

Procedural Directive 09-103-01: NEPA Procedures for Actions Taken Under the Magnuson-Stevens Fishery Conservation and Management Act

I. Overview **Introduction**

II. Applicability **Objectives**

III. Roles and Responsibilities (fostering partnerships/retaining responsibility) **Guidance**

~~A. Special Issues Relevant to FMC-initiated Fishery Management Actions~~

A. Applicability

B. Roles and Responsibilities

1. NMFS-initiated Actions

2. FMC-initiated Actions

a. MSA Role of the FMCs

b. MSA Role of NMFS

c. NEPA Roles for NMFS and FMCs

1. FMC-Initiated Actions

a. MSA Roles

i. Role of NMFS

(A) For FMC-Initiated FMPs and Amendments

(B) For FMC-Initiated Regulations

ii. Role of FMCs

b. NEPA Roles for FMC-Initiated Actions

i. Roles of NMFS under NEPA for FMC-Initiated Actions

ii. Roles of FMCs under NEPA for FMC-Initiated Actions

2. NMFS-Initiated Actions (including Secretarial actions and emergency actions)

~~C. Fostering Partnership and Cooperation while Retaining Oversight and Legal Responsibility~~

IV. Timing

A. Factors to Consider

~~B. Procedural Nexus~~

IV. Integrating Timing and Applicable Analytical Requirements

A. MSA Timelines

1. For FMC-Initiated FMPs and Amendments

2. For FMC-Recommended Proposed Regulations

3. Secretarial Actions

B. Applicable Analytical Procedures and Opportunities for Public Input

1. FMC-Initiated Actions

2. Secretarial Actions

C. NEPA Deadlines and Extensions

D. Timeliness, Useful Analysis, and Public Input

1. FMC-Initiated Actions

a. Identifying Challenges

b. Factors to Consider

2. Secretarial Actions

~~V. Guidance on Documentation~~ **Analysis Components**

A. Identification of the Purpose and Need

B. Alternatives

Commented [MM1]: Some content deleted/streamlined. Some content relocated into III.B.1. "FMC-initiated Actions."

Commented [MM2]: The subsections below were expanded to break out considerations for FMP vs regs, and add additional considerations for Secretarial actions.

Commented [MM3]: Some content deleted/streamlined. Some content relocated into

- III.B. "Roles and Responsibilities,"
- IV.D, "Timelines, Useful Analysis, and Public Input,"

And

- III.B.1.b.ii., "Roles of FMCs Under NEPA for FMC-initiated Actions."

Commented [MM4]: Some content deleted/streamlined. Some content relocated into IV.D.1.b. below.

Commented [MM5]: Partially relocated from previous IV.A.

- 1. Reasonable Alternatives
- 2. No Action
- C. Consolidated or Integrated Analyses
- D. Contents of the ROD Documenting the Decision
 - 1. Purposes of the FONSI
 - a. FMC-Initiated Actions
 - b. Secretarial Actions
 - 2. Purposes of the Record of Decision
 - a. FMC-Initiated Actions
 - b. Secretarial Actions

VI. Improvements and Efficiencies NEPA Related Documents and Approaches

- A. NEPA Advanced Planning Procedure (NAPP)
- B. Supplemental Information Report (SIR)
- C. Incorporation by Reference
 - A. Incorporation by Reference
 - B. Supplemental Information Report (SIR)
 - C. NEPA Advanced Planning Procedure (NAPP) A Model for Utilizing Tiering: NEPA Advanced Planning Procedure
 - 1. NEPA Compliance Evaluation
 - 2. Memorandum of NEPA Compliance
- D. Partnerships with FMCs
 - 1. Using Technology and Document Sharing
 - 2. Frontloading

VII. Related Documents

- A. Operational Guidelines (2017): NMFS Procedural Directive 01-101-03
- B. CEQ NEPA Regulations, Department of Commerce Administrative Order 216-6, NOAA Administrative Order 216-6A, and its Companion Manual
- C. NMFS Policy Directive 09-101
- D. NMFS Regional Office Quality Assurance Plans
- E. Regional Operating Agreements

Commented [MM6]: The same content is retained but we have re-organized it and added more labelling to clarify the intent and purpose of the optional NAPP model.