

Executive Director's Report

CCC meetings

In February we attended the interim Council Coordination Committee (CCC) meeting with the leadership (Chairs, Vice-Chairs, and Executive Directors) of all eight RFMCs and NOAA Fisheries leadership in Washington, DC. While we discussed the status of key MSA reauthorization issues, there is really nothing of new significance to report. Until the new administration is more fully seated, we do not know how potential revisions to the NEPA process will unfold. Budget discussions were a dominate issue on the agenda, and it looks like the Councils collectively will see a slight increase in our FY09 funding relative to last year, and prospects for an additional increase in 2010 are promising. However, we still have not received the final numbers from NMFS for 09, which also might include some resolution of the stipend issue, at least for SSC members. Starting next year we enter a new five-year award cycle, so development of a five-year budget and Statement of Work will be required. Gail Bendixen and I will be attending a Grants Workshop in May specifically designed for the RFMCs to facilitate development of the new award period, and hopefully by this fall our funding outlook for 2010 will be clarified.

There was considerable discussion at this interim CCC meeting of the Marine Protected Area (MPA) nomination process, including all the questions we have been asking relative to that process and relative to subsequent implications of having sites listed. We have not received adequate clarification of these issues (in my opinion), particularly regarding our concern over management authority within these sites once they are listed. We did receive a NOAA policy directive relative to the Councils' involvement in the nomination process, which I will describe in more detail later this week under Agenda Item C-5. There are four sites nominated in the Alaska Region from the initial Federal Register solicitation, but these are not within our management jurisdiction. The anticipated letter from the Regional Office, as described in the policy directive and which would initiate the listing process for areas managed by the Council and NOAA Fisheries, has not been received.

Item B-1(a) is the proposed rule regarding Councils' Statement of Organization, Practices, and Procedures (SOPPs). This was also discussed at the interim CCC meeting and we have been waiting for some time for this proposed rule. I just received it this past Friday, have had limited time to review the details, and have not yet drafted comments on the proposed rule. The comment period deadline is July 6, and we will also be discussing the rule at our regular CCC meeting in May. Therefore I am suggesting that we schedule this for our Council review at our June meeting. By that time I will have detailed comments drafted for Council review. Any thoughts or input from individual Council members between now and then are certainly welcome.

Later in May the regular, annual CCC meeting will be held in Boston (May 19-21), hosted this year by the New England Fishery Management Council. In addition to typical agenda items, this year's CCC meeting will also be focused around a 'best practices' theme, with each Council providing their management approach relative to a number of major themes such as ACLs,

LAPP programs, regulatory mechanics, ecosystem management, and SSC procedures. I will report on this and budget issues generally at our June meeting.

Aleutian Islands Risk Assessment – Advisory Panel

The U.S. Coast Guard, National Fish and Wildlife Foundation, and Alaska Department of Environmental Conservation comprise the AIRA Management Team. They are soliciting applications for and advisory panel to provide stakeholders' perception of current and future risks posed from maritime transportation through and adjacent to the Aleutian Islands. Item B-1(b) contains information on the AIRA, the expected role of the advisory panel, and application forms. The deadline for applications is April 15.

2009 World Conference on Natural Resource Modeling

Item B-1(c) is a flyer and notice of an upcoming conference on natural resource modeling, sponsored by the University of Alaska, NOAA Fisheries, and the Alaska Department of Fish and Game. This conference will be held in Juneau, Alaska June 17-19.

Northern Bering Sea Research Area

The Northern Bering Sea Research Area (NBSRA) was established by the Council as part of its actions relating to bottom trawl closure areas in the Bering Sea, and became effective in 2008. The intent was to develop a research plan under which research and experimental bottom trawl fishing in this area could be conducted. On Thursday evening, April 2, from 5:30 – 7:00 pm in the Dillingham/Katmai Room (Item B-1(d)), Pat Livingston from the Alaska Fisheries Science Center will provide a presentation outlining the proposed research plan approach, and a tentative schedule for Council action. This is an opportunity for the public to provide some initial feedback to the Science Center and analysts about what the research plan should look like or what it should include. Additional opportunities will be scheduled in the future.

Shining World Leadership Award

And finally, I recently received in the mail a package from the Supreme Master Ching Hai International Association (a philanthropic and humanitarian aid organization), which included a plaque of recognition for the North Pacific Fishery Management Council, presenting us with the "Shining World Leadership Award". To quote just a bit from the award..."this award is presented in recognition of your enlightened leadership and exemplary vision in protecting the ecological systems of the Arctic, and for enacting protective legislation to ensure sustainable living for all earth's co-inhabitants.....your compassion and magnificent dedication in saving Mother Earth from the devastating effects of climate change will serve as a long-standing source of inspiration for others to follow...for compassionately striving to save our planet, for your outstanding wisdom and good governance, and for being a dedicated and noble role model, we hereby applaud and celebrate the great deeds of the North Pacific Fishery Management Council, with special thanks to the Executive Director, Mr. Chris Oliver". This was signed by the Supreme Master herself, Ching Hai. I don't make this stuff up.

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as _____ by the Postal Service has been terminated.

I certify that I have destroyed all materials subject to protective conditions, relevant to the above matter.

Name _____

Firm _____

Title _____

Representing _____

Signature _____

Date _____

[FR Doc. E9-6891 Filed 3-26-09; 8:45 am]
BILLING CODE 7710-FW-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 080102007-81097-01]

RIN 0648-AW18

Magnuson-Stevens Fishery Conservation and Management Act; Regional Fishery Management Councils; Operations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes changes to the regulations that address the operations and administration of regional fishery management councils (Councils). The regulatory changes are needed to implement amendments to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) that, among other things, govern the Council Coordination Committee (CCC), expand the role of the Councils' Scientific and

Statistical Committee (SSC), require that SSC members disclose their financial interests, and provide for training of Council members and staff. Additionally, the proposed rule would make changes to the regulations requiring Councils to provide procedures for proposed regulations, clarifying restrictions on lobbying, and clarifying timing in the Council member nomination process. The proposed rule would also make technical and minor corrections to the regulations unrelated to the most recent Magnuson-Stevens Act amendments.

DATES: Written comments must be received no later than 5 p.m. e.d.t. on July 6, 2009.

ADDRESSES: You may submit comments, identified by "RIN 0648-AW18," by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- Fax: 301-713-1175.

- Mail: Alan Risenhoover, Director, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, SSMC3, Silver Spring, MD 20910. Please mark the outside of the envelope "Council Operations."

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for

example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter n/a in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe pdf file formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Office of Sustainable Fisheries at the mailing address or fax number specified above and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: William Chappell, at 301-713-2337.

SUPPLEMENTARY INFORMATION: Section 302 of the Magnuson-Stevens Act includes provisions for the establishment and administration of the Councils. The Magnuson-Stevens Act was reauthorized on January 12, 2007, with amendments throughout, and this proposed rule would implement some of the changes that were made to Section 302. Additionally, several issues regarding Council operations and membership have prompted proposed

changes to the regulations. Key aspects of the proposed rule are: requirements relative to the CCC; requirements for SSCs and financial interest reporting for SSC members; an update of Council and committee meeting announcement requirements; a requirement for Councils to have procedures for proposed regulations; designation of an alternate for the Indian tribal representative of the Pacific Fishery Management Council; requirements for nominating individuals to the Gulf of Mexico Fishery Management Council; revisions to the process and deadline for governors to submit Council member nominations to the Secretary; restrictions on direct or indirect lobbying by Council members, Council staff, and contractors; addition of lobbying and advocacy as types of financial interest activities that must be reported by affected individuals; and the requirement for new Council members to attend a training course. Additionally, the proposed rule would implement several minor changes in Magnuson-Stevens Act section 302, as well as a number of technical changes and minor corrections, unrelated to the reauthorization of the Act. Many of the key aspects of the proposed rule reiterate statutory requirements of the Magnuson-Stevens Act. NMFS is including this statutory text in regulations so that relevant Council process provisions both statutory and regulatory are presented together for ease of reference.

Statement of Organization, Practices and Procedures (SOPPs)

There have been continuing questions regarding Councils' SOPPs. The general public often does not understand the Councils' functions, how they are organized and what their limits are in fisheries management and policy. SOPPs have provided that information, but the public must go to the Council office for a copy or request a copy by mail. The increased use of the Internet makes it appropriate for the Councils to post their SOPPs on line. Therefore, NMFS proposes to amend § 600.115 to require that Council SOPPs be made available on the Internet. Additionally, NMFS proposes to clarify the regulatory sections with which the SOPPs must comply.

Council Coordinating Committee (CCC)

The proposed rule at a new § 600.117 would govern the CCC. The CCC consists of the chairs, vice chairs, and executive directors of each of the eight Councils or other Council members or staff, and discusses issues of relevance to all Councils, as specified in the

Magnuson-Stevens Act at section 302(l). The CCC is exempt from the requirements of the Federal Advisory Committee Act. Procedures for announcing and conducting open and closed meetings of the CCC are reflected in § 600.135.

Scientific and Statistical Committees (SSCs)

This proposed rule addresses several changes in Magnuson-Stevens Act section 302(g)(1) regarding SSCs. Section 600.133 of the proposed rule requires SSC members, appointed by the Councils, to be Federal employees, State employees, academicians, or independent experts with strong scientific or technical credentials and experience. It also requires SSC meetings to be held in conjunction with Council meetings to the extent practicable.

Section 302(g)(1)(D) of the Magnuson-Stevens Act includes a new requirement that SSC members shall be treated as "affected individuals" for purposes of sections 302(j)(2), (3)(B), (4) and (5)(A) of the Act, which pertain to the disclosure of financial interests by affected individuals. Consistent with the Act, the proposed rule at § 600.235 would require an SSC member to file the Financial Interest Form with the NMFS Regional Administrator within 45 days prior to appointment and within 30 days of substantial changes to his/her financial interests and update his/her form annually. NMFS would retain the records for five years.

Sections 302(j)(5)(B-C), (6) and (7) of the Act include requirements for public inspection of, and access to, Council member Financial Interest Forms and recusals from voting. Because SSC members are not "affected individuals" for purposes of these sections, the proposed rule does not require that SSC members' Financial Interest Forms be made available for inspection or made available on the internet. In addition, the proposed rule states that SSC members are not subject to the restrictions on voting under § 600.235. The proposed rule also clarifies that SSC members are not automatically subject to the requirements of 18 U.S.C. 208, which pertains to actions affecting personal financial interests. Those requirements would only apply if a person is an officer or employee of the executive branch of the United States Government, or falls under another category of persons specified in that statute. NMFS seeks comments from the public on the proposed regulations that would affect the composition, purpose, and operation of the SSC, as well as the financial disclosure requirements for its

members. Finally, existing regulations at § 600.235(h) provide that 18 U.S.C. 208 would also not apply to an affected individual who is in compliance with the requirements of that section for filing a financial disclosure report. Consistent with section 302(j)(8) of the Magnuson-Stevens Act, the proposed rule would clarify this exemption only applies to an affected individual "who is a voting member of a Council appointed by the Secretary, as described under section 302(j)(1)(A)(ii) of the Magnuson-Stevens Act."

Additional changes in Magnuson-Stevens Act section 302(g)(1)(A), (B) and (E) regard the function and roles of the SSC and the establishment of a peer review process. Some aspects of those changes were addressed in the National Standard 1 Guidelines revisions (74 FR 3178, January 16, 2009), which included guidance on annual catch limits and accountability measures and other aspects of overfishing and rebuilding. NMFS is continuing to explore other guidance that may be needed regarding these statutory changes.

Magnuson-Stevens Act section 302(g)(1)(F) requires the Secretary, subject to the availability of funds, to pay a stipend to members of SSCs and advisory panels who are not employed by the Federal Government or a State marine fisheries agency. NMFS seeks comment from the public on the implementation of stipends should funding be available. In addition to issues such as the amount and frequency of the payments, and what criteria must be satisfied for one to qualify for the stipend, NMFS seeks input from the public on the funding priority that should be given payment of the stipend, relative to the Councils' other financial obligations.

In anticipation of the stipend requirement, NMFS has begun to examine how Councils develop and use their SSCs, advisory panels, and other advisory committees. One concern has been that Councils use the terms "advisory panel" and "advisory committee" inconsistently. To help prepare for a clear analysis of the number and types of advisory committees and for a determination of who may be entitled to receive the stipend, NMFS proposes definitions in § 600.10 for an "advisory panel", which would be established pursuant to Magnuson-Stevens Act section 302(g)(2), and a "fishing industry advisory committee", established by a Council pursuant to section 302(g)(3)(A). In addition, definitions for "Region," "Regional Administrator," and "Science and Research Director" would be updated to reflect that there

are now 6 regions, each with a regional administrator and a science and research director.

Public Notice of Meetings

The proposed rule at § 600.135 would specify revised means for announcing meetings of a Council, SSC, advisory panels, other committees, and the CCC. The regulations currently require public notification specifically through the news media. The revised regulations would allow for notice of regular, emergency, and closed meetings by any means that will result, per section 302(i)(2)(c) of the Magnuson-Stevens Act, in wide publicity in the major fishing ports of the region and those other ports with an interest in any of the fisheries likely to be addressed in the proceedings. Also, the proposed rule stipulates that notices about regular and emergency meetings by website and e-mail postings alone are not sufficient.

Council Procedure for Proposed Regulations

A new § 600.140 is proposed to be added that would require each Council to establish clear internal procedures for proposed regulations, consistent with Magnuson-Stevens Act section 303(c). Section 303(c) pertains to the submission of proposed regulations to the Secretary which a Council deems necessary or appropriate for the purposes of implementing a fishery management plan or plan amendment and making modifications to regulations implementing a plan or plan amendment. Section 600.140 would require that each Council establish a clear procedure that sets forth how it deems proposed regulations as necessary or appropriate and also how it formally submits such regulations to the Secretary. Section 600.140 proposes that the procedure be described in the Council's SOPP or other written documentation available to the public to inform the public how it operates. The form and detail of the procedure may be prescribed by each Council, and may be based on any existing procedures as appropriate, subject to the requirements of the Magnuson-Stevens Act and approval by the Secretary.

Pacific Fishery Management Council Tribal Member Alternate

The proposed rule would establish a new section, § 600.207, to specify the conditions under which a tribal Indian representative to the Pacific Fishery Management Council may designate an alternate for the period of the representative's term. The requirements for designating an alternate would be similar to those of state members.

Gulf of Mexico Fishery Management Council Nominations

The proposed rule would specify new procedures in § 600.215 for nominating and appointing members to the Gulf of Mexico Fishery Management Council. Consistent with new language in the Magnuson-Stevens Act, the proposed rule requires the Governors of each Gulf state to ensure their list of nominees for appointment to the Council includes representatives of certain fishery sectors, as well as at least one other individual knowledgeable in fishery conservation and management. The rule also provides a process for the citizens of a Gulf coastal state to nominate individuals, should the Governor's nominees be determined by the Secretary to be unqualified for appointment.

Council Member Nomination Process

NMFS proposes to amend § 600.215 regarding the submission of Council member nominations by state governors to allow more flexibility in the timing. Current guidelines require state governors to submit names of Council seat nominees and their complete nomination packages to NMFS by March 15. The proposed rule would soften the deadline, requiring submission of nominees' names by March 15 and allowing until March 31 for submission of the completed nomination packages.

This proposed rule change is needed to accommodate the lengthy and complex procedure for Council nominees to file for and receive official security assurances. The security assurance application procedure requires extensive personal history information to be submitted by computer. Due to timing of the process, software and internet connectivity problems, and availability of the personal information, the security assurance filings can be delayed, resulting in submission of the completed nomination packages after March 15.

Recognizing the difficulty of the process, NMFS has accommodated late submission of nomination packages. NMFS intends to provide states every reasonable opportunity to submit nominations for open Council seats, and, therefore, while submission of the names for nomination must be submitted by March 15, the proposed rule would give states until March 31 to submit the completed nomination package.

NMFS retains the requirement for having completed packages prior to accepting nominations for any seat, and

the option not to consider any nominations for at-large seats not completed by March 31. It remains NMFS' expectation that governors will submit, at a minimum, their list of nominees by March 15.

The Secretary must make Council member appointments by June 27 to allow new members to be seated by August 11 and complete the regular nomination cycle. Any later submission of nominees jeopardizes that process.

Notifying governors and commencing the nomination process earlier may help the situation but would not solve the problem of late nomination package submissions. Currently, NMFS contacts governors each December and January to solicit nominations for upcoming obligatory and at-large seats. Some gubernatorial terms begin in January and a change in administration, as well as other year-end priorities can confound the state's Council nomination process.

Restrictions on Lobbying

NMFS proposes to add a new paragraph concerning lobbying to § 600.225, which sets forth the Council Rules of Conduct. There have been recent questions from the Councils and inquiries from the public regarding what is allowed and not allowed in the way of direct or indirect lobbying by Council members and staff. Direct lobbying involves contacts with legislators, their staffs, or other government officials, either in person or through written or oral communication. Indirect or "grassroots" lobbying involves contacting others and urging them to support or to advocate for improve appropriations or changes to legislation or policy.

To provide Council members, Council staff and members of the public a better idea of restrictions on lobbying activities, NMFS proposes to add a new § 600.227 Lobbying, Restrictions on lobbying activities that apply to the Regional Fishery Management Councils, as recipients of Federal financial assistance, are encompassed in 31 U.S.C. 1352(a)(1) and (2), 15 CFR 28.100(a), and in applicable cost-principles set forth at 2 CFR part 230. As a condition of receiving such assistance, the Councils agree to abide by these restrictions. The proposed § 600.227 would provide not only references to these lobbying restrictions, but also general guidance with respect to certain proscribed actions.

Financial Disclosure by Council and SSC Members

The amended Magnuson-Stevens Act expands the array of business activities

that must be reported by affected individuals in their financial disclosures. An "affected individual" is a person who is nominated by a state Governor or appointed by the Secretary to serve as a voting member of a Council under section 302(b)(2) and (b)(5) of the Magnuson-Stevens Act. Members of an SSC are also considered affected individuals for specific paragraphs of § 600.235. Affected individuals must disclose any financial interests they have in certain activities that may fall under the jurisdiction of the Council. Per the amended Magnuson-Stevens Act, lobbying and advocacy are added to fishery harvesting, processing, and marketing as the types of activities, upon which the individual must report. The proposed rule would implement this change by expanding and updating the definition of financial interests in § 600.235 to include the activities of lobbying and advocacy. It would also remove from the definition of financial interests the exclusion of financial concerns associated with environmental advocacy. For clarity, Financial Interest Form is defined.

Consistent with the Magnuson-Stevens Act, at § 600.235 the proposed rule would require the financial disclosures made by Council members appointed by the Secretary to be posted on the internet and accessible to the public.

Council Member Training

Another new section, § 600.250, addresses a Magnuson-Stevens Act requirement for the Secretary to develop a training course and for newly appointed Council members to attend the training course within one year of appointment. The minimum course content is specified in the Magnuson-Stevens Act and not addressed in this regulation. The course would be made available, not only to new Council members, but also to existing Council members, Council staff, and NMFS staff. The course may also be made available to Council committee and advisory panel members.

Technical Changes

In addition to implementing amendments to the Magnuson-Stevens Act, the proposed rule would make several technical changes and corrections to 50 CFR part 600 subparts A, B, and C. In § 600.105, "intercouncil boundaries," the latitude of the seaward boundary between Virginia and North Carolina would be corrected. In § 600.125, citations to two documents that direct a Council's financial management would be updated. Section 600.10 would be revised to clarify that

one full year must have elapsed after the completion of a member's third consecutive term before that person may take a seat on the same Council. The text of an oath of office would be reinserted in § 600.220. This oath was removed during the regulations consolidation in 1996, however it is still in use by the Councils and it requested by them and others, particularly when new members are about to be sworn in. The oath acknowledges and affirms the members' commitment to the conservation and management of living marine resources. Section 600.240 would be clarified by requiring that background checks be acceptable rather than just completed. Several additional minor corrections and clarifications reflecting changes already discussed would be made throughout the subparts.

Classification

This action has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

This proposed rule would update operational and administrative procedures of the eight Regional Fishery Management Councils. It consists of varied measures which implement 2007 amendments to the Magnuson-Stevens Act, respond to emerging Council issues, and make minor changes and technical corrections to the Council regulations. The proposed rule includes:

1. Requirements relative to the Council Coordination Committee (CCC) consisting of Council chairs, executive directors, and others, to work on issues of common concern;
2. Requirements relative to the Scientific and Statistical Committee (SSC) in the regulations and requirements for financial interest reporting by the SSC;
3. Update meeting announcement requirements for the Councils, their committees, advisory panels (AP), Fishing Industry Advisory Committees (FIAC), and the CCC, consistent with the Magnuson-Stevens Act;
4. Requirement for Councils to establish a procedure for proposed regulations submitted to the Secretary;
5. Designation of an alternate for the Indian tribal representative of the Pacific Fishery Management Council;
6. Requirements for nominating individuals to the Gulf of Mexico Fishery Management Council;
7. Revisions to the process and deadline for governors to submit Council member nominations to the Secretary;

8. Restrictions on direct or indirect lobbying of legislators by Council members, Council staff, and contractors.

9. Addition of lobbying and advocacy as types of financial interest activities that must be reported by affected individuals;

10. Specifying that SSC members be treated as "affected individuals" as regards certain financial interest reporting requirements, consistent with the Magnuson-Stevens Act;

11. Requirement that financial disclosures made by appointed Council members to be posted on the internet, consistent with the Magnuson-Stevens Act; and

12. Requirement that new Council members to attend a training course developed by the Secretary, consistent with the Magnuson-Stevens Act.

Additionally, the proposed rule would make several technical changes and minor corrections to the existing regulations. For example, in the section on inter-council boundaries, the latitude of the seaward boundary between Virginia and North Carolina is corrected; citations to two documents that direct the Councils' financial management are updated; and the text of an oath of office is added to the regulations. Several additional minor corrections have been made throughout the subparts.

As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under Control Number 0649-0192. Public reporting burden for completing and submitting the Statement of Financial Interests, Form 88-195, is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and by e-mail to David_Rostker@omb.eop.gov or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: March 23, 2009.
Samuel D. Rauch III,

Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

For the reasons set out in the
preamble, NMFS proposes to amend 50
CFR part 600 as follows:

**PART 600—MAGNUSON-STEVENSON
ACT PROVISIONS**

1. The authority citation for part 600
continues to read:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801
et seq.

2. In § 600.10, add definitions for
“Advisory panel (AP)” and “Fishing
industry advisory committee (FIAC)” in
alphabetical order; and revise the
definitions for “Region”, “Regional
Administrator”, and “Science and
Research Director” to read as follows:

§ 600.10 Definitions.

* * * * *

Advisory panel (AP) means a standing
committee formed and selected by a
regional fishery management council,
under the authority of Magnuson-
Stevens Act section 302(g)(2), to assist it
in carrying out its functions. An AP may
include individuals who are not
members of the council.

* * * * *

*Fishing industry advisory committee
(FIAC)* means an advisory group formed
and selected by a regional fishery
management council under the
authority of the Magnuson-Stevens Act
section 302(g)(3)(A). A FIAC is not an
“advisory panel” as defined under this
section.

* * * * *

Region means one of six NMFS
Regional Offices responsible for
administering the management and
development of marine resources in the
United States in their respective
geographical regions.

Regional Administrator means the
Administrator of one of the six NMFS
Regions described in Table 1 to
§ 600.502, or a designee. Formerly
known as Regional Director.

* * * * *

Science and Research Director means
the Director of one of the six NMFS
Fisheries Science Centers described in
Table 1 to § 600.502, or a designee, also
known as Center Director.

* * * * *

3. In § 600.15:
a. Redesignate paragraphs (a)(9)
through (a)(15) as paragraphs (a)(11)
through (a)(17), respectively.
b. Redesignate paragraphs (a)(5)
through (a)(8) as paragraphs (a)(6)
through (a)(9), respectively.

c. Add new paragraphs (a)(5) and
(a)(10) to read as follows:

§ 600.15 Other acronyms.

(a) * * *
(5) CCC Council coordination
committee

* * * * *

(10) FIAC Fishing industry advisory
committee

* * * * *

4. In § 600.105, revise paragraph (b) to
read as follows:

§ 600.105 Intercouncil boundaries.

* * * * *

(b) *Mid-Atlantic and South Atlantic
Councils.* The boundary begins at the
seaward boundary between the States of
Virginia and North Carolina (36
33'01.0" N. lat), and proceeds due east
to the point of intersection with the
outward boundary of the EEZ as
specified in the Magnuson-Stevens Act.

* * * * *

5. In § 600.115, revise paragraph (b) to
read as follows:

**§ 600.115 Statement of organization,
practices, and procedures (SOPP).**

* * * * *

(b) Amendments to current SOPPs
must be consistent with the guidelines
in this section, subpart C of this part,
the terms and conditions of the
cooperative agreement (the funding
agreement between the Council and
NOAA that establishes Council funding
and mandates specific requirements
regarding the use of those funds), the
statutory requirements of the Magnuson-
Stevens Act, and other applicable law.
Upon approval of a Council's SOPP
amendment by the Secretary, a notice of
availability must be published in the
Federal Register that includes an
internet address from which the
amended SOPP may be read and
downloaded and a mailing address to
which the public may write to request
copies.

* * * * *

6. Section 600.117 is added to subpart
B to read as follows:

**§ 600.117 Council coordination committee
(CCC).**

(a) The Councils may establish a
Council coordination committee (CCC)
consisting of the chairs, vice chairs, and
executive directors of each of the eight
Councils or other Council members or
staff, in order to discuss issues of
relevance to all Councils.

(b) The CCC is not subject to the
requirements of the Federal Advisory
Committee Act (5 U.S.C. App. 2).
Procedures for announcing and
conducting open and closed meetings of

the CCC shall be in accordance with
§ 600.135.

7. In § 600.125, revise paragraph (a) to
read as follows:

**§ 600.125 Budgeting, funding, and
accounting.**

(a) Council grant activities are
governed by 15 CFR part 14 (Uniform
Administrative Requirements for Grants
and Agreements with Institutions of
Higher Education, Hospitals, and other
Non-Profit and Commercial
Organizations), 2 CFR part 230 (Cost
Principles for Non-Profit Organizations),
15 CFR part 14 (Audit Requirements for
Institutions of Higher Education and
Other Non-Profit Organizations), and
the terms and conditions of the
cooperative agreement.

* * * * *

8. Section 600.133 is added to subpart
B to read as follows:

**§ 600.133 Scientific and Statistical
Committee (SSC).**

(a) *Establishment of an SSC.* (1) Each
Council shall establish, maintain, and
appoint the members of an SSC to assist
it in the development, collection,
evaluation, and peer review of such
statistical, biological, economic, social,
and other scientific information as is
relevant to such Council's development
and amendment of any fishery
management plan.

(2) Each SSC shall provide its Council
ongoing scientific advice for fishery
management decisions, including
recommendations for acceptable
biological catch, preventing overfishing,
maximum sustainable yield, and
achieving rebuilding targets, and reports
on stock status and health, bycatch,
habitat status, social and economic
impacts of management measures, and
sustainability of fishing practices.

(3) Members appointed by the
Councils to the SSCs shall be Federal
employees, State employees,
academicians, or independent experts
and shall have strong scientific or
technical credentials and experience.

(4) An SSC shall hold its meetings in
conjunction with the meetings of the
Council, to the extent practicable.

(b) [Reserved]

(c) [Reserved]

9. In § 600.135, paragraphs (a), (b), (c),
(d), and (e) are revised to read as
follows:

§ 600.135 Meeting procedures.

(a) *Regular meetings.* Public notice of
regular meetings of each Council, CCC,
SSC, and AP, including the meeting
agenda, must be published in the
Federal Register at least 14 calendar
days prior to the meeting date.

Appropriate notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery) must be given. E-mail notification and website postings alone are not sufficient. The published agenda of a regular meeting may not be modified to include additional matters for Council action without public notice, or such notice must be given at least 14 calendar days prior to the meeting date, unless such modification is necessary to address an emergency under section 305(c) of the Magnuson-Stevens Act, in which case public notice shall be given immediately. Drafts of all regular public meeting notices must be received by NMFS headquarters office at least 23 calendar days before the first day of the regular meeting. Councils must ensure that all public meetings are accessible to persons with disabilities, and that the public can make timely requests for language interpreters or other auxiliary aids at public meetings.

(b) *Emergency meetings.* Drafts of emergency public notices must be transmitted to the NMFS headquarters office; recommended at least 5 working days prior to the first day of the emergency meeting. Although notices of and agendas for emergency meetings are not required to be published in the *Federal Register*, notices of emergency meetings must be promptly announced through any means that will result in wide publicity in the major fishing ports of the region. E-mail notification and website postings alone are not sufficient.

(c) *Closed meetings.* After proper notification by any means that will result in wide publicity in the major fishing ports within the region, having included in the notification the time and place of the meeting and the reason for closing any meeting or portion thereof to the public:

(1) A Council, CCC, SSC, AP, or FIAC must close any meeting, or portion thereof, that concerns information bearing a national security classification.

(2) A Council, CCC, SSC, AP, or FIAC may close any meeting, or portion thereof, that concerns matters or information pertaining to national security, employment matters, or briefings on litigation in which the Council is interested.

(3) A Council, CCC, SSC, AP, or FIAC may close any meeting, or portion thereof, that concerns internal administrative matters other than employment. Examples of other internal administrative matters include candidates for appointment to AP, SSC,

FIAC, and other subsidiary bodies and public decorum or medical conditions of members of a Council or its subsidiary bodies. In deciding whether to close a portion of a meeting to discuss internal administrative matters, the CCC, a Council, or subsidiary body should consider not only the privacy interests of individuals whose conduct or qualifications may be discussed, but also the interest of the public in being informed of Council operations and actions.

(d) Without the notice required by paragraph (c) of this section, a Council, CCC, SSC, AP, or FIAC may briefly close a portion of a meeting to discuss employment or other internal administrative matters. The closed portion of a meeting that is closed without notice may not exceed two hours.

(e) Before closing a meeting or portion thereof, the CCC, a Council, or subsidiary body should consult with the NOAA General Counsel Office to ensure that the matters to be discussed fall within the exceptions to the requirement to hold public meetings described in paragraph (c) of this section.

* * * * *

10. Section 600.140 is added to subpart B to read as follows:

§ 600.140 Procedure for proposed regulations.

(a) Each Council must establish a written procedure for proposed regulations consistent with section 303(c) of the Magnuson-Stevens Act. The procedure must describe how the Council deems proposed regulations necessary or appropriate for the purposes of implementing a fishery management plan or a plan amendment, or making modifications to regulations implementing a fishery management plan or plan amendment. In addition, the procedure must describe how the Council submits proposed regulations to the Secretary.

(b) The Councils must include the procedure for proposed regulations in its SOPP, see § 600.115, or other written documentation that is available to the public.

11. Section 600.207 is added to subpart C to read as follows:

§ 600.207 Pacific Fishery Management Council Tribal Indian representation and alternate.

(a) The tribal Indian representative to the Pacific Fishery Management Council may designate an alternate during the period of the representative's term. The designee must be knowledgeable concerning tribal rights, tribal law, and

the fishery resources of the geographical area concerned.

(b) New or revised designations of an alternate by the tribal Indian representative must be delivered in writing to the appropriate NMFS Regional Administrator and the Council chair at least 48 hours before the designee may vote on any issue before the Council. In that written document, the tribal Indian representative must indicate how the designee meets the knowledge requirements under paragraph (a) of this section.

12. In § 600.210 revise paragraph (c) to read as follows:

§ 600.210 Terms of Council members.

* * * * *

(c) A member who has completed three consecutive terms will be eligible for appointment to another term one full year after completion of the third consecutive term.

13. In § 600.215, redesignate paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), respectively; add new paragraph (c); and revise the newly redesignated paragraph (e) to read as follows:

§ 600.215 Council nomination and appointment procedures.

* * * * *

(c) *Nominees to the Gulf of Mexico Fishery Management Council.* (1) The Governors of States submitting nominees to the Secretary for appointment to the Gulf of Mexico Fishery Management Council shall include:

(i) At least one nominee each from the commercial, recreational, and charter fishing sectors, except that an individual who owns or operates a fish farm outside the United States shall not be considered to be a representative of the commercial or recreational sector; and

(ii) At least one other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

(2) Notwithstanding the requirements of paragraphs (a) and (b) of this section, if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of paragraph (c)(1) of this section, the Secretary shall:

(i) Publish a notice in the *Federal Register* asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirements of this section that were not met for appointment to the Council; and

(ii) Add the name of any qualified individual submitted by the public who

meets the requirements of this section that were not met to the list of names submitted by the Governor.

(3) The requirements of this paragraph (c) shall expire at the end of fiscal year 2012, meaning through September 30, 2012.

* * * * *

(e) *Nomination deadlines.*

Nomination packages (governors' letters and completed nomination kits) should be forwarded by express mail under a single mailing to the address specified by the Assistant Administrator by March 15. For appointments outside the normal cycle, the Secretary will provide a deadline for receipt of nominations to the affected Council and state governors.

(1) *Obligatory seats.* (i) The Governor of the state for which the term of an obligatory seat is expiring should submit the names of at least three qualified individuals to fill that seat by the March 15 deadline. The Secretary will appoint to the Pacific Fishery Management Council a representative of an Indian tribe from a list of no fewer than three individuals submitted by the tribal Indian governments.

(ii) If the Governor or tribal Indian governments fail to provide a nomination letter and at least three complete nomination kits by March 15, the obligatory seat will remain vacant until all required information has been received and processed and the Secretary has made the appointment.

(2) *At-large seats.* (i) If a Governor chooses to submit nominations for an at-large seat, he/she should submit lists that contain at least three qualified nominees for each vacant seat. A nomination letter and a nomination kit for each qualified nominee should be forwarded by express mail under a single mailing to the address specified by the Assistant Administrator by March 15.

(ii) Nomination packages that are not substantially complete by March 31 will be returned to the nominating Governor and will be processed no further. At-large members will be appointed from among the nominations submitted by the governors who complied with the nomination requirements.

* * * * *

14. Section 600.220 is revised to read as follows:

§ 600.220 Oath of office.

As trustees of the nation's fishery resources, all voting members must take an oath specified by the Secretary as follows: "I, [name of the person taking oath], as a duly appointed member of a Regional Fishery Management Council established under the Magnuson-

Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the Council for the greatest overall benefit of the Nation. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the Nation's marine fisheries resources, being careful to balance competing private or regional interests, and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is given freely and without mental reservation or purpose of evasion."

15. In § 600.225 redesignate paragraphs (b)(2) through (b)(8) as paragraphs (b)(3) through (b)(9) respectively; and add a new paragraph (b)(2) to read as follows:

§ 600.225 Rules of conduct.

* * * * *

(b) * * *

(2) Council members, employees, and contractors must comply with the Federal Cost Principles Applicable to Regional Fishery Management Council Grants and Cooperative Agreements, especially with regard to lobbying, and other restrictions with regard to lobbying as specified in § 600.227 of this part.

* * * * *

16. Section 600.227 is added to subpart C to read as follows:

§ 600.227 Lobbying.

(a) Council members, employees and contractors must comply with the requirements of 31 U.S.C. 1352 and Department of Commerce implementing regulations published at 15 CFR 28, "New Restrictions on Lobbying." These provisions generally prohibit the use of Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with the award. Because the Councils receive in excess of \$100,000 in Federal funding, the regulations mandate that the Councils must complete Form SF-LLL, "Disclosure of Lobbying Activities," regarding the use of non Federal funds for lobbying. The Form SF-LLL shall be submitted within 30 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained

in any disclosure form previously filed. The recipient must submit the Forms SF-LLL, including those received from subrecipients, contractors, and subcontractors, to the Grants Officer.

(b) Council members, employees, and contractors must comply with the Federal Cost Principles Applicable to Regional Fishery Management Council Grants and Cooperative Agreements summarized as follows:

(1) Title 2 CFR part 230 - Cost Principles for Nonprofit Organizations (OMB Circular A-122) is applicable to the Federal assistance awards issued to the Councils.

(2) The purpose of the cost principles at 2 CFR part 230 is to define what costs can be paid on Federal awards issued to non-profit organizations. The regulation establishes both general principles and detailed items of costs.

(3) Under 2 CFR part 230, costs for certain lobbying activities are unallowable as charges to Federal awards. These activities would include any attempts to influence:

(i) The introduction of Federal or state legislation;

(ii) The enactment or modification of any pending legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the general public to contribute to or to participate in any demonstration, march, rally, fundraising drive, lobbying campaign, or letter writing or telephone campaign.

(4) Generally, costs associated with providing a technical and factual presentation directly related to the performance of a grant, through hearing testimony, statements, or letters to Congress or a state legislature are allowable if made in response to a documented request.

(5) Costs associated with lobbying to influence state legislation in order to reduce the cost or to avoid material impairment of the organization's authority to perform the grant are also allowable.

17. In § 600.235:

a. In paragraph (a), add paragraph (3) to the definition of "Affected individual", remove the definition of "Financial interest in harvesting, processing, or marketing", and add definitions for "Financial Interest Form" and "Financial interest in harvesting, processing, lobbying, advocacy, or marketing" in alphabetical order.

b. Revise paragraph (b).

c. Revise paragraph (c)(2) and add paragraph (c)(4).

d. Revise paragraphs (h) and (i).

The revisions and additions read as follows:

§ 600.235 Financial disclosure.

(a) * * *

Affected individual * * *

(3) A member of an SSC shall be treated as an affected individual for the purposes of paragraphs (b)(1), (b)(5) through (b)(7), and (i) of this section.

* * * * *

Financial Interest Form means NOAA Form 88-195, "STATEMENT OF FINANCIAL INTERESTS For Use By Voting Members of, and Nominees to, the Regional Fishery Management Councils, and Members of the Scientific and Statistical Committee (SSC)" or such other form as the Secretary may prescribe.

Financial interest in harvesting, processing, lobbying, advocacy, or marketing (1) includes:

(i) Stock, equity, or other ownership interests in, or employment with, any company, business, fishing vessel, or other entity engaging in any harvesting, processing, lobbying, advocacy, or marketing activity in any fishery under the jurisdiction of the Council concerned;

(ii) Stock, equity, or other ownership interests in, or employment with, any company or other entity that provides equipment or other services essential to harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned, such as a Chandler or a dock operation;

(iii) Employment with, or service as an officer, director, or trustee of, an association whose members include companies, vessels, or other entities engaged in any harvesting, processing, lobbying, advocacy, or marketing activity in any fishery under the jurisdiction of the Council concerned; and

(iv) Employment with an entity providing consulting, legal, or representational services to any entity engaging in, or providing equipment or services essential to harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned, or to any association whose members include entities engaged in the activities described in paragraphs (1)(i) and (ii) of this definition;

(2) Does not include stock, equity, or other ownership interests in, or employment with, an entity engaging in scientific fisheries research in any fishery under the jurisdiction of the Council concerned, unless it is covered under paragraph (1) of this definition. A financial interest in such entities is covered by 18 U.S.C. 208, the Federal conflict-of-interest statute.

(b) *Reporting.* (1) The Magnuson-Stevens Act requires the disclosure by each affected individual of any financial interest in harvesting, processing, lobbying, advocacy, or marketing activity, and of any such financial interest of the affected individual's spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee. The information required to be reported must be disclosed on the Financial Interest Form (as defined in paragraph (a) of this section), or such other form as the Secretary may prescribe.

(2) The Financial Interest Form must be filed by each nominee for Secretarial appointment to the Council with the Assistant Administrator by April 15 or, if nominated after March 15, one month after nomination by the Governor. A seated voting member appointed by the Secretary must file a Financial Interest Form with the Executive Director of the appropriate Council within 45 days of taking office; must file an update of his or her statement with the Executive Director of the appropriate Council within 30 days of the time any such financial interest is acquired or substantially changed by the affected individual or the affected individual's spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; and must update his or her form annually and file that update with the Executive Director of the appropriate Council by February 1 of each year.

(3) The Executive Director must, in a timely manner, provide copies of and updates to the Financial Interest Forms of appointed Council members to the NMFS Regional Administrator, the Regional Attorney who advises the Council, the Department of Commerce Assistant General Counsel for Administration, and the NMFS Office of Sustainable Fisheries. These completed Financial Interest Forms shall be kept on file in the office of the NMFS Regional Administrator and at the Council offices, and shall be made available for public inspection at such offices during normal office hours. In addition, the forms shall be made available at each Council meeting or hearing and shall be posted for download from the internet on the Council's website.

(4) Councils must retain the Financial Interest Form for a Council member for at least 5 years after the expiration of that individual's last term.

(5) An individual being considered for appointment to an SSC must file the Financial Interest Form with the Regional Administrator for the geographic area concerned within 45 days prior to appointment. A member of the SSC must file an update of his or her statement with the Regional Administrator for the geographic area concerned within 30 days of the time any such financial interest is acquired or substantially changed by the SSC member or the SSC member's spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; and must update his or her form annually and file that update with the Regional Administrator by February 1 of each year.

(6) An individual who serves as an SSC member to more than one Council shall file Financial Interest Forms with each Regional Administrator for the geographic areas concerned.

(7) The Regional Administrator shall maintain on file the Financial Interest Forms of all SSC members for at least five years after the expiration of that individual's term on the SSC. Such Forms are not subject to sections 302(j)(5)(B) and (C) of the Magnuson-Stevens Act.

(c) * * *

(2) As used in this section, a Council decision will be considered to have a "significant and predictable effect on a financial interest" if there is a close causal link between the decision and an expected and substantially disproportionate benefit to the financial interest in harvesting, processing, lobbying, advocacy, or marketing of any affected individual or the affected individual's spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee, relative to the financial interests of other participants in the same gear type or sector of the fishery. The relative financial interests of the affected individual and other participants will be determined with reference to the most recent fishing year for which information is available. However, for fisheries in which IFQs are assigned, the percentage of IFQs assigned to the affected individual will be dispositive.

* * * * *

(4) A member of an SSC is not subject to the restrictions on voting under this section.

* * * * *

(h) The provisions of 18 U.S.C. 208 regarding conflicts of interest do not

apply to an affected individual who is a voting member of a Council appointed by the Secretary, as described under section 302(j)(1)(A)(ii) of the Magnuson-Stevens Act, and who is in compliance with the requirements of this section for filing a financial disclosure report. The provisions of 18 U.S.C. 208 do not apply to a member of an SSC, unless that individual is an officer or employee of the United States or is otherwise covered by the requirements of 18 U.S.C. 208.

(i) It is unlawful for an affected individual to knowingly and willfully fail to disclose, or to falsely disclose, any financial interest as required by this section, or to knowingly vote on a Council decision in violation of this section. In addition to the penalties applicable under § 600.735, a violation of this provision may result in removal of the affected individual from Council or SSC membership.

18. In § 600.240, revise paragraph (a) to read as follows:

§ 600.240 Security assurances.

(a) DOC Office of Security will issue security assurances to Council nominees and members following completion of acceptable background checks. Security assurances will be valid for 5 years from the date of issuance. A security assurance will not entitle the member to access classified data. In instances in which Council members may need to discuss, at closed meetings, materials classified for national security purposes, the agency or individual (e.g., Department of State, U.S. Coast Guard) providing such classified information will be responsible for ensuring that Council members and other attendees have the appropriate security clearances.

* * * * *

19. Section 600.250 is added to subpart C to read as follows:

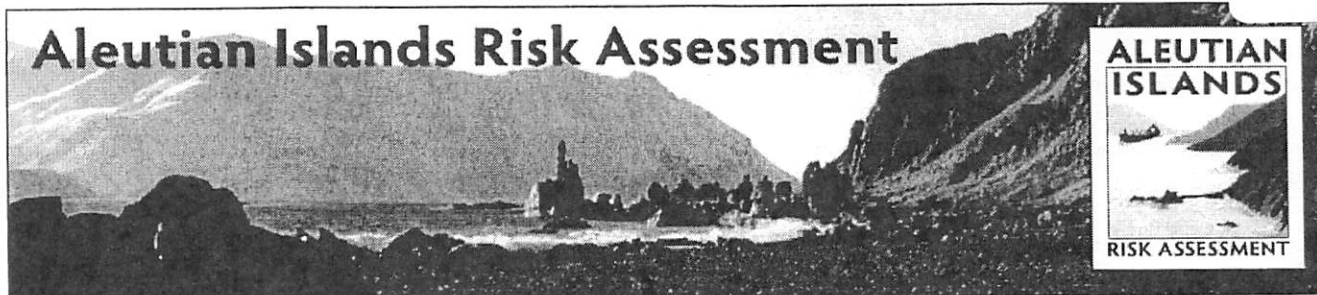
§ 600.250 Council member training.

(a) The Secretary shall provide a training course covering a variety of topics relevant to matters before the Councils and shall make the training course available to all Council members and staff and staff from NMFS regional offices and science centers. To the extent resources allow, the Secretary will make the training available to Council committee and advisory panel members.

(b) Council members appointed after January 12, 2007, shall, within one year of appointment, complete the training course developed by the Secretary. Any Council member who completed such a training course within 24 months of January 12, 2007, is considered to have met the training requirement of this section.

[FR Doc. E9-6896 Filed 3-26-09; 8:45 am]

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Aleutian Islands Risk Assessment Project Home

Updated: March 16, 2009 16:00

The National Fish & Wildlife Fund, U.S. Coast Guard and State of Alaska (ADEC) are working on a multi-phase risk assessment of maritime transportation in the Bering Sea and the Aleutian Archipelago. The December 8, 2004 grounding and subsequent oil spill from the M/V Selendang Ayu drove this effort, along with other marine casualties in the region.



Risk assessment is a systematic approach used to evaluate the level of safety of a complex system and to identify appropriate safety improvements. It is an established engineering discipline and has been used in the maritime industry in the past with varying degrees of success. Both the State of Alaska and the U.S. Coast Guard have had experience with maritime risk assessments, and both understand the complexity of the problem at hand, as well as the need for a well-designed process that would ensure a successful outcome. Consequently, in 2007 they asked the National Academies to examine the available data and develop an appropriate framework that includes the most scientifically rigorous approach possible for a comprehensive risk assessment, and to design the assessment with a logical sequence of building blocks so that it could be conducted in discrete steps.

Phase I Transportation Research Board Study

To conduct this study, the Transportation Research Board (TRB) within the National Academies empanelled the Committee for Risk of Vessel Accidents and Spills in the Aleutian Islands: A Study to Design a Comprehensive Assessment. The committee included individuals with expertise in risk assessment methods and practices; risk assessment data and analyses; risk analyses, with emphasis on evaluation and prevention of ship accidents; commercial shipping, with emphasis on North Pacific operations; navigation safety and voyage planning; U.S. Coast Guard missions and operations related to waterway management and accident response; environmental protection; and regulatory approaches to ship safety and accident prevention.

The committee met three times. During a multiday meeting (October 29–November 2, 2007) in Alaska with a site visit to Dutch Harbor, the committee heard from stakeholders and reviewed available data pertinent to its charge. Stakeholders discussed specific hazards presented by Aleutian shipping operations and a range of possible mitigation measures they believed should be considered for implementation.

At its second meeting, held January 7–8, 2008, the committee received presentations on the following topics:

- **Related maritime risk assessments, including:**

- Methodologies and approaches in recent and ongoing assessments in the United States (Puget Sound and San Francisco)
- Methodologies and approaches in recent assessments in Europe
- Methodologies employed in limited-scope risk analyses

- **Spill response and environmental impacts:**

- Vessel casualties and oil outflow modeling
- Impacts from spills of persistent oils
- Commercial vessel operations/practices
- Spill risk from a ship owners Protection and Indemnity (P&I) Club perspective
- Availability and accessibility of U.S. Coast Guard data

The efforts of this committee culminated with the completion of their report titled: Risk of Vessel Accidents and Spills in the Aleutian Islands. An electronic copy of the report (Special Report 293) can be found at <http://onlinepubs.trb.org/Onlinepubs/sr/sr293.pdf>

Phase II Conducting the Risk Assessment

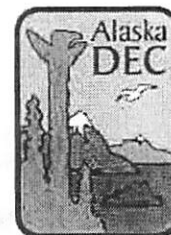
The second phase of the project – conducting the Aleutian Islands Risk Assessment in accordance with the TRB design, is now underway. As set forth in the design, the assessment organization and management structure consists of four groups: a Management Team, an Advisory Panel, a Risk Analysis Team, and a Peer Review Panel. In addition to the U.S. Coast Guard and the State of Alaska (ADEC), the management team includes the National Fish and Wildlife Foundation (NFWF), the agency responsible for allocating the funds. A priority for the management team is the establishment of the Advisory Panel. The Advisory Panel will represent a structured stakeholder/participatory approach intended to build trust, clarify the values and goals that should inform the assessment, incorporate local information and knowledge that could otherwise be missed, and potentially provide a path to organizational learning and policy change that might not otherwise be available. The panel will consist of stakeholders and experts who can offer local knowledge and expertise on all issues pertinent to the assessment, such as local infrastructure, relevant industries, waterways and their navigation, weather, and habitats. The Panel will include representatives from the following:

- Municipalities
- Environmental organizations/interests
- Subsistence users
- Landowners and managers (e.g., Maritime National Wildlife Refuge)
- Different sectors of the fishing industry
- Industry representatives (including salvors, pilots, mariners, and port authorities)
- Government agencies offering special expertise (e.g., NOAA)
- Others with expertise in local weather, habitats, waterways, infrastructure, etc.

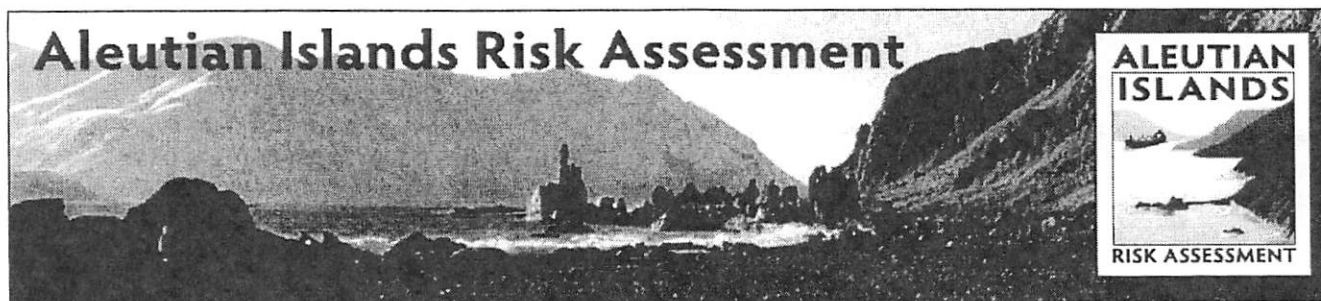
Solicitation for Applications for Advisory Panel Membership

The management team is currently soliciting applications for membership to the Advisory Panel.

Add your name to our Distribution List for Project Updates



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Aleutian Islands Risk Assessment Solicitations

Updated: March 19, 2009 18:29

[Back to HOME](#)

Solicitation for Applications



The Aleutian Island Risk Assessment (AIRA) Management Team is soliciting applications for membership to the AIRA Advisory Panel. The Advisory Panel is intended to operate as an independent entity from the AIRA Management Team. The mission of the Advisory Panel is to provide stakeholders' perception of current and future risks posed from maritime transportation transiting through and adjacent to the Aleutian Islands. The primary purpose of the AIRA Advisory Panel is to:

- Assist in identifying hazards and offer local knowledge to characterize the risks
- Assist in establishing tolerance parameters for risks
- Perform an initial prioritization of risk reduction measures

Composition of the Advisory Panel should include stakeholders and experts who would offer local knowledge and expertise on all issues pertinent to the risk assessment. This would include knowledge of local infrastructure, relevant industries, waterways and their navigation, weather, habitat and area use. Advisory Panel members are expected to work with stakeholders to clarify the values and goals that should shape the risk assessment. The desired size of the Advisory Panel is twelve (12) primary members and one (1) alternate member for each stakeholder category.

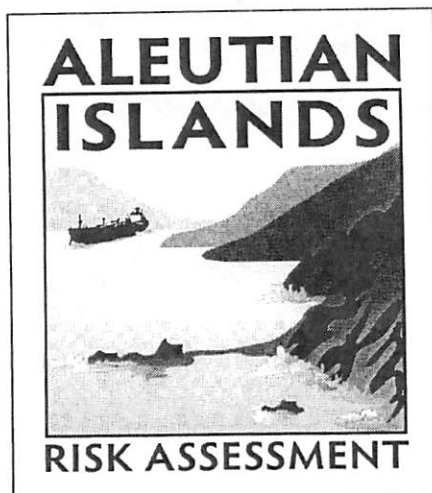
Nuka Research and Planning Group, LLC is the Facilitator of the Advisory Panel and will also assist in coordinating input on the risk assessment from a wide array of stakeholders and help to ensure that the input is fairly considered within the Panel.

The AIRA Advisory Panel will meet approximately eight (8) times during Phase A (first year) of the risk assessment and four (4) of those meetings be conducted using web/teleconference methods. During Phase B (second year) of the risk assessment the Panel is anticipated to meet three (3) times.

Each Advisory Panel member will serve no more than the life of the project, which will last no more than three years. AIRA Advisory Panel positions are voluntary, non-paid appointments. The National Fish & Wildlife Fund will pay for travel expenses and provide a reasonable per diem for attendance at meetings of the Advisory Panel to members and subject matter experts. The AIRA Facilitator, in coordination with Management Team and Advisory Panel members, schedules AIRA Advisory Panel meetings.

Individuals interested in applying for seat on the Advisory Panel should submit a completed **application form** and **letter of interest** via email or fax no later than April 15, 2009. The application form can be downloaded by clicking [here](#) or the link near the top of the page. Completed forms can be emailed to: pearson.consultingllc@gmail.com or faxed to: Pearson Consulting LLC (253) 507-5224.

We plan on providing notification of the final selection by April 28, 2009.



Thanks for your interest in the Aleutian Islands Risk Assessment Advisory Panel. This document contains the solicitation and application form for the Advisory Panel. There are several ways you can complete the form and submit it:

1. You can fill out the form in Adobe Acrobat and click on the submit button that will attach the form to an email, which you can then send electronically.
2. You can print the form, fill it out by hand, and send it to us using one of the following methods:

FAX: Pearson Consulting LLC (253) 507-5224

MAIL: Pearson Consulting LLC
2784 1/2 Old Military Road
Steilacoom, WA 98388

Please fill in all sections of the form and include a letter explaining your interest and relevant background.

Remember that forms are due no later than April 15, 2009!

If you have trouble with the form or need additional information, please contact: Leslie Pearson, pearson.consultingllc@gmail.com, (253)507-5224.



**Aleutian Island Risk Assessment (AIRA)
Advisory Panel Membership
APPLICATION FORM**

Section 1 - Contact Information		
First Name:	Last Name:	
Title:		
Organization:		
Mailing Address:	City:	State/Zip Code
Day Phone: ()	Alternate Day Phone: ()	
E-Mail Address:	Fax:	
Section 2 - Representation		
Please check the box(s) which you feel you can represent:		
<input type="checkbox"/> Local government (municipalities and tribal)	<input type="checkbox"/> Mariner in local trade	
<input type="checkbox"/> Land/resource manager	<input type="checkbox"/> o Trampler	
<input type="checkbox"/> Subsistence user	<input type="checkbox"/> o Container ships	
<input type="checkbox"/> NGO (including environmental organizations)	<input type="checkbox"/> o Oil barge/tanker	
<input type="checkbox"/> Fishing industry	<input type="checkbox"/> Mariner in innocent passage	
	<input type="checkbox"/> Rescue tug operator	
	<input type="checkbox"/> Marine salvor	
	<input type="checkbox"/> Marine pilot	
	<input type="checkbox"/> Other- please specify	
Section 3 - References (Please provide two references for possible contact)		
Name:	Phone:	
Name:	Phone:	
Section 4 - Have you been a member on any Boards or Panels? If so please list:		
Board/Panel Name:		
Board/Panel Name:		
Section 5 - Terms		
The AIRA Advisory Panel members are appointed by and serve at the discretion of the AIRA Management Team. Each AIRA Advisory Panel member will serve no more than the life of the project or no more than three years. AIRA Advisory Panel positions are voluntary, non-paid appointments. The National Fish & Wildlife Fund will pay for travel expenses and provide a reasonable per diem for attendance at meetings of AIRA Advisory Panel to members and subject matter experts. The AIRA Facilitator, in coordination with Management Team and Advisory Panel members, schedules AIRA Advisory Panel meetings.		
Section 6 - Letter of Interest		
Applicant must attach a letter of interest to this form. See next page.		

Section 6 – Letter of Interest

Empty rectangular box for writing the Letter of Interest.



AIRA Advisory Panel Solicitation Information

The Aleutian Island Risk Assessment (AIRA) Management Team is soliciting applications for membership to the AIRA Advisory Panel. The Advisory Panel is intended to operate as an independent entity from the AIRA Management Team. The mission of the Advisory Panel is to provide stakeholders' perception of current and future risks posed from maritime transportation transiting through and adjacent to the Aleutian Islands. The primary purpose of the AIRA Advisory Panel is to:

- o Assist in identifying hazards and offer local knowledge to characterize the risks
- o Assist in establishing tolerance parameters for risks
- o Perform an initial prioritization of risk reduction measures

Composition of the Advisory Panel should include stakeholders and experts who would offer local knowledge and expertise on all issues pertinent to the risk assessment. This would include knowledge of local infrastructure, relevant industries, waterways and their navigation, weather, habitat and area use. Advisory Panel members are expected to work with stakeholders to clarify the values and goals that should shape the risk assessment. The desired size of the Advisory Panel is twelve (12) primary members and one (1) alternate member for each stakeholder category.

Nuka Research and Planning Group, LLC is the Facilitator of the Advisory Panel and will also assist in coordinating input on the risk assessment from a wide array of stakeholders and help to ensure that the input is fairly considered within the Panel.

The AIRA Advisory Panel will meet approximately eight (8) times during Phase A (first year) of the risk assessment and four (4) of those meetings be conducted using web/teleconference methods. During Phase B (second year) of the risk assessment the Panel is anticipated to meet three (3) times.

Each Advisory Panel member will serve no more than the life of the project, which will last no more than three years. AIRA Advisory Panel positions are voluntary, non-paid appointments. The National Fish & Wildlife Fund will pay for travel expenses and provide a reasonable per diem for attendance at meetings of the Advisory Panel to members and subject matter experts. The AIRA Facilitator, in coordination with Management Team and Advisory Panel members, schedules AIRA Advisory Panel meetings.

Individuals interested in applying for seat on the Advisory Panel should submit a completed application form and letter of interest via email or fax no later than April 15, 2009. The application form can be found on the AIRA Project website: <http://www.aleutiansriskassessment.com>. Completed forms can either be emailed to: pearson.consultingllc@gmail.com; faxed to: Pearson Consulting LLC (253) 507-5224; or, mailed to Pearson Consulting LLC, 2784 1/2 Old Military Road, Steilacoom, WA 98388.

We plan on providing notification of the final selection by April 28, 2009.



Resource Modeling Association

2009 World Conference on Natural Resource Modeling, Juneau, Alaska June 17-19, 2009

Keynote speakers:

- Jon Schnute** (Department of Fisheries and Oceans, Canada)
- George Sugihara** (Scripps Institute of Oceanography)
- Greg Amacher** (Department of Forestry, Virginia Polytechnic Institute & State University)
- Kerim Aydin** (Alaska Fisheries Science Center, NOAA Fisheries, Seattle)

Theme: Modeling Complex Systems:

This multidisciplinary conference is being sponsored by the Resource Modeling Association to provide a forum for new developments in modeling and analysis of natural resource systems, particularly ecological, economic and management aspects in forestry, fisheries, wildlife, ecosystem and biodiversity conservation, and management of multiple use resources. We are particularly interested in papers and posters that report on research that explores tradeoffs between simple and complex models of complex natural systems.

Call for Papers:

Abstracts of 100-200 words are welcome, submitted by email if possible. Please note author's name and address, title of presentation, and whether oral or poster presentation is preferred. **Deadline: May 1, 2009.** Send abstracts to k.criddle@uaf.edu or:

RMA Conference Abstract Selection Committee, 17101 Pt Lena Loop Rd, Juneau, AK, USA 99801.

Registration:

Registration fees include lunches and poster reception. Registration for the salmon BBQ is \$15 per person and is open to conference attendees and their guests. All fees are in US dollars. Nonmember registration includes US\$65 membership dues and includes the benefits of a year's membership.

- Members (2009 dues paid)
 - \$150 before May 15th
 - \$200 after May 15th
- Nonmembers
 - \$215 before May 15th
 - \$265 after May 15th
- Students
 - \$30 before May 15th
 - \$50 after May 15th

You can register by mail or by fax (907-796-5446).

Location and Accommodations:

Juneau, Alaska, USA located in beautiful Southeast Alaska, a wonderland of forest, mountain and ocean. Conference sessions will be held in the Egan lecture hall on the University of Alaska Southeast campus at Auke Lake. We have reserved blocks of rooms at the Travelodge (907-789-9700; \$129 single/\$139 double), Super-8 (907-789-4858; \$143 single/\$152 double), and Extended Stay Deluxe (907-790-6435; \$118 single or double) hotels. Rooms fill quickly, so please book ahead. These hotels offer airport shuttle service and continental breakfast. Twice-daily bus service will be provided between these hotels and the conference venue.

Conference Hosts and Sponsors:

The conference is being hosted by the UAF Fisheries Division, NOAA Fisheries, and the Alaska Department of Fish and Game.





Resource Modeling Association

Call for Abstracts for Oral and Poster Presentations

2009 World Conference on Natural Resource Modeling

June 17-19, 2009

Juneau, Alaska

Review of Abstracts for Oral and Poster Presentations will commence on
May 1, 2009.

Keynote speakers:

Jon Schnute (Department of Fisheries and Oceans, Canada)

George Sugihara (Scripps Institute of Oceanography)

Greg Amacher (Department of Forestry, Virginia Polytechnic Institute & State University)

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Resource Modeling Association

Location, Transportation, and Accommodations:

Juneau, Alaska, USA located in beautiful Southeast Alaska, a wonderland of forest, mountain and ocean. For information on local tourism, visit the Juneau Convention & Visitors Bureau. Conference sessions will be held in the Egan lecture hall on the University of Alaska Southeast campus at Auke Lake.

Juneau is served by Alaska Airlines (www.alaskaair.com) with flights that originate in Seattle, Washington and Anchorage, Alaska. Although Juneau is not directly connected to the North American road system, it can be reached by ferry (www.dot.state.ak.us/amhs) from Bellingham, Washington, Prince Rupert, British Columbia, and Skagway or Haines, Alaska. During the summer, Juneau is also served by cruise lines that depart from Seattle, Washington and Vancouver, British Columbia (e.g., www.alaskacruises.com).

We have reserved blocks of rooms at the Travelodge (907-789-9700; \$129 single/\$139 double), Super-8 (907-789-4858; \$143 single/\$152 double), and Extended Stay Deluxe (907-790-6435; \$118 single or double) hotels. Rooms fill quickly, so please book ahead. These hotels offer airport shuttle service and continental breakfast. Twice-daily bus service will be provided between these hotels and the conference venue.

Schedule:

Wednesday 17 June—Registration desk opens at 7:30 am. Conference sessions: 9:00 am – 5:00 pm at UAS Egan lecture hall. Salmon Barbeque: 6:00 pm – 9:00 pm at the Auke Village Recreation Area (transportation provided).

Thursday 18 June—Conference sessions: 8:30 am- 5:00 pm at UAS Egan lecture hall. Poster session and reception: 6:00 pm -7:30 pm at Lena Point (transportation provided).

Friday 19 June—Conference sessions: 8:30 am - 5:00 pm at UAS Egan lecture hall.

Saturday 20 June—Post-conference excursions. In addition to the wide variety of activities that can be arranged through local tour services (e.g., whale watching, fishing, cruise to Glacier Bay or Tracy Arm), we will organize a hike to the Herbert Glacier and seakayaking in Auke Bay.





Resource Modeling Association

Call for Papers:

Abstracts of 100-200 words are welcome, submitted by email if possible. Please note author's name and address, title of presentation, and whether oral or poster presentation is preferred. Deadline: May 1, 2009.

Send abstracts to:

RMA Conference Abstract Selection Committee k.criddle@uaf.edu
17101 Pt Lena Loop Rd
Juneau, AK, USA 99801

Registration:

Registration fees include lunches and poster reception. Registration for the salmon BBQ is \$15 per person and is open to conference attendees and their guests. All fees are in US dollars. Remember that you can pay member rates by joining with your registration for US\$65. This is the same price as nonmember registration, but with all the benefits of a year's membership.

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- Students
 - \$30 before May 15th
 - \$50 after May 15th

You can register by mail or by fax (907-796-5446).



Thursday, April 2, 2009 5:30 pm - 7 pm
Hilton Hotel, Anchorage - Dillingham/Katmai Room



Presentation on approach and timeline for developing a research plan for the Northern Bering Sea Research Area

The Alaska Fisheries Science Center is assisting the Council in developing a scientific research plan for the Northern Bering Sea Research Area (NBSRA) to study the effects of bottom trawling on the benthic community. The NBSRA was established by the Council and became effective in 2008, and is currently closed to bottom trawl fishing. The intent was to develop a research plan within two years, under which research and experimental bottom trawl fishing in this area could be conducted. The primary goals of the plan would be to investigate the effects of bottom trawling on bottom habitat, and provide information to help with developing future protection measures.

The proposed research plan will:

- Establish guidelines for an adaptive management plan for bottom trawl fishing that includes closing control areas to fishing to allow research on the effects of bottom trawling on habitat
- Require all vessels conducting experimental fishing in the NBSRA, under the research plan, to work in conjunction with the Alaska Fisheries Science Center
- Identify information needed to protect crab, marine mammals, and endangered species within the NBSRA from adverse impacts of bottom trawling
- Identify information needed to protect subsistence needs of Western Alaska communities from adverse impacts of bottom trawling in areas of the NBSRA

Presentation on approach and timeline for developing the research plan

Pat Livingston, Director of the Resource Ecology and Fisheries Management Division of the Alaska Fisheries Science Center, will give a short presentation on the approach the Science Center is planning for developing the research plan, and a tentative schedule for Council action. The Council has asked that the research plan be ready for review by mid-2010.

The meeting will take place on Thursday, April 2, 2009, at the Hilton Hotel, from 5:30 pm to 7 pm in the Dillingham/Katmai Room on the second floor. This is an opportunity for the public to provide some initial feedback to the Science Center and Council analysts about what the research plan should look like or should include. Other opportunities will be scheduled in the future.

If you are unable to attend in person, you may send a letter, by mail or fax, to the Council office. The Council address is listed at the bottom of this page.

