

Review of Fishery Management Councils' Regulatory Processes: Findings and Recommendations



Gulf Council Meeting
November 3, 2025
Biloxi, Mississippi



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 sought a 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

Approach (Jul-Nov 2025)

- Phase 1: Scoping of Key Gulf Council Challenges and Priorities (Jul-Aug)
 - Develop outline of key Gulf Council challenges and priorities
- Phase 2: Systematic Review of Regulatory Processes Across Councils (Jul-Sep)
 - Review Council policies and procedures
 - Develop and distribute online questionnaire
 - Complete semi-structured interviews (subset of questionnaire invitees)
- Phase 3: Synthesis of Findings and Dissemination of Final Report (Sep-Nov)
 - Complete first draft of report (SSC presentation Oct 8)
 - *Present draft report at November Council meeting (Biloxi, MS)*
 - Finalize report

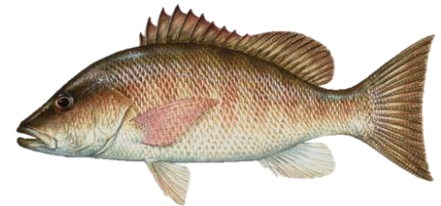
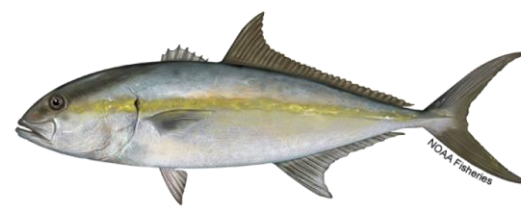
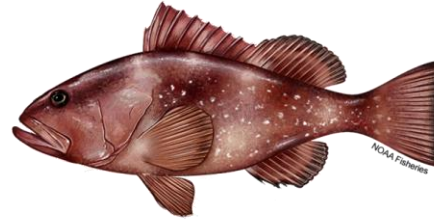
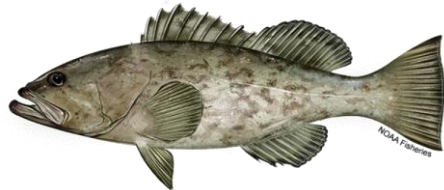
Phase 1: Overview of Gulf Challenges and Priorities

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 2: Systematic Review of Council Processes

Online questionnaire (Google Forms):

- Distributed to ~160 individuals (Council staff/SSC and NMFS/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:

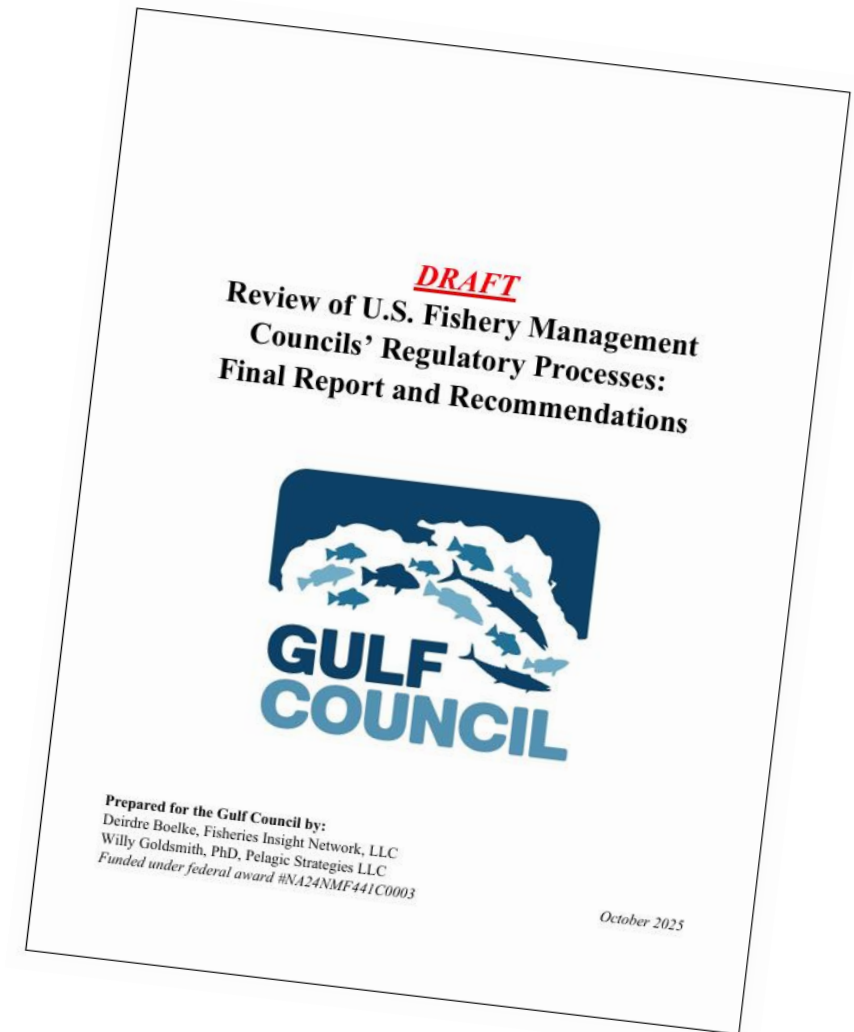
- In-depth review of Council requirements and processes, documents, literature review

Primary constraints to efficiency/responsiveness:

1. Legal constraints (MSA, NEPA, APA)
2. Scientific timing and uncertainty
3. Limited resources

Findings and Draft Recommendations

- Over 25 findings summarized in three categories:
 - 1) MSA regulatory pathways and NEPA vehicles
 - 2) Specific management streamlining tools/efficiency measures
 - 3) 3Cs - best practice strategies for collaboration/coordination/communication
- Findings used to inform the development of 15 specific **draft** recommendations for Gulf Council consideration (not all reviewed here)











Overview of Project Recommendations

Category	Recommendation
1. Procedural Mechanisms	1.1 Evaluate whether typical FMP adjustments in the Gulf could qualify for CEs
	1.2 Identify opportunities to use automatic or conditional (“if/then”) management measures that allow direct rulemaking
	1.3 Consider potential establishment of an Ad-Hoc Regulatory Review Group (ARRG)
2. Innovative Regulatory Approaches	2.1 Evaluate whether certain Gulf species should be designated as ecosystem component species (ECS)
	2.2 Assess whether an Omnibus Amendment could efficiently update all Gulf FMPs with provisions to enhance responsiveness
	2.3 Develop a white paper to assess opportunities and feasibility for in-season management
	2.4 Explore ways the Council can play a more active role in the Exempted Fishing Permit (EFP) process
3. Collaboration, Coordination, and Communication Best Practices	3.1 Update Regional Operating Agreement with NMFS to define roles and streamline document preparation process
	3.2 Implement annual coordination/strategy meetings between Gulf Council and NMFS (SERO, SEFSC, and potentially General Counsel) staff
	3.3 Explore strategies to grant Gulf Council staff access to federal databases
	3.4 Provision of annual data updates by SEFSC to the Gulf Council in off-assessment years
	3.5 Develop Fishery Performance Reports for priority species
	3.6 Expand use of SSC subgroups
	3.7 Expanded AP interaction with SSC/Gulf Council
	3.8 Explore “incorporation by reference” to living online references in analytical documents


See Table 9, page 62

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See Table 9, page 62

Findings: MSA Regulatory Pathways and NEPA Vehicles

MSA Regulatory Pathway	Purpose / Typical Use	Duration of Rule	Who Typically Initiates	Typical NEPA Vehicle	Typical Length of Time
Fishery Management Plan	Plan which contains the conservation and management measures for a fishery	Permanent	Council	EIS	2-5 years
FMP Amendment	Major changes (new programs, allocations, rebuilding plans, habitat protections, etc.)	Permanent, until updated	Council	EIS (usually), sometimes EA if impacts limited	1–3 years
 Framework Adjustment	Adjustments to pre-authorized categories (catch limits, gear rules, season dates)	Permanent	Council	EA or CE, sometimes tiered to an existing EIS	6 months to 1 year
Annual Specifications/ Quota Packages	Set annual catch limits, ACLs, quotas, seasons	1 year (recurring)	Council	EA or CE, usually tiered to FMP EIS	Months

See Table 3, page 29

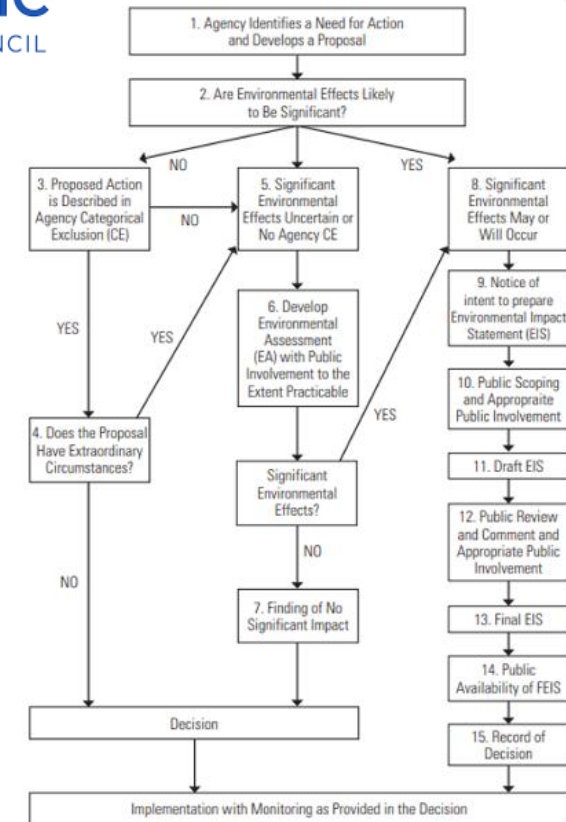
Rec. 1.1: Evaluate whether typical FMP adjustments in the Gulf could qualify for Categorical Exclusions (CEs)



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- NPFMC and PFMC use CEs extensively
- CEs for low-impact, administrative or routine actions
- Most still require rulemaking, but less analysis and clearance review requirements compared to EIS/EA
- CE memo is relatively brief, templates available
- NOAA has proposed an expanded list of CEs to include even more routine fishery management actions (e.g., setting ACLs, possession limits, catch limits, etc.)



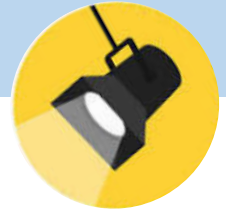
** Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns may necessitate preparation of a supplemental EIS following either the draft or final EIS, or the Record of Decision. 40 CFR 1502.9(d).*

See Figure 11, page 35

Findings: Streamlining Tools

Approach	Description/Outcomes
Programmatic Environmental Impact Statement (PEIS)	Provides a long-term foundation that future actions can tier from, broad range of alternatives and impacts of a program, typically 3-5 years to develop
★ Omnibus Amendments	Modifies several or all FMPs in a region, cross-cutting requirements, new policies or standards included. Can be an EIS/EA with detailed alternatives and analyses, or can be more administrative at first as CE, then more detailed actions follow
★ Ecosystem Component Species (ECS)	NS1 guidelines updated in 2009 - some species no longer require conservation and management (no ACLs or AMs) but still important for ecological reasons
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 NMFS to issue permit that would otherwise be prohibited to promote innovation and flexibility (Councils 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”, can reduce rulemaking timeline by several months if various steps are waived

Rec. 2.1: Evaluate whether certain species in the Gulf should be designated as Ecosystem Component Species (ECS)



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- WPFMC has used ECS approach extensively
- Council has 5 Fishery Ecosystem Plans; in 2019 reclassified many species as ECS under an Ecosystem Components Amendment
- NEPA vehicle: Programmatic EA
- Need: improve efficiency and prioritization to reduce management and stock assessment analysis needs
- Benefits: reduce analytical demands
- Timeline: About 3.5 years

- Amendment 12 to Dolphin Wahoo FMP added bullet and frigate mackerel as ECS
- Key forage for wahoo, landings very low.
- NEPA vehicle: Categorical Exclusion (CE)
- Need - acknowledge ecological role as forage
- Benefits - promote overall efficiency because no control rules or ACLs required, increased awareness, but no new data collection requirements in this case. Council can revisit if conditions change.
- Timeline - took a few years start to finish

Rec. 2.2: Assess whether an Omnibus Amendment could efficiently update all Gulf FMPs with provisions to enhance responsiveness



- Omnibus Management Flexibility Amendment (NEFMC)
- NEPA vehicle: Categorical Exclusion (CE)
- Need - increase flexibility/consistency, modify certain administrative measures for all FMPs
- Measures
 1. Specification frequency (up to 5 years)
 2. Add specifications setting process to 2 FMPs
 3. In-season adjustment authority to all FMPs
 4. Remove annual report requirements
 5. Expand list of items that can be considered via framework
- Timeline: Initiated in June 2025, final action in Sept.
- Note: measures that would not qualify as a CE were moved to considered and rejected section



New England
Fishery Management
Council

Northeast Multispecies, Atlantic Sea Scallop,
Monkfish, Atlantic Herring, Northeast Skate
Complex, Small-Mesh Multispecies, and Red Crab
Fishery Management Plans

Omnibus Management Flexibility Amendment

DRAFT

September 12, 2025

Prepared by the
New England Fishery Management Council
In consultation with the
National Marine Fisheries Service



Rec. 2.4: Explore ways the Council can play a more active role in the Exempted Fishing Permit (EFP) process



- EFPs allow certain activities to be exempt from existing regulations
- NMFS issues EFPs to promote innovation and flexibility (e.g., pilot new gear modifications and management strategies, or to support data collection)
- CFMC reviewed an EFP application in 2024 to allow limited harvest of red hind grouper from within a spawning closure:
 - to collect basic life history data to support stock assessment
 - evaluate effectiveness of existing seasonal/area closures
- Council serves as public comment opportunity, and can help promote projects that support fishery science and management needs of the Council
- Timeline – under 6 months

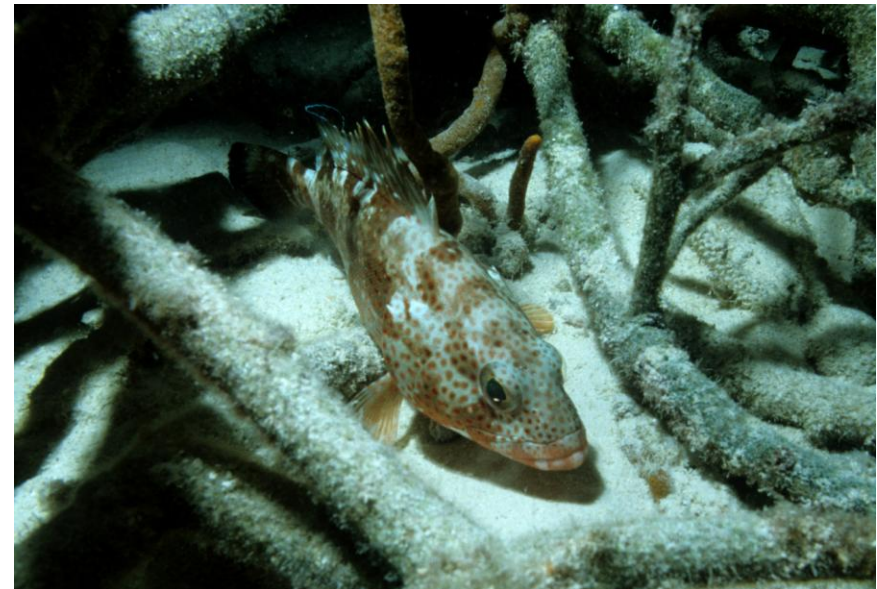



Photo: NOAA

Findings: Efficiency Measures

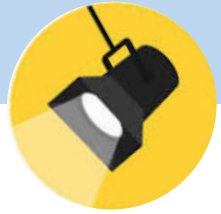
Approach	Description/Outcomes
Multi-year specifications	Set ACLs for multiple years, usually an EA or SIR
In-season measures	Immediate regulatory responses triggered in-season, can be automatic (if pre-determined triggers in regulation) or semi-automatic if Council review needed and some NMFS discretion
Multi-year Stock Determination Criteria (SDC) and Automatic Harvest Control Rules (HCRs)	SDCs are biological thresholds used to determine the status of a stock; if based on multi-year data can help stabilize catch and reduce # of adjustments improving overall efficiency. HCRs are the management response that adjusts catch limits based on SDC. HCRs can be automated to apply a predetermined policy without rulemaking, improving overall responsiveness
Automatic rollovers and default measures	Ability to carry forward (rollover from previous year) or implement pre-set specifications that automatically take effect as a backstop, no new rulemaking
Expanded list of frameworkable items	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

3Cs: Coordination between Councils and NMFS

Approach	Description/Outcomes
Council staff access to federal databases	Direct access allows Council staff to monitor key fishery metrics, conduct analyses as needed, and reduce dependency on NMFS staff.
Council-NMFS staff meetings	Regular (e.g., annual) meetings to broadly discuss coordination and strategy, allows for proactive strategizing.
 Regional Operating Agreements and Action Planning	Assign specific roles to Council and NMFS staff and develop protocols for meeting and coordination during analysis and document preparation. Streamlines process and allows for proactively addressing issues (e.g., legal concerns) early in the process.
Analytical template	Increases consistency and efficiency in document preparation while increasing readability.

See Table 6, page 50

Rec. 3.1: Update the Gulf Council's Regional Operating Agreement with NMFS to better serve as an action planning tool



- Updated ROA could:
 - Provide better specificity on staff leads/accountability
 - Develop detailed, iterative action planning process
- Outcomes: reduced bottlenecks, minimize unwelcome surprises both prior to and after Council action



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Action Planning Process

Updated 2024

The comprehensive action planning process starts at the beginning of the project and continues through the implementation of the final rule and involves all key staff throughout the process. Action planning is a **dynamic** and **iterative process**. This process is **flexible** and should be tailored to each specific project as appropriate. Each project has a unique scope and associated issues. The project tasking, roles and responsibilities will likely vary from project to project based on the specifics of your action and the expertise of your project team.

The action planning process involves --

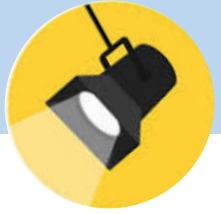
- identifying an Action Team -- **project lead** and **key staff** -- responsible for the project
- conducting a **kick-off meeting** to identify
 - **substantive issues** to analyze
 - any **legal** or **controversial issues** associated with the action
 - **milestones** and **deadlines**
- writing the **action plan** (typically this is a **living document** that may evolve as the project progresses)
- regular communication among the team to provide **ongoing feedback** into the action plan, analysis, and rulemaking

3Cs: Increasing Scientific Efficiency and Throughput

Approach	Description/Outcomes
Regional assessment planning/review bodies	Aligns assessment schedule with key priorities/needs and streamlines assessment and review processes to facilitate rapid consideration in management.
Decision tools to inform catch limit recommendations	Standardized approaches that streamline deliberations concerning risk/uncertainty levels.
Provision of data updates between assessments	Annual (in some cases automated) fishery-dependent and independent data updates for SSC and Council consideration enables rapid response if needed
Standardized approach of ecosystem considerations	Annual reports on ecosystem conditions enable quick response to/proactive incorporation of ecosystem-induced stock/fishery impacts
SSC subgroups/working groups	Distributes workload to leverage key expertise and focus on issues of key priority/concern to expedite the SSC's deliberation process.

See Table 7, page 54

Rec. 3.6: Expand use of SSC subgroups



- Can address issues of particular concern/urgency
- Leverage specific expertise of SSC members
- Maintain momentum between SSC meetings → efficiency
- Full SSC review/recommendations still required



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Example species

In 2025, the SSC bottomfish multispecies complex working group:

- Reviewed regional assessment framework
- Proposed next steps for future modeling approaches for assessments/ACL setting

3Cs: Engaging stakeholders/on-the-water perspectives

Approach	Description/Outcomes
★ Increasing AP interaction with Councils/committees	Enables more rapid communication of on-the-water changes for Councils to consider in decision-making.
Plan Development Teams	Public planning meetings increase transparency, enable public feedback to avoid unexpected need for course-correction later in regulatory process.
Collaborative research and citizen science	Address key research needs and alert managers to changing conditions; increase industry buy-in.
★ Standardized approaches to gather stakeholder input	Produced annually in standard format (e.g., Fishery Performance Reports); provide a snapshot of on the water conditions for Council/SSC consideration.

See Table 8, page 57

Rec. 3.5: Develop Fishery Performance Reports (APs)



- Source of perspectives on species availability/size, fishing effort, market conditions, environmental variables, etc.
- Can fill gaps between assessments, serve as early indicator of changing conditions
- Standardized format facilitates consideration by SSC/Council
- Could initially develop for priority species

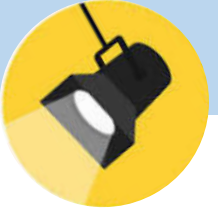


Advisory Panel (AP) Fishery Performance Report

- Market conditions in 2024 like recent years
- 2024 not as good as the five years before 2022, but freezer boats still caught *Illex*
- Diesel prices still elevated vs 2015-2020
- Other squid fisheries dwarf *Illex*
- Cold bottom temperatures (42F in July) affected 2024 squid distribution and fishing
- Recent years = typical variability

Source: MAFMC. August 2025 Meeting.

Rec. 3.7: Expand AP interaction with Council/SSC



Anticipated impact: ensure that Council/SSC can best consider on-the-water information

Approaches to consider:

- a) Concurrent/co-located AP/Council meetings
- b) Designated SSC leads for particular species/APs

2023: Assessment found quillback rockfish overfished → nearshore fishery closure expected

Sep 2023 PFMC meeting:

- Groundfish Advisory Subpanel worked with Groundfish Management Team → allow for fishery using EFP-tested gear type

On-the-horizon topics to track

- Numerous IRA-funded projects to promote climate resilience, responsive management (NEFMC, MAFMC, SAFMC, PFMC, NPFMC)
- Evolving NOAA NEPA guidance (proposed CE expansion)
- SAFMC:
 - “Lines of Communication”
 - Decision tools (allocation, regulatory pathway)
- SERO internal review to improve efficiency of IPT, data flow, plan amendment/NEPA process
- EO 14276: Restoring American Seafood Competitiveness
 - Comment period closed October 14, 2025



Photo credit: NOAA

Next steps

- Incorporate feedback from Council and staff
- Finalize report in December
- Report will feed into Phase II of Gulf Council Regulatory Streamlining Process (*Separate project to operationalize findings*)

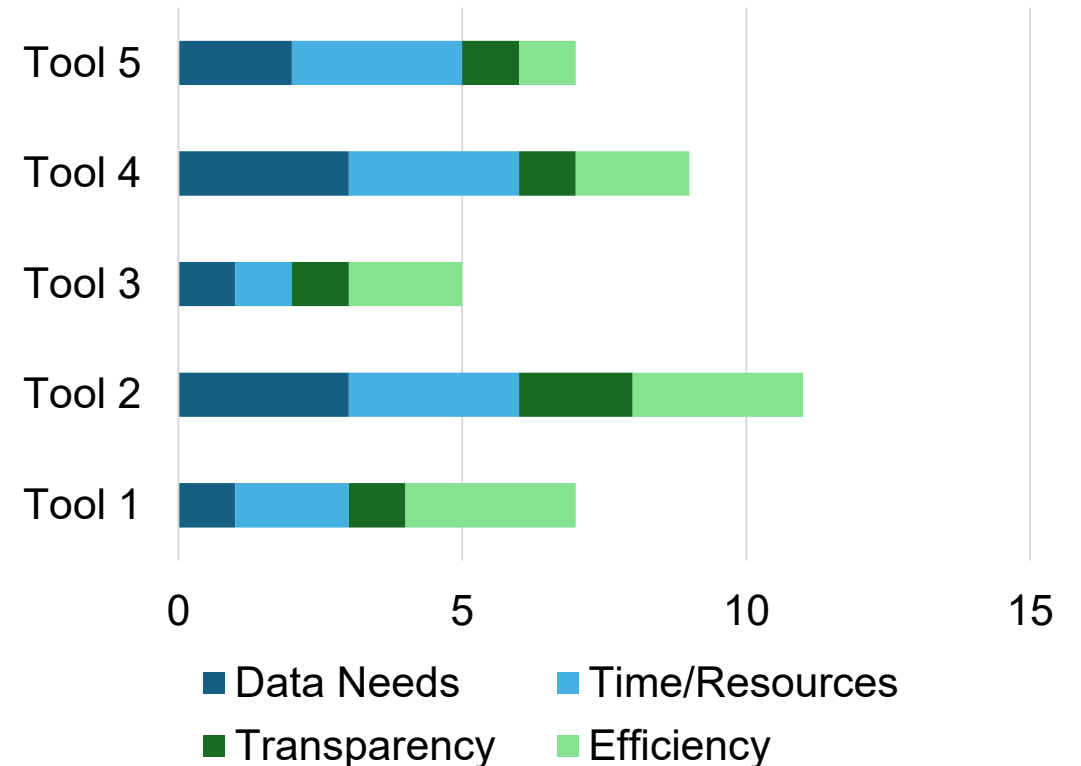


Photo credit: NOAA

Proposed approach for prioritization

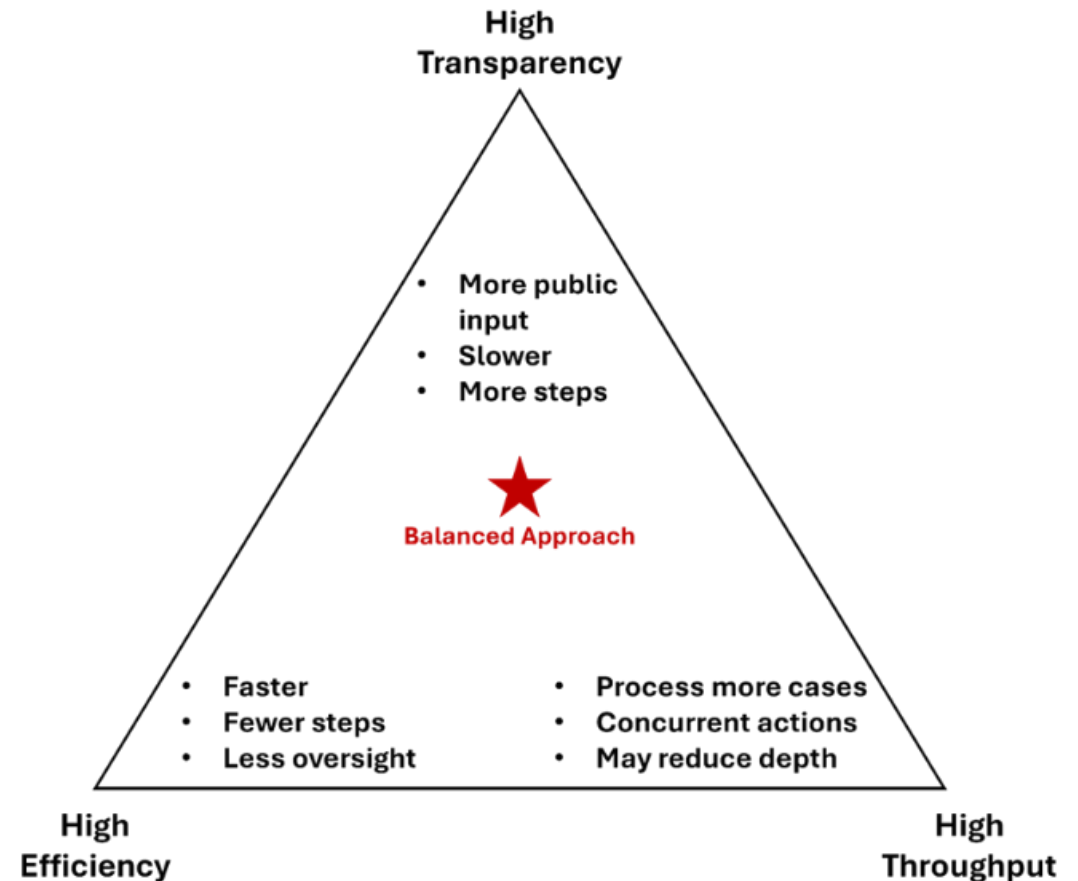
Four potential qualitative metrics to help rank candidate approaches

- 1) Data needs
- 2) Time and resources
- 3) Transparency and communication
- 4) Efficiency and responsiveness



Questions for the Committee/Council to Consider

- Any suggestions for the final report?
- Are there approaches/recommendations that are particularly applicable that the Gulf Council should consider for Phase II?
- Any approaches or strategies you have potential concerns with?
- Are there examples of other approaches you are aware of that are not described in the report?



Questions and Discussion