



NOAA
FISHERIES

Regulatory Reform E.O.'s Agency and Council Implementation

Outline

- Actions/Regulatory Review Completed in 2017
- Council Plans for Reviewing Regulations
- Next Steps for 2018



Actions Completed in 2017

- NOAA fisheries level working group (Policy Office)
- Creation and implementation of process to identify and track regulatory/deregulatory rules
 - NMFS FY 17 – 6 deregs / 0 regs
 - FY 17 Savings – over \$1 million



FY17 Deregulatory Actions

- 1) Withdrawal of Proposed Rule for Protected Species Hard Caps for the California/Oregon Large-Mesh Drift Gillnet Fishery
- 2) Framework Amendment to the Coastal Pelagic Species Fishery Management Plan; Change to Pacific Mackerel Management Cycle from an Annual to Biennial Specification Schedule
- 3) Timing of Accountability Measure-Based Closures Amendment
- 4) Regulatory Omnibus Framework Adjustment to Modify Reporting Requirements for Electronic Vessel Trip Reports by Federally-Permitted For-Hire Vessels and Operators in the Mid-Atlantic Region
- 5) Capital Construction Fund; Fishing Vessel Capital Construction Fund Procedures
- 6) Framework Action to Modify Commercial Permit Restrictions for King and Spanish Mackerel in the Gulf of Mexico and Atlantic Federal Waters

Total Savings = \$1.1 million



Actions Completed in 2017 – part 2

- Joint Federal Register Notice with NOS seeking public comment on all our statutes (e.g., MSA, ESA, CZMA, etc.), processes, and regulations under E.O.s 13771 and 13777
- Over 165 comments received
 - Large number generally in support of regulations and protection of environment
 - Approximately half related to specific Council-related regulations
 - Numerous on PR-specific regulations
 - A few comments on aquaculture
 - Other comments (e.g. funding, government consultation, impacts to the Arctic, monuments)

Actions Completed in 2017 – part 3

- NOAA Fisheries developed a process and guidance to implement the Regulatory Reform E.O.s.
 - Phase 1 – Review focused on the 165 public comments received from the FRN.
 - All program areas, except Council-related, reviewed regulations/rulemakings specifically called out in the public comments submitted via the FRN.
 - Programs determined whether revision or elimination is necessary, and if revision is necessary, how that revision will be conducted, including estimates of timing.

Summary of Council Plans

- Small group of Council and RO staff reviews regulations
 - List of potential regulations presented to Council for review
 - Opportunity for public comment
 - Council approval and submission of list to NMFS by July 1
- Caribbean and Western Pacific Councils are using a different process.
 - The Councils are undergoing review of their island-based FMPs/FEPs and reviewing Ecosystem Component species.
 - Process involves review of regulations for modification/removal and provides opportunity for public input.

Regulatory Streamlining - Protected Resources

Permit and Authorization (by mid-2019)

- 25% reduction in time to issue MMPA and ESA research or enhancement permits
- 25% reduction in time to issue Incidental Take Authorization under MMPA

ESA Section 7 Consultation Process

- Issued report summarizing the improvements in timeliness of informal consultations and reduction in backlog achieved in calendar year 2017.
 - Goal: 25% reduction in informal consultation completion time

ESA Regulations

- In coordination with FWS, review and develop revisions to section 7 and critical habitat regulations

Regulatory Streamlining - Habitat Conservation

- Developing and implementing improved EFH consultation tracking system in the Regions and in HQ to increase timeline accountability and improve staff planning to maximize conservation outcomes.
- Establishing new EFH programmatic consultations with Federal action agencies to streamline the EFH consultation process and improve timelines and regulatory certainty.

Regulatory Streamlining - International Affairs and Seafood Inspection

Commerce Trusted Trader Program (Proposed Rule comment period ends March 19, 2018, anticipated final rule fall 2018)

- Applies only to importers of species covered by the Seafood Import Monitoring Program (SIMP)
- Deregulatory - eases some of the reporting and recordkeeping requirements of the SIMP
- Streamlining entry into commerce reduces burden on trade, while maintaining integrity of the SIMP
- Expected cost savings to industry overall around \$890,000 annually

Seafood Inspection Program Regulations Revisions (ANPR expected by end of March)

- Updating the implementing regulations of the Seafood Inspection Program
 - Modernizing methods and tools used in performing inspections
 - Modernizing ways certificates are issued and tracked
 - Modifying the sampling plans to reduce waste (destructive sampling) and decrease inspection time, without adversely affecting inspection results
 - Updating the US Grade Standards for various seafood products

NEXT Steps-Actions Ongoing in 2018

Phase 2 – Review to ensure existing regulations:

- still meeting the management goals and objectives,
- that there is no economic information to suggest the rule is no longer needed, and
- assess whether impacts to small businesses have changed since the original regulation.

WHAT'S NEXT?

NMFS will review the regulations Council recommends for elimination and work with Councils to prioritize work; efforts expected to continue into 2019.

Questions?

