
2. Exploring opportunities to automate routine/non-controversial management actions given resource limitations
3. Expanding use of more efficient NEPA vehicles and other innovative approaches to increase throughput

## Priority Stocks/FMPs:

- Red snapper, gag grouper, red grouper, greater amberjack, gray snapper



## Key measures to explore more efficiently implementing:

- a) Catch limits (i.e., ACLs), b) seasons, c) bag limits, d) size limits

# ***Phase 1: Gulf approaches to date/ideas under exploration***

## **Interim Analyses** (IAs):

- Use indices to track abundance between assessments
- Can be used to either provide catch advice or as “health checks”

## Key Challenges:

- Rely on previous assessment
- Data processing times
- Process of implementing catch advice can still take a long time

## **Frameworks**: Two types

*Open Framework* (in use): Can bypass amendment/NEPA process: review→public hearing→Council action

*Closed Framework* (exploring): Automating changes to catch limits based on IAs within a certain threshold (25-30%?)

# ***Phase 2: Systematic Review of Council Processes***

## **Online questionnaire (Google Forms):**

- Distributed to ~160 individuals (Council staff/SSC and NOAA Fisheries/interstate commission staff)
- Anonymous, but option to provide name
- Mostly open ended questions about challenges, innovative approaches, tradeoffs
- 50 responses representing all regions (2/3 of responses by Council staff)

## **Interviews (via Zoom):**

- Council and NMFS staff, SSC members (selected in conjunction with Gulf Council staff)
- 24 individuals interviewed (22 interviews) across all regions
- Similar lines of questioning to questionnaire (building on non-anonymous responses)

## **Research:**

- In-depth review of Council requirements and processes, documents, literature review

### ***Primary constraints to efficiency/responsiveness:***

1. Legal constraints
2. Scientific timing and uncertainty
3. Limited resources

# ***Constraints on responsiveness: Legal requirements***

- Magnuson-Stevens Act - Primary law governing US marine fisheries management  
**Constraints:** *strict rebuilding timelines with frequent and complex rulemaking, Council process and timing requirements, competing interests and priorities*
- Administrative Procedures Act - General procedures for agency rulemaking  
**Constraints:** *Notice and comment period requirements, judicial review around arbitrary and capricious, rigid requirements unless invoke “good cause” exception*
- National Environmental Protection Act - Procedural law that ensures federal actions consider and analyze environmental effects with robust public process  
**Constraints:** *Extensive analyses may be required, supplemental reviews, litigation risks*
- There are handful of other laws and executive orders, lower priority for this project
- *Many participants noted regional differences and inconsistent interpretations of legal requirements - risk tolerances vary when it comes to which NEPA vehicles are acceptable, level of analysis required, etc.*

## ***Constraints on responsiveness: Scientific timing/uncertainty***

- *Time lags between when data are collected and when it is used in management*
- *Still much uncertainty around how species will respond to changing environments*
- *Uncertain how to use on-the-water observations in the process*
- *MSA requires SSC recommend ABC, adds time to overall schedule*
- *MSA requires all decisions must be based on best scientific information available (BSIA)*

## ***Constraints on responsiveness: Limited resources***

- *Many participants noted staff and resource limitations (and staff turnover) at Council and NMFS can reduce efficiency and nimbleness*
- *Concerns these issues could get worse in near future*

# *Synthesizing Findings: A sneak peek*

- Still very much a **work in progress** - combining background research and document review, questionnaire results, interview notes
- Results summarized in two categories:
  - 1) MSA regulatory processes and NEPA vehicles
  - 2) 3Cs - best practice strategies for collaboration/coordination/communication
- Identifying “on-the-horizon” efforts Gulf Council should track

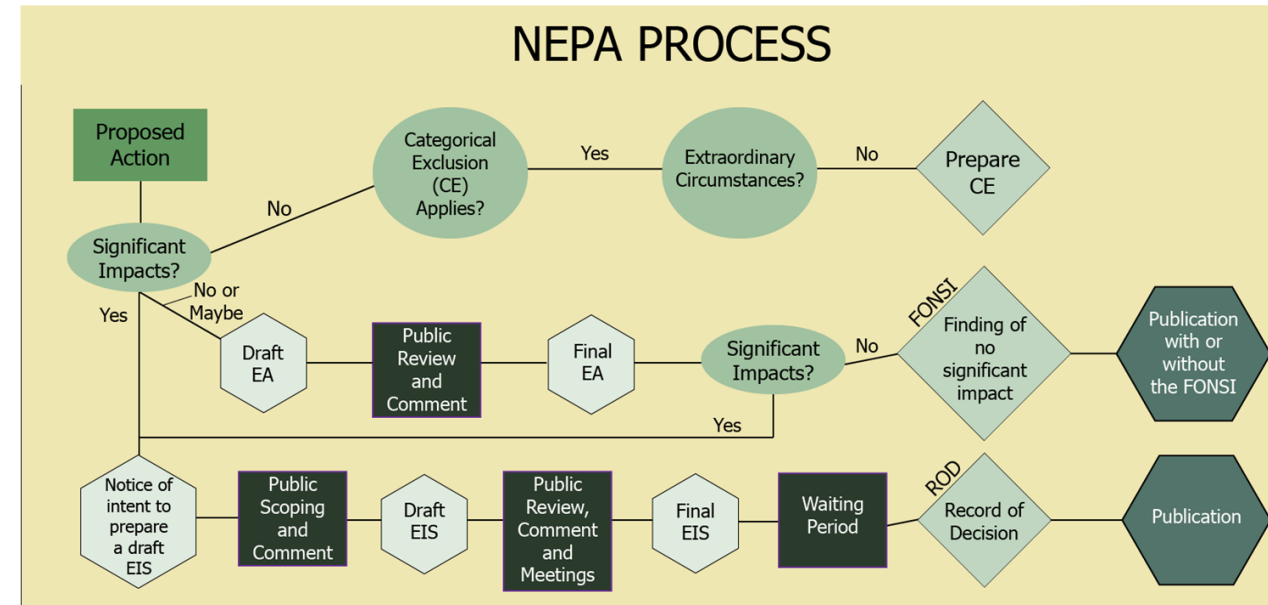


# ***Synthesizing Findings: Typical MSA Regulatory Pathways***

- Amendments - Major changes to FMP, often several years
- Frameworks - Faster changes to measures already considered in an FMP, variable timing. *Called different things in different regions: open and closed frameworks, standard vs. abbreviated, etc.*
- Specifications - set catch limits and related measures
- Emergency Actions - Temporary regulations NMFS can issue to address unforeseen conservation or management issue
- Interim Actions - Temporary regulations to reduce overfishing while more permanent actions developed
- Secretarial Actions - NMFS can implement regulations if a Council fails to act or in response to legal obligations

# Synthesizing Findings: NEPA Vehicles\*

- Environmental Impact Statements (EIS)
  - Required for major actions with significant impacts, lengthy process for analysis and public comment periods
- Environmental Assessments (EA) - Used for actions with more uncertain impacts, not likely to be significant, shorter than EIS, can build off EIS
- Categorical Exclusions (CEs) - For actions that do not have significant impacts, faster development and implementation



Source: US Fish and Wildlife Service

\*NEPA guidance is currently under review

# ***Synthesizing Findings: Streamlining Tools***

- Programmatic EIS - provides a framework that can be tiered into future actions, broad impacts of a program, typically 3-5 years
- Omnibus Amendments - modifies several or all FMPs in a region, cross-cutting requirements, new policies or standards
- Ecosystem Component (EC) Species - NS1 guidelines updated in 2009 - some species do not require conservation and management (no ACLs or AMs)
- Tiering or Nested NEPA actions - Supplemental Information Report (SIRs) - review new information and confirm action does not require new analysis, relies on existing NEPA document, typically 20-page memo
- Exempted Fishing Permits (EFPs) - MSA allows NOAA to issue permit that would otherwise be prohibited to promote innovation and flexibility (RMCs can recommend to approve or disapprove; public comment opportunities)
- Interim Final Rules (APA Procedure) and APA waivers - rule becomes effective when published and waive prior notice for “good cause”

# Spotlight on example streamlining tools



New England  
Fishery Management  
Council



Figure 1. Photo of a bullet mackerel (*Auxis rochei*).  
Photo credit: [www.ncfishes.com](http://www.ncfishes.com)



Figure 2. Photo of a frigate mackerel (*Auxis thazard*).  
Photo credit: [www.ncfishes.com](http://www.ncfishes.com)

## Omnibus Management Flexibility Amendment

- NEFMC developing Categorical Exclusion (CE)
- Need - increase flexibility/consistency, modify certain administrative measures for all FMPs
- Measures
  - Specification frequency (up to 5 years)
  - Add specifications setting process to 2 FMPs
  - In-season adjustment authority to all FMPs
  - Remove annual report requirements
  - Expand list of items that can be considered via framework
- Timeline: Initiated in June, final action in Sept.

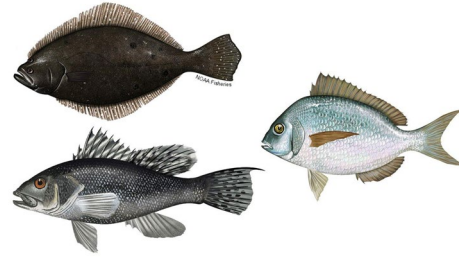
## Ecosystem component species (ECs)

- Amendment 12 to Dolphin Wahoo FMP Environmental Assessment (EA)
- Need - acknowledge ecological role as forage fish
- Measure: Added bullet mackerel and frigate mackerel as Ecosystem Component species
- Indirect benefits - promote overall efficiency because no control rules or ACLs required, can improve data collection
- Timeline - took a few years start to finish

# ***Synthesizing Findings: Efficiency Measures***

- Multi-year specifications – set ACLs for multiple years, usually an EA or SIR
- In-season measures (Automatic actions, if/then actions) – immediate regulatory responses triggered in-season, some discretion usually left with NMFS (may or shall)
- Automatic rollovers – ability to carry forward specifications from previous year, no new rulemaking needed annually
- Default measures – pre-set measures that automatically take effect as a backstop, often more restrictive than rollover of previous year
- Expanded list of items that can be considered via framework– when FMP is being updated, review list of items that can be considered via framework and expand list to promote flexibility and efficiency later
- Removal or adjustment of review and reporting requirements – MSA requires each FMP have pertinent data to prepare an annual report on the status of the fishery, but some FMPs have specific reporting requirements embedded in the FMP

# Spotlight on example efficiency measures



## Multi-year specifications

- Have been used in the Summer Flounder, Scup, Black sea bass FMP since mid-2000s (MAFMC)
- EA completed every few years to set specs up to 3 years at a time
- Annually the Monitoring Committee (MC) is required to review and reaffirm existing catch limits through a SIR.
- One meeting, 20 pages

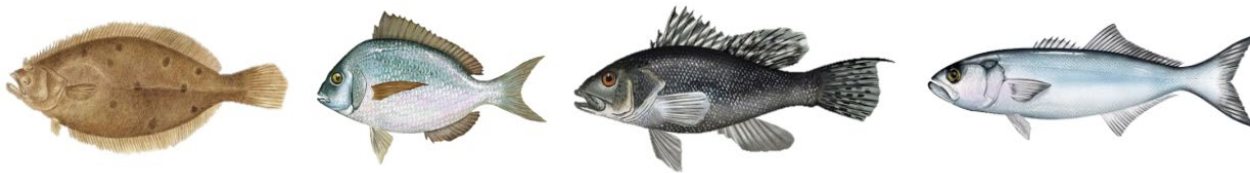
## How Operationalized

- Management track assessment prepared
- SSC recommends ABC for 3 yrs and reviews annually (July)
- AP prepares Fishery Performance Report (July)
- MC reviews BSAI and confirms annual ACLs (Data update, Fishery Information Document) (early Aug)
- Joint Council/Commission meeting (Aug)
- NMFS rulemaking (proposed rule in Oct and final rule in Dec)

# Zooming in: MAFMC Percent Change Approach

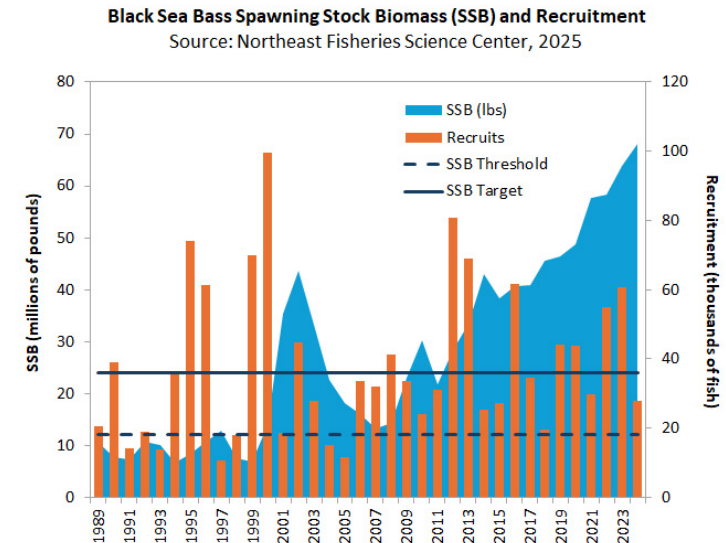
## Recreational Harvest Control Rule Framework/Addenda (2022)

- Bag/size season limits set for 2 years at a time
- Required change in harvest based on:
  - 1) Harvest projections
  - 2) Biomass trend v. target level ( $SSB/SSB_{MSY}$ )
- NEPA vehicle: Environmental Assessment



## Data needs

- Estimate of upcoming year's harvest (based on Recreational Demand Model and MRIP data)
- Stock status (biennial stock assessments for all four species)



# *Synthesizing Findings: 3Cs best practice strategies*

- Compiled a preliminary list of over 20 best practices used in other regions to promote efficiency and responsiveness through improved collaboration, cooperation and communication (among Council staff, NMFS staff, members of the public)

## NMFS-Council coordination:

- Updated Regional Operating agreements - clarify Council/NMFS roles and responsibilities
- NMFS-Council staff coordination/action planning meetings, and annual staff-to-staff
- Inclusion of NMFS Office of General Counsel early in regulatory process
- Council staff direct access to NMFS databases (landings, observer, dealer, survey, etc.)
- Automated and standardized data updates provided NMFS and states in off-assessment years
- Region planning (i.e. Northeast Regional Coordinating Committee, NRCC)
- Codevelop document templates
- Consider updating external reports and incorporate by reference



# *Synthesizing Findings: 3Cs best practice strategies (cont.)*

## Incorporating stakeholder/on-the-water observations:

- Annual Fishery Performance Reports from APs
- Online platforms for stakeholder input
- Cooperative research
- AP (or liaison officer) participation at full Council and SSC meeting (e.g., Chair)
- Concurrent/co-located AP and full Council meetings
- Industry reports at Council meetings
- Use of liaison officers per region to give industry report



### Blueline and Golden Tilefish Fishery Performance Report

April 2025

The Mid-Atlantic Fishery Management Council's (Council) Tilefish Advisory Panel (AP) met via webinar on April 16, 2025, to review the Blueline Tilefish Fishery Information Document and Golden Tilefish Fishery Information Document and develop the following Fishery Performance Report. The primary purpose of this report is to contextualize catch histories by providing information about fishing effort, market trends, environmental changes, and other factors. The trigger questions listed below were posed to the AP to generate discussion of observations in the

## Puerto Rico Fisheries Liaison Officer Report

187TH CFMC REGULAR MEETING  
AUGUST 12-13, 2025  
EMBASSY SUITES HOTEL, ISLAVERDE, CAROLINA, PR



# *Synthesizing Findings: SSC Focused ideas*

## **Efficiency Tools and Measures (SSC)**

- Dynamic reference points
  - Phase-in ABC control rule - gradual implementation of large change
  - Carryover of ABC - transfer of some underage from one year to next
  - Green-light - adjust catch upward if stock healthier than projected
  - Off-top accounting - deductions of priority set-asides before sector allocations
- Revisions to Status Determination Criteria (SDC)

## **3Cs Best Practices (SSC)**

- Use of SSC subgroups
- Assign SSC Leads per FMP
- AP meets with SSC; or SSC member attends AP, and AP Chair attends SSC meetings
- Fisher Observation Section in SSC report
- Public comment at end of each SSC meeting day
- Set SSC calendar for the year

# *Next steps*

- Continue to synthesize findings and draft report
- Present to Gulf Council at November 2025 meeting
- Finalize report by November 30



*Photo credit: NOAA Fisheries*

# *Questions for the SSC to Consider*

- General SSC feedback on approach?
- Any gaps in Gulf challenges and priorities?
- Are there examples of efficient and responsive regulatory actions or innovative approaches you are aware of from other regions?
- Any streamlining tools or efficiency measures you have experience with or recommend as particularly promising for the Gulf?
- Any challenges or opportunities you see with any of the potential streamlining tools or efficiency measures from the SSC's perspective?

# *Questions and Discussion*

# *Backup*

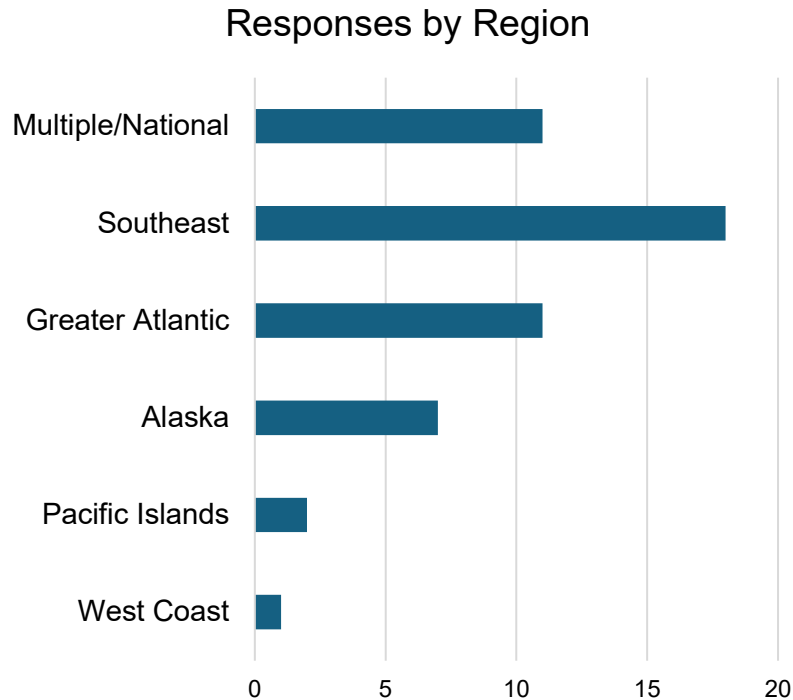
# ***Deliverable 2: Spotlight on Gulf Challenges***

## Feedback from questionnaire:

- Lack of data to inform management for many of the Gulf's federally managed species.
- SEDAR process takes too long (2-3 year lag between last year of assessment and when evaluated by SSC/forwarded to Council).
- Time lags associated with new science/data collection and processes a major challenge→does not allow for proactive management, can lead to a series of reactive measures to overfished/overfishing status determinations.
- Is a need for additional consideration for external variables impacting the stock outside of the framework defined in MSA (i.e., climate-driven changes that can't be quantified in stock assessment that may be impacting status)
- Resource limitations a major challenge
- Data systems need to be built/modified to better meet the needs of stock assessors and fishery managers
- The Gulf's Recreational Initiative was a good first step toward improving responsiveness of management to changes on the water – need to take identified priorities and work with state/federal partners to provide data to support those needs.
- Balance between efficiency and transparency: It is important to find automations and pathways that speed up the process without compromising the quality of the work
- Timeliness and accuracy of recreational landings data (state data is more timely/accurate than MRIP)

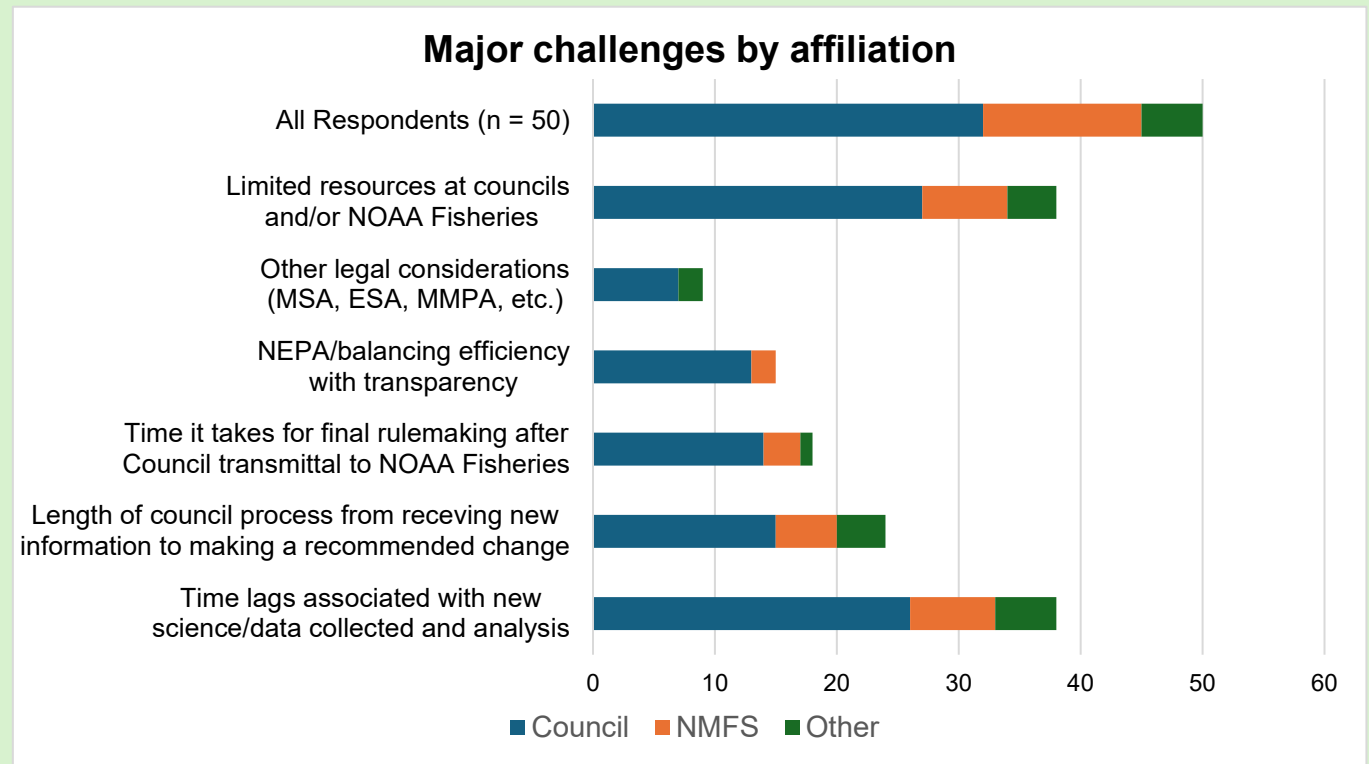
# Deliverable 2: Results

- 50 responses representing all regions (2/3 of responses by Council staff)



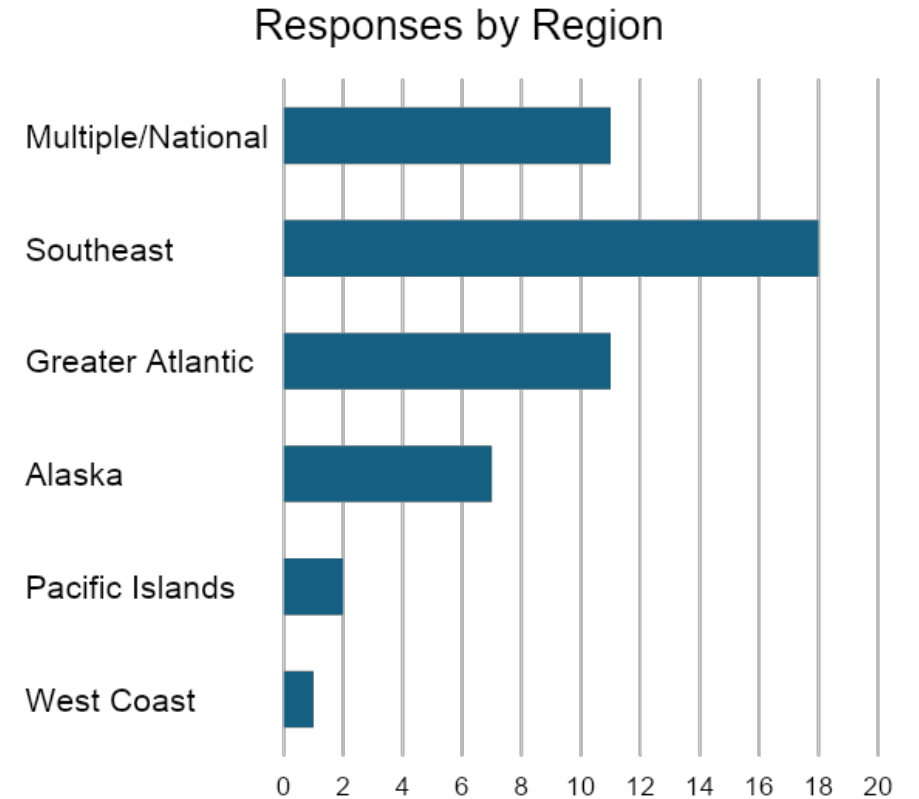
## Findings

- Over 75% of respondents specified a) time lags associated with new data collection/analysis or b) limited resources at the Council/NOAA Fisheries as major challenges



# ***Deliverable 2: Anonymous online questionnaire***

- Distributed via Google Forms to approximately 160 individuals (Council staff, SSC members, NOAA staff, and Commission staff)
- Anonymous, but option to provide name
- Mostly open ended questions about challenges, innovative approaches, tradeoffs
- 50 responses representing all regions (2/3 of responses by Council staff)



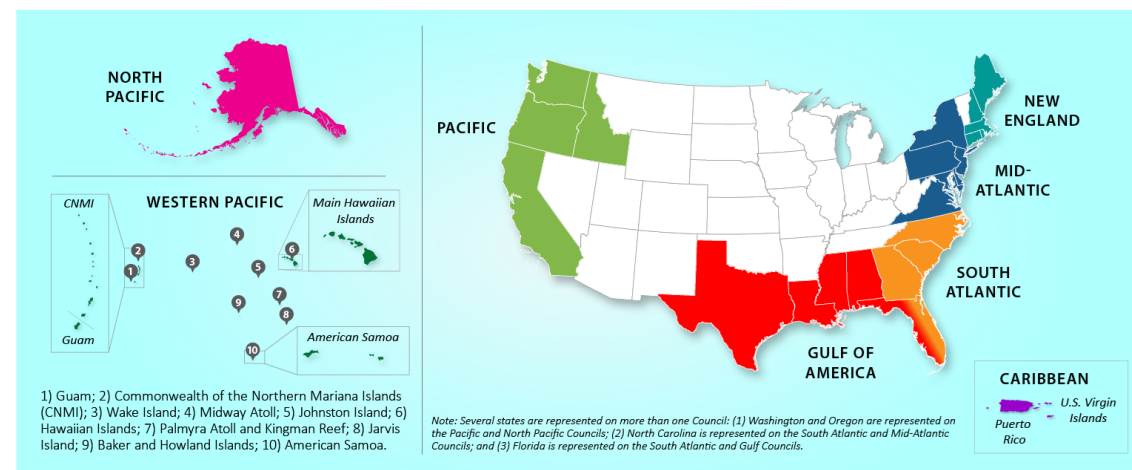
# Deliverable 3: Semi-structured interviews

- Interviewees selected in conjunction with Gulf Council staff input
- Council and NMFS staff, SSC members
- 24 individuals interviewed (22 interviews) from Aug 25 - Sep 15
- Similar lines of questioning to questionnaire (building on non-anonymous responses)

	Greater Atlantic	Southeast	West Coast	Pacific Islands	Alaska	National
Number of Interviewees	7	9	2	2	2	2

## Primary factors constraining efficiency and responsiveness:

1. Legal constraints
2. Scientific timing and uncertainty
3. Limited resources



# ***Anticipated Outline of Final Report***

- 1.0 Introduction (Purpose, Scope, Applicable laws, Background)
- 2.0 Gulf Priorities and Challenges (Key FMPs, stock assessment and data availability, legal requirements and constraints)
- 3.0 Methods and Results (Regional policies and procedures, questionnaire results, details from in-depth interviews, document review)
- 4.0 Analysis and Discussion (Streamlining approaches, commonalities and differences, examples of tools and products, tradeoffs, innovative case examples)
- 5.0 Recommendations and Applicability for Gulf (Opportunities and constraints, ideas under development or on the horizon)
- Appendices

# *Synthesizing Findings: On-the-horizon topics to track*

- Other IRA projects by region
- Specs Flex Action (PFMC)
- Omnibus Management Flexibility Amendment (NEFMC)
- Recreational Reform: Data Collection (MAFMC)
- Updated NOAA NEPA Guidance forthcoming- CCC meeting in October, NEPA working group
- SAFMC “Lines of Communication” meetings
- SAFMC management action decision tree
- Ongoing meetings focused on streamlining - SERO leading discussions with SA and Gulf staff on IPT process, data flow, and regulatory documents



*Photo credit: NOAA*