

DRAFT

REGIONAL 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 Section



August 25, 2016

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

ACRONYMS AND ABBREVIATIONS

AM	Accountability Measure
ACCSP	Atlantic Coastal Cooperative Statistics Program
ACL	Annual Catch Limit
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
EA	Environmental Assessment
EPA	Environmental Protection Agency
F/HC	NMFS Office of Habitat Conservation
F/PR	NMFS Office of Protected Resources
F/SF	NMFS Office of Sustainable Fisheries
FY	Fiscal Year
DEIS	Draft Environmental Impact Statement
DQA	Data Quality Act
EFH	Essential Fish Habitat
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FLS	Fisheries Logbook System
FMP	Fishery Management Plan
GCF	General Counsel for Fisheries
GCSE	General Counsel, Southeast Section
HC	SERO Habitat Conservation Division
IPT	Interdisciplinary Plan Team (defined in the Operational Guidelines as the Fishery Management Action Team, or FMAT)
MARMAP	Marine Resources Monitoring, Assessment, and Prediction
MRIP	Marine Recreational Information Program
MRFSS	Marine Recreational Fisheries Statistics Survey
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
OMB	Office of Management and Budget
PR	SERO Protected Resources Division
RA	Regional Administrator
RFA	Regulatory Flexibility Act
RID	Regulatory Information Data
RIN	Regulation Identifier Number
SEAMAP	Southeast Area Monitoring and Assessment Program
SEDAR	Southeast Data, Assessment, and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SF	SERO Sustainable Fisheries Division
TIP	Trip Interview Program

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Regional Operating Agreement (ROA)

STATEMENT OF PURPOSE

The purpose of this Regional Operating Agreement (ROA) is to confirm the mutual interests of the South Atlantic Fishery Management Council (Council), Southeast Regional Office (SERO), Southeast Fisheries Science Center (SEFSC), and General Counsel Southeast Section (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 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

NOAA 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 (Councils) on September 30, 2015. The Operational Guidelines (OGs) 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 overarching goals of the Operational Guidelines are to promote and continually improve the quality of fishery management decisions and documentation; and promote a timely, effective, and transparent public process for development and implementation of fishery management measures pursuant to the MSA.

Key objectives for achieving these goals include:

- Simplify and speed the flow of work: Promote efforts to streamline compliance with regulatory requirements, including working to ensure that relevant information and comment is provided early in the process and that unnecessary delays are eliminated.
- Increase transparency: Promote transparency and effectiveness of the decision making process by clearly explaining the Council and regulatory process, promoting the public's accessibility to the process, fostering effective and constructive public input, and providing mechanisms for people to track the progress of different actions.
- Achieve appropriate standardization: Apply standardized practices where appropriate, while still recognizing regional variability, including continuing to seek ways to standardize compliance with other applicable laws (e.g., Endangered Species Act (ESA), NEPA, Marine Mammal Protection Act).

For Council-managed fisheries, the following principles will guide all actions taken to develop, review, and implement fishery management plans (FMPs), amendments and regulations.

- **NMFS and the Councils are Partners.** NMFS and the Councils are partners and should cooperate in (1) working towards the common goal of managing fishery resources consistent with the MSA; and (2) continuing efforts to rebuild fish stocks, achieve sustainable fisheries, promote safe seafood production and recreational opportunities, and maintain vibrant fishing communities.
- **Roles and Responsibilities.** To enhance transparency, NMFS and the Councils should describe specific roles and responsibilities through operating agreements (i.e. both formal and informal). Each Council/Region pair may develop its own system for working cooperatively to achieve the fishery management mission, and there may be variation in how tasks are assigned and completed for each pair.
- **Frontloading.** To the extent possible, all Council and NMFS staff, and other NOAA offices as appropriate, with responsibility for reviewing fishery management actions should participate in the development of those actions to ensure their concerns are raised early enough in the process to inform the Councils' decisions. This will allow issues to be addressed in a way that does not unduly delay or halt the review and approval process.
- **Fishery Management Decisions Must be Supported by the Record.** All fishery management decisions must be supported by a record that provides for the basis of a decision under the existing legal requirements and by analyses that comply with applicable law. The respective decisions of the Councils and NMFS are sufficiently interrelated that they should be supported by the same record. Thus, collaborative efforts should be undertaken by Council and NMFS staff to cooperate in the development of the documentation that supports decisions.
- **Coordination between NMFS Regions and Headquarters (HQ).** Regions should ensure that NMFS HQ offices have the opportunity to consider and provide input to fishery management decisions at the earliest stages of development. Councils, as partners, should be aware of this step in planning timelines. NMFS HQ will track decisions as they progress and will be expected early in the process to advise of any national policy concerns.
- **Clear and Concise Information and Analytical Products.** Documents to support decisions must be based on the best scientific information available. Further, documents should be clearly written and as easily understandable as possible for decision makers, stakeholders, and the public. Clear, concise writing will facilitate good decision making, informed and meaningful public participation, development of a clear and complete record, and development of enforceable regulations.
- **Promoting Meaningful Public Participation.** NMFS and the Councils should promote early and active involvement from stakeholders and the public by using effective

communication tools to highlight opportunities for participation in the process and providing information and materials to support informed and meaningful participation.

NMFS and the Councils will work cooperatively to comply with these principles.

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 (HQ), NOAA General Counsel, and the NOAA NEPA Coordinator. However, the Operational Guidelines require NMFS Regional Offices and the Councils delineate in ROAs region-specific agency and Council roles, responsibilities, and obligations related to developing fishery management decision documents using a frontloading approach. The relationship between NMFS HQ and Regional Offices is to be addressed separately through a Communication Protocol.

Generally, the purpose of ROAs 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, NOAA Office of Law Enforcement, and General Counsel, to the extent possible.

This Operating Agreement describes processes, products, roles, and responsibilities designed to maximize frontloading during each of the five main rulemaking phases described in the Operational Guidelines: I) Planning and scoping; II) Document developmentdevelopment; III) Public review and Council action to recommend a measure; IV) Post council action to recommend a measure (preparation for transmittal and secretarial review and implementation); and V) Ongoing management.

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 decision making. The ROA 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, the ROA is considered a “living document,” which will change over time in response to lessons learned, and to changing management needs and conditions.

STATEMENT OF RESPONSIBILITIES PHASE I: PLANNING AND SCOPING

ANNUAL WORKLOAD

(a) Process

The Council, NMFS SERO, and SEFSC will identify and prioritize fishery management needs and actions for each fiscal year (FY) using a collaborative planning process. This process will take the form of operational meetings/conferences/webinars to occur as needed throughout each FY following Council meetings or other pertinent events (i.e. stock assessments). Meeting logistics will be determined based on necessary/required management actions and budgetary constraints. FY stock assessment schedule and priorities will be defined by the SEDAR Steering Committee.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Council “Follow-Up” Document & Council Priorities	Summarize and prioritize the calendar year (CY) workload agreed upon; provide sufficient flexibility to accommodate unanticipated needs/issues that are likely to arise throughout the year.	Council Staff	Council Members SERO SEFSC GCSE
Council “Follow-Up” Document	Track key components of the fishery management plan (FMP), Amendment and other actions (e.g., status of current actions, schedule of pending actions) throughout the CY.	Council Staff	SERO SEFSC GCSE

(c) Roles/Responsibilities

Council Staff and Members

- Organize, staff, and participate in operational meetings depending on required management actions
- Assume lead in drafting and revising Council Follow-Up Document and Council Priorities after each Council meeting

SERO

- Organize, staff, and participate in operational meetings depending on required management actions
- Review and comment on Council Follow-Up Document after each Council meeting

SEFSC

- Participate in operational meetings
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee
- Review and comment on Council Follow-Up Document after each Council meeting

GCSE

- Participate in operational meetings
- Review and comment on Council Follow-Up Document after each Council meeting

SCOPING FISHERY MANAGEMENT ACTIONS

(a) Process

The Council, NMFS SERO, SEFSC, and NOAA GCSE will collaborate through Interdisciplinary Teams (IPTs) in planning and defining the scope of individual fishery management actions. An IPT will consist of Council Staff, SERO, SEFSC, GCSE, NEPA, and Office of Law Enforcement staff to write biology, ecology/habitat, economics, and socio-cultural sections, as well as any applicable *Federal Register* notices (Attachment 1).

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Follow-Up Document	Describe regulatory proposals/actions, outline staff support, and communicate expectations related to role of IPT members (IPT Protocol; Attachment 1).	Council Staff	SERO SEFSC GCSE
Purpose and need	Describe why an action is needed and what part of the MSA supports taking the action. At this stage, this is	Council Members with the assistance of	IPT

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
	not a stand-alone document, but rather the Council discussion or motion requesting an action, supported by the minutes of the Council meeting.	Council Staff	
IPT Memo	Describe issues requiring action, request staff support, and communicate expectations related to role of IPT members (IPT Protocol in Attachment 1). One general email and one memo to the SEFSC.	SERO	Council Staff SEFSC
Notice of Intent/Scoping Meetings	<i>Federal Register</i> notices that meet applicable NEPA, MSA, and Office of Federal Register requirements. Request regulation identification number.	SERO	GCSE Council Staff
Other Scoping Meeting Notices	<i>Federal Register</i> notices that meet applicable NEPA and MSA.	Council Staff	Council Staff
Scoping Document	Preliminary draft document describing problems/objectives, proposed action/initial alternatives, and key issues/concerns; intended to provide background information for scoping meetings.	Council Staff	Council Members/ Staff SERO SEFSC IPT
Scoping Summary Report (if applicable)	Report summarizing comments and alternatives.	Council Staff	IPT SERO SEFSC

(c) Roles/Responsibilities

Council Staff

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Draft *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

Council Members

- Identify purpose and need for management proposals/actions and preliminary range(s) of alternatives
- Establish priority and timeline for the new action to help the IPT
- Review IPT products/deliverables

SERO

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Draft *Federal Register* notices to meet NEPA requirements (if applicable)
- Review Scoping Summary report (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
- Review *Federal Register* notices (if applicable)
- Review Scoping Summary report (if applicable)
- Review IPT products/deliverables

IPT

- Review IPT protocol outlined in Attachment 1
- Advise Council and SERO on: purpose and need statement (problems/objectives); type of NEPA analysis (e.g., Categorical Exclusion, Environmental Assessment, Environmental Impact Statement [EIS]); initial range of alternatives; identify documentation/analyses required by other applicable laws
- Propose implementation schedule/timeline that takes into account all relevant timing requirements (e.g., NEPA, Administrative Procedure Act [APA], ESA)
- Propose data, analytical, and writing assignments
- Identify key reviewers of draft and final documentation within Council, SERO, SEFSC, GCSE, and NMFS HQ
- Draft Scoping and Options Papers (if applicable)
- Review scoping comments (if applicable)

PHASE II: DOCUMENT DEVELOPMENT

DATA & ANALYSES

(a) Process

The Council, NMFS SERO, SEFSC, and NOAA GCSE will collaborate through IPTs in identifying, synthesizing, reviewing, and analyzing data needed to support fishery management actions.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER/ANALYST	CONTRIBUTORS/ REVIEWERS
Data Plan (optional)	Plan outlining data/analytical needs, years of data to be analyzed, deliverables, and review schedule.	IPT	Council Staff SERO
Data and Analytical Request to SEFSC	Via email or memo as per the SEFSC Tasking Protocol, describe data and analyses, or analytical support, needed from SEFSC; specify schedule. Should result in the actual data set(s) to be used in drafting the amendment document.	SERO/Council Staff	IPT
Statistical Analyses	Statistical analyses necessary to evaluate proposed management action.	TBD by need according to capabilities of SERO/Council Staff/SEFSC	IPT

(c) Roles/Responsibilities

Council Staff

- Draft/Review data request memos to SEFSC (if applicable)
- 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
- Work with SEFSC to link permits data to logbook data
- Relative to the Information Quality Act (IQA) principles, assume responsibility for quality of permit and other data (e.g. law enforcement) provided by SERO to the IPT.
- Draft memo(s) requesting additional data and statistical analyses from SEFSC (if applicable)
- Ensure data used by IPT meet IQA requirements
- Provide IPT with statistical analyses (as needed)

SEFSC

- Relative to the IQA principles, assume responsibility for quality of data (Accumulated Landings System, Fisheries Logbook System, Trip Interview Program, Southeast Area Monitoring and Assessment Program (SEAMAP), Fisheries Information Network, Marine Recreational Fisheries Statistics Survey(MRFSS)/Marine Recreational Information Program (MRIP), etc.) provided by SEFSC to the IPT
- Coordinate access by the IPT to data sources external to the SEFSC (commercial landings managed by ACCSP, effort data maintained by states, original versions of MRFSS/MRIP, SEAMAP, Marine Resources Monitoring and Prediction Program, etc.)
- 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
- Provide IPT with statistical analyses (as needed)

GCSE

- Provide input on years to be included for data analyses.

IPT

- Identify data and analytical needs (Data Plan)
- Conduct statistical analyses

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 public hearing draft and DEIS (if applicable).

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Options Paper (optional)	Preliminary draft document describing 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	Council Staff SERO SEFSC GCSE
Draft FMP/ Amendment and Analyses	Public hearing draft with required analyses (e.g., NEPA, MSA, RFA, Executive Order (EO) 12866, etc.).	IPT	Council Staff SERO SEFSC GCSE IPT
Preliminary ESA Consultation Documentation (optional)	Review and comment on ESA issues as outlined in the ESA/MSA Integration Agreement (Attachment 3).	SERO	SERO SEFSC Council Staff Council
Preliminary Essential Fish Habitat (EFH) Consultation Documentation (optional)	Memo from SF ARA to HC ARA requesting EFH consultation.	SERO	
	EFH Consultation Assessment memo from the Habitat Conservation Division ARA to the SF ARA, which summarizes preliminary conclusions about the effects of the proposed action/alternatives on EFH based on available data/analyses, and probable conservation recommendations (if appropriate).	SERO	SERO SEFSC GCSE

a. Roles/Responsibilities

Council Staff

- Coordinate and review work of IPT
- Ensure draft documentation reflects Council discussion/administrative record
- Convene the appropriate Advisory Panel and Scientific and Statistical Committee for review and recommendations
- Ensure review by Council staff in key responsibilities
- Review and comment on ESA issues as outlined in the ESA/MSA Integration Agreement (Attachment 3).
- Advise Council of IPT issues prior to selection of preferred alternative

Council Members

- Review IPT products/deliverables
- Review and add/modify/remove alternatives
- Review and discuss any outstanding issues raised by IPT
- Review and comment on ESA issues as outlined in the ESA/MSA Integration Agreement (Attachment 3).
- Identify and provide rationale for preferred alternative(s), if any, based on draft documentation/analyses

SERO

- Draft initial ESA and EFH consultation memos
- Assume lead in drafting Biological Assessment
- Coordinate with the Council and staff on ESA issues as outlined in the ESA/MSA Integration Agreement (Attachment 3).
- 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) 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 2

SEFSC

- Ensure draft documentation/analyses and any preliminary ESA and EFH consultation memos are consistent with best scientific information available
- Ensure review by SEFSC staff representing all appropriate disciplines
- Ensure draft documentation/analyses and any preliminary ESA/EFH consultation information is based on best scientific information available
- Advise Council of any scientific/technical issues prior to the selection of a 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

- Draft, review, and revise supporting documentation/analyses

PROCESS REQUIREMENTS

(a) Process

The Council and NMFS SERO will collaborate in ensuring compliance with the process requirements of the MSA, NEPA, APA, and other applicable laws (quality control standards; Attachment 2).

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Notice of Public Hearings (if applicable)	<i>Federal Register</i> notice that meets applicable MSA requirements.	Council Staff	
Council Outreach: Newsletters, Facebook, Website & Email Notifications	Council newsletters & other notifications advising public of the availability of draft documentation and public hearing logistics (if applicable).	Council Staff	
DEIS filing/ transmittal package (if applicable)	Letters/memos requesting EPA notice the availability of the DEIS and soliciting comments on the draft documentation.	SERO	GCSE
Regulatory Information Form (RID) Form (if applicable)	Form required to acquire a Regulation Identifier Number for a proposed rule.	SERO	GCSE
DEIS filing/ transmittal package	Letters/memos requesting	SERO	GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
(if applicable)	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.		
E.O. 12866 Listing Document (if applicable)	Document requesting Office of Management and Budget concurrence on significance determination; must be transmitted no more than six months before Council submits 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
Final ESA Consultation (if applicable)	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 outreach efforts
- Conduct public hearings and summarize/distribute public comments to the IPT and Council

Council Members

- Conduct public hearings (if applicable)
- Review and consider public hearing comments and respond to the comments as appropriate

SERO

- Prepare and transmit DEIS filing/transmittal package
- Review Public Hearing Summary Report (if applicable)

- Collect and distribute to the IPT 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)

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 needed to support fishery management action. 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 Fishery Management Actions and Analyses	Preliminary Final fishery management actions with required analyses (e.g., NEPA, MSA, RFA, E.O. 12866, etc.).	IPT	Council Staff SERO SEFSC GCSE IPT
ESA Consultation Documentation	Final Biological Assessment.	SERO	Council Staff SERO SEFSC IPT
EFH Consultation Documentation (optional)	Memo from the HC ARA to the SF ARA confirming preliminary assessment and response to Council action on EFH conservation recommendations (if appropriate).	SERO	SERO SEFSC GCSE
Request SEFSC Review for Best Scientific Information Available (BSIA) and Respond to Comments	Develop memo to request BSIA review of the data and analyses in the document. Address comments.	SERO	SERO GCSE IPT (if need to address comments)

(c) Roles/Responsibilities

Council Staff

- Coordinate and review work of IPT
- Ensure complete document review by Council staff in key responsibilities

- Ensure “final” documentation reflects Council discussion/administrative record, and addresses/responds to review comments and public comments

SERO

- Coordinate and review work of IPT
- Ensure complete document review by SERO, SEFSC, and GCSE staff in key responsibilities, and by HQ staff (F/SF, F/PR, F/HC) as needed/appropriate
- Ensure “final” documentation/analyses are consistent with legal mandates/administrative record, using the quality control standards provided in Attachment 2, 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 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 scientific information available
- Provide comments in a memo format

GCSE

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

IPT

- Revise and finalize fishery management actions and supporting documentation/analyses, following the IPT protocol outlined in Attachment 1
- 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 supporting analyses before voting to submit fishery management actions for Secretarial review and agency action.

The Council will authorize the Chairman to deem that the final document and the proposed rule are necessary and appropriate for the actions being taken. SERO will initiate Secretarial review of the Council's actions, and will review supporting documentation and analyses for consistency with applicable law.

(b) Products/Deliverables

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

(c) Roles/Responsibilities

Council Staff

Advise Council of outstanding/unresolved IPT issues prior to final action

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 based on final documentation/analyses and taking into account any outstanding IPT concerns
- Give the Chairman authority to deem that the final document and the proposed rule are necessary and appropriate to implement the fishery management actions

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
- Review Council proposals/actions

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

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Final Fishery Management Actions & Analyses Submitted to NMFS	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
Issues Advisories	Memos advising HQ of pending proposals/actions	SERO	GCSE
Coastal Zone Management Act (CZMA)	Letters requesting state coastal zone management agencies review proposed actions for consistency with coastal zone management plans	SERO	GCSE, as applicable
Vessel Safety Request	Letter requesting U.S. Coast Guard (USCG) review proposed actions with respect to vessel safety and enforcement	SERO	GCSE, as applicable
SEFSC Certification	Letter requesting SEFSC certification	SERO	

(c) Roles/Responsibilities

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 Coastal Zone Management (CZM) consistency review request to state CZM agencies

- Prepare and transmit vessel safety and enforcement review request to U.S. Coast Guard
- Request SEFSC certification of FMP/Amendment

SEFSC

- Draft certification memo(s) (as needed, appropriate)

GCSE

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

IPT

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

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

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Issues Advisories	Memo advising HQ of pending proposed and final rules	SERO	GCSE
Notice of Availability	Notice indicating amendment available for review	SERO	GCSE
Proposed Rule (if applicable)	Rule proposing Council action(s)	SERO	Council Staff GCSE
Final Rule (if applicable)	Rule implementing Council action(s)	SERO	GCSE
Secretarial Review and Decision Packages	Regulatory packages required to publish NOA, proposed rule, and final rule, and complete the Secretarial review processes (e.g., decision/info/transmittal memos, attorney work products, IQA memo, ESA and EFH consultation memos, SEFSC certification memo(s), CZMA letters, 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

- Declare transmittal date (intent is for this to be as close as possible to the date the Council sends the document for review/implementation)
- Draft package to approve, disapprove or partially approve an amendment (if applicable)
- 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
- 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
Commercial Quota Monitoring Reports	Reported commercial landings for managed species submitted weekly.	SEFSC	SERO
Recreational Quota Monitoring Reports	Reported recreational landings for managed species submitted by wave.	SEFSC	SERO
Landings Reports to the Council	Reports on landings of managed fisheries.	SERO	Council
In-season Notices	<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 headboat reports and submit to SERO (add charter boat reports once they become mandatory)
- Collect recreational landings data from Marine Recreational Information Program and states and submit by wave to SERO

SERO

- Update annual catch limit (ACL) tables on website each Monday for the commercial sector
- Update ACL tables for the recreational sector when data become available
- 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. This Operating Agreement will remain effective unless and until it is terminated by two or more parties, or it is superseded by another agreement. This Operating Agreement may be amended at any time upon written agreement between all parties. A party may terminate this Operating Agreement by providing 90 days written notice to the remaining 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 the fishery management process.

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 Section:

Southeast Section Chief

Date

ATTACHMENT 1**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 2 – References/Guidance

Note: Derived/adapted from the Operational Guidelines

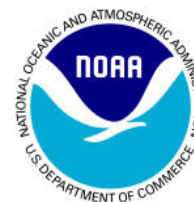
DOCUMENT/LEGAL REQUIREMENT	TITLE OF REFERENCE DESCRIBING STANDARDS	REFERENCE DATE/ CITATION
Coastal Zone Management Act (CZMA)	Implementing Regulations	15 CFR part 930
Information Quality Act (IQA)	NMFS Policy on the Data Quality Act	06/27/2012
	NOAA's Information Quality Guidelines	10/30/2014
Endangered Species Act (ESA)	ESA Consultation Handbook	
	Implementing Regulations	50 CFR 402.01 et seq.
Executive Order (E.O.) 12866, Regulatory Impact Review (RIR)	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; http://www.nmfs.noaa.gov/op/pds/documents/30/102/30-102-01.pdf
Federal Register Act (FRA)	OFR Document Drafting Handbook	
	Preparation of FR Documents	2013
Magnuson-Stevens Fishery Conservation & Management Act (MSA)	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	
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	03/16/1981 https://ceq.doe.gov/nepa/regs/40/40p3.htm
	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)

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

ESA/MSA INTEGRATION AGREEMENT

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
NATIONAL MARINE FISHERIES SERVICE SOUTHEAST
REGIONAL OFFICE

March 11, 2016



Introduction

In January 2015, the National Marine Fisheries Service (NMFS) released Policy Directive 01-117 titled Integration of Endangered Species Act Section 7 with Magnuson-Stevens Act Processes. This directive implemented recommendations from the Endangered Species Act (ESA) Working Group, which was convened by the Marine Fisheries Advisory Committee (MAFAC) and the Council Coordination Committee (CCC) to make recommendations on how to improve the involvement of regional fishery management councils in the ESA section 7 consultation process. The policy directive applies to ESA section 7 consultations that are conducted on fishery management activities that: (1) are governed by fishery management plans (FMPs) developed by the Council pursuant to the Magnuson –Stevens Fishery Conservation and Management Act (MSA); and (2) may affect endangered or threatened species or designated critical habitat under NMFS’s jurisdiction. The directive also provides guidance on the development of an ESA/MSA Integration Agreement between a fishery management council and a NMFS regional office.

This ESA/MSA Integration Agreement (Agreement) is between the NMFS Southeast Regional Office (SERO) and the South Atlantic Fishery Management Council (Council). The Agreement outlines procedures for Council involvement in the ESA section 7 formal consultation process, the role of SERO Protected Resources Division staff in the interdisciplinary planning team (IPT) process, and expectations of the SERO Protected Resources Division staff in communicating and informing the Council during Protected Resources Committee meetings.

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Council Involvement in Formal Consultations

A. Agreement of the procedure

As soon as a need for a formal consultation is (re)initiated, the SERO Sustainable Fisheries Division (SFD) will notify the Council by the next Council meeting. The Council will be notified whether the need to (re)initiate is due to a potential Council action (i.e., selection of a preferred alternative in an amendment to a fishery management plan (FMP)) or due to external factors, including but not limited to, changes in species listing or critical habitat, new scientific information on a listed species or interactions with the fishery, or exceedance of the incidental take statement. At the meeting in which the Council is notified that formal consultation needs to be (re)initiated, the Council will discuss, either during the Protected Resources Committee, the appropriate FMP Committee, and/or the full Council session, with input from SERO and NOAA General Counsel, the level of involvement (I, II, or III described below) requested for the consultation. Once consultation has been initiated, SERO Protected Resources Division (PRD) and SFD, and the Council will tentatively agree on work products to be developed (i.e. draft reasonable and prudent alternatives/reasonable and prudent measures (RPAs/RPMs) and draft biological opinion) and a timeline for delivery of those work products. It is acknowledged that timing may need to be adjusted during the process, and that SERO PRD will notify the Council as soon as possible when there are any changes to the timeline.

1) Involvement I

- The Council receives status updates on the consultation at each Council meeting during Protected Resources Committee or during Full Council session (status quo).
- Delays in completion of the Biological Opinion are not expected to result from PRDs preparation and delivery of these updates. These updates will be used to assess consultation progress and to make adjustments to relevant tentative timeline agreements as necessary.

2) Involvement II

- The Council receives status updates on the consultation at each Council meeting during Protected Resources Committee or during Full Council session (same as Involvement I).
- SERO PR may request information from the Council on fishing practices, landings, and other information about the fishery, which will utilize the knowledge and expertise of Council members and may result in delays of the Biological Opinion depending on the level of analysis requested. In certain situations the Council may wish to provide specific information to NMFS.
- Agreement on expected timeline and delivery of draft RPAs/RPMs.
- The Council will review draft RPAs/RPMs and provide input.
- Review of RPAs/RPMs by the Council could delay the delivery of the Biological Opinion by at least three months (time between the Council meetings).

3) Involvement III

- The Council receives status updates on the consultation at each Council meeting during Protected Resources Committee or during Full Council session (same as Involvement I).
- SERO PRD may request information from the Council for effects analysis which may result in delays of the Biological Opinion depending on the level of analysis requested (same as Involvement II).

- Agreement on expected timeline and delivery of draft RPAs/RPMs (same as Involvement II).
- The Council will review draft RPAs/RPMs and provide input (same as Involvement II).
- Review of RPAs/RPMs could delay the delivery of the Biological Opinion by up to three months (time between the Council meetings).
- Agreement on expected timeline and delivery of a draft biological opinion.
- The Council and Scientific and Statistical Committee (SSC) will review a draft biological opinion and provide input. The SSC meets twice per year (although the SSC can meet through webinar outside of their regular schedule) to review science related to management issues. The SSC review could result in a significant additional delay of the biological opinion due to the SSC meeting schedules. Additional delays may also occur because of the time needed for: (1) the Council and SSC to review the biological opinion and provide recommendations, (2) SERO to respond to any recommendations, and/or (3) revision to the analyses in the biological opinion.

B. Council Involvement During Consultation

1) Status updates [All levels]

The Council receives status updates on the consultation at each Council meeting during Protected Resources Committee or during Full Council session. The updates should include but are not limited to: current progress of analysis and biological opinion; expected timeline; and possible issues that will need to be addressed.

2) Information from the Council for Effects Analysis [Levels II and III]

Following initiation of a consultation, and while SERO SFD is compiling data and information for use in the analysis, SERO may request information from the Council about fishing practices, landings, and other information about the fishery, which will utilize the knowledge and expertise of Council members. SERO can present the request to the Council prior to an upcoming Protected Resources Committee, appropriate FMP Committee, or Full Council Session, or contact staff outside of a Council meeting. Sufficient time is necessary for Council members and Council staff to review the request and gather the information to be provided. Additional information may be provided by Council members and Council staff to SERO PRD following the Council meeting.

3) Council Review of Draft RPAs/RPMs [Levels II and III]

The Council and SERO will agree on a timeline for delivery of the draft RPAs/RPMs for Council review. When available, SERO PRD will present draft RPAs or RPMs under consideration during Protected Resources Committee, appropriate FMP Committee, and/or Full Council session and allow input from Council members. The draft RPAs/RPMs should be provided for the Council meeting briefing book to allow time for Council members to review and prepare for the meeting. The briefing book deadline is generally three weeks prior to the Council meeting. If draft RPAs/RPMs undergo multiple revisions, the draft RPAs/RPMs can be presented at subsequent Council meetings.

The Council or Council staff may also request that Council staff be provided draft RPAs/RPMs for internal review outside of Council meetings. Any draft RPAs/RPMs so

provided to Council staff will then be provided to the Council at the next Council meeting.

4) Council/SSC Review of Draft Biological Opinion [Level III]

The Council and SERO will agree on a tentative timeline for delivery of the draft biological opinion for SSC and Council review. The agreed upon timeline should ensure the document and any supporting materials are provided at least two weeks prior to an SSC or Council meeting to enable adequate time for review. When available and cleared by NOAA GC, SERO PRD will provide a draft biological opinion for review by the Council and/or the SSC. The Council may convene a special meeting of the SSC (in-person or webinar) to review the draft biological opinion, or the SSC may review the draft biological opinion at a regularly scheduled SSC meeting. At the subsequent Council meeting following SSC review, the Council will review the SSC recommendations and also provide comments and input to SERO PRD. In addition to discussion at the Council meeting, the Council recommendations will be provided to SERO PRD in a report drafted during the meeting. SERO will provide responses to all Council recommendations in a memorandum to the Council. The memorandum will be provided at the subsequent Council meeting; however, if workload precludes the development of the memorandum, SERO will respond orally to the Council recommendations at the meeting.

Role of Protected Resources Division Staff on the IPT

A. SERO PR Staff Involvement in IPTs

Currently, SERO PRD staff are included on IPTs that are assembled for each FMP amendment. Direct involvement of PRD staff in IPT calls and writing responsibilities for amendments depends on the level of potential effects of the Council actions on protected species. For some Council actions, PRD staff involvement will be minimal. When Council FMP amendment alternatives and decisions could affect protected species, PRD staff will continue to be actively involved with the IPT, including but not limited to:

- Provide input on the potential impact of FMP amendment alternatives on protected resources in early stages of development¹ of the alternatives, specifically if an alternative will trigger a formal consultation and projected delay in timing due to formal consultation;
- Evaluate likely timeframe needed to complete the biological effects for the protected resources section of an FMP amendment.
- The PRD staff on the IPT should be prepared to comment on the potential FMP amendment alternatives in relation to their effects on listed species under the ESA² when alternatives are reviewed by the IPT. If an alternative is likely to cause substantial adverse effects, the IPT will notify the Council at the subsequent meeting. The Council will determine if work should continue on that alternative.

¹ “Early stage” will depend on the expected timeline and prioritization of the amendment for the Council, but in general the early stage would mean the first and second IPT meetings after the Council has directed staff to start work on amendment.

² This does not constitute a formal decision but used to provide guidance to the IPT and Council.

- PRD staff may be assigned to analysis and writing assignments for an FMP amendment document. The IPT leads will provide expected timelines and deadlines for writing assignments. In most cases, analysis and writing assignments are due within three to four months of an IPT conference call. If PRD staff assigned to an analysis and writing assignment cannot meet a deadline, the IPT leads must be notified as soon as possible. If PRD staff are unable to complete analysis and writing assignments, other IPT members will be assigned to complete the sections in order to meet timeline expectations for an FMP amendment.
- PRD staff may provide input on ways that effects on protected species could be minimized.

Protected Resources Division Staff Involvement at Committee/Council meetings

A. Continue Existing Agreement to Update Council on PR-related Issues at each Council Meeting

Currently, SERO PRD staff provides a briefing book document for each Council meeting with the status of all ESA and MMPA-related actions that may affect South Atlantic fisheries management and/or require action by the Council. Briefings may include, but are not limited to, updates on Section 7 consultations, proposed regulations, recovery plans, status reviews, and take reduction team/plan developments. SERO PRD staff will continue to provide presentations on one or more of these actions at the request of SERO PRD or the Council, depending on the level of detail needed to keep the Council informed.

B. SERO PRD and Council Staff Point of Contact

The SAFMC staff supports the Council's Protected Resources Committee, and SERO PRD will have a designated point of contact. The designated Council staff point of contact for each Council committee is listed on the SAFMC website (www.safmc.net under the Committee Link) and should be contacted for emerging protected resources issues.

Signing this agreement indicates acknowledgement of the preceding language. However, NMFS retains the discretion to conduct any individual ESA Section 7 consultation differently from the process spelled out in this agreement.

Southeast Regional Office
Regional Administrator
Dr. Roy E. Crabtree

South Atlantic Fishery Management Council
Executive Director
Gregg T. Waugh

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Protected Resources Division Staff Involvement at Committee/Council meetings

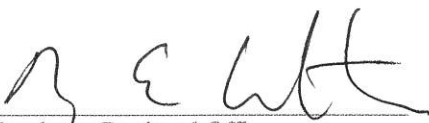
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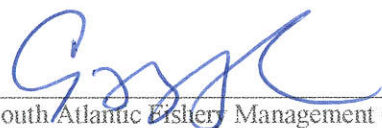
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