

M E M O R A N D U M

TO: Council, SSC, and AP Members

FROM: Jim H. Branson  
Executive Director

DATE: December 4, 1980

SUBJECT: Policy on public participation at Plan Development Team meetings

*ACTION REQUIRED*

*Adopt a policy on public participation at Plan Development Team meetings.*

BACKGROUND

The Plan Development Teams (PDT) for fishery management plans and FMP amendments are generally multi-agency and multi-disciplinary. They range in size from 3 or 4 members to as many as 7 or 8. There has been no solid policy developed for how they conduct their business since the inception of the Council in early 1977. As a result, they have worked in a variety of formats -- occasionally in closed meetings; frequently in meetings where the public is in attendance.

There have been problems with public attendance at PDT meetings when plans or amendments are in their early stages of development. Frequently they have turned into debating matches between PDT members and representatives of various advocacy groups. This has resulted in considerable delay in the process and, most importantly, has tended to restrict PDT discussion since many of the members are unwilling to engage in uninhibited discussions of ideas, alternatives, and options.

NOAA legal counsel has advised that PDT meetings are not subject to Federal Advisory Committee Act (FACA) restrictions. Legally, it is not necessary for PDT meetings to be open to everyone.

Notwithstanding the above, it is recognized by most of the participants in this process that public participation is desirable at some stages of Plan Development Team deliberations. The problem is structuring that participation so the Plan Development Team is able to work, unimpeded by advocacy debate in early stages of plan development, still allowing all interested parties to fully follow the plan development process, have an opportunity to examine the background for decisions and recommendations, and furnish, if they have it, additional or new information that will be helpful to the team.

As a starting point for Council discussion, I would like to recommend the following policy:

*Plan Development Teams will conduct their meetings as closed sessions, restricting attendance to team members only. As soon as the team has developed recommendations, including alternatives, they meet in open session with the Advisory Panel review group, the SSC review group, and the Council review group for that particular FMP to review the material they have developed and to explain the data and information they used to arrive at those recommendations. The public would be invited to attend those meetings and the PDT could allow testimony or solicit the views of attendees. Open meetings should follow closed PDT meetings as soon as possible, preferably in conjunction with the closed sessions.*

The open meeting with the AP, SSC, and Council review groups, each comprised generally of three representatives, would serve a dual purpose. First, it would allow peer review of PDT action by the SSC subgroup, complete familiarization with the plan development process by the AP and Council subgroups and allow opportunity for input by those subgroups on the plan development process before it comes to the entire Council family. This is the process we have been advocating for some time. Second, it would allow the public full access to plan development in its early stages and the documentation used for that development, as well as an opportunity for input into the process.

The proposed policy follows in large part the recent recommendations of the Gulf of Alaska Groundfish PDT. [See E-5 attachment 1(a)].