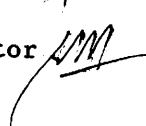


MEMORANDUM

DATE: September 27, 1979

TO: Council Members, Scientific & Statistical Committee  
and Advisory Panel

FROM: Jim H. Branson, Executive Director 

SUBJECT: Scheduling Subcommittee Report

COUNCIL ACTION

*Council approval of the proposed schedule for the development of the Herring Plan, the Clam Plan and the King Crab Plan is required. Annual FMP review cycles are proposed for Council review.*

BACKGROUND INFORMATION

The Scheduling Subcommittee met on September 10th to review the development schedules for fishery management plans and to discuss the annual review cycle for fishery management plans.

The significant points of the report are discussed below;

Development schedules for fishery management plans are at best, planning guidelines.

1. The subcommittee approved of the proposed schedule for Surf Clam FMP development, realizing the uncertainties regarding the development of the fishery.

2. They suggested the King Crab PDT recommend the most appropriate option proposed for the King Crab development schedule. (This was done at the September 25th meeting of the PDT when the PDT decided to submit the draft FMP to the Council for the March Council meeting).

3. The Halibut PDT should be reactivated to review the Draft Halibut FMP in light of possible upcoming problems with the U.S./Canadian agreements, and to consider limited entry as a management measure for the fishery. They suggested the Halibut Commission participate in the drafting of the Plan, possibly as team members.

It is becoming increasingly difficult to accommodate piece-meal reviews and amendments to the FMP's at every Council meeting. Instead, an organized, coordinated effort to assess the data and, if necessary, to propose amendments, would result in a more profound review and a meaningful opportunity for the public to comment on the fishery management plan once or twice a year. Some of the factors which make up the most suitable time for the annual review of each plan were presented and discussed by the Subcommittee and tentative annual review cycles were proposed.

1. The groundfish data and plans would be reviewed by the PDT during the winter. SSC, AP and Council review will take place in February for Bering Sea Groundfish Plan and in March for the Gulf of Alaska Groundfish Plan. Council approval of any changes by March or April would be necessary in order to meet an implementation date of September 1 which is proposed as the new fishing year for both plans. This gives the Secretary four months to review the changes. This annual review cycle is acceptable to the PDT.

2. The annual review cycle for the Tanner Crab FMP has not yet been confirmed by the PDT. The Subcommittee recommends that the fishing year start on January 1, which means that the Council would have to approve changes by August. However, comments from a member of the PDT indicate that a fishing year starting at the end of March would be more appropriate as data from the Kodiak area and the Bering Sea area becomes available in September and October respectively.

3. The annual review of the Herring Fishery Management Plan is closely linked to the in-season management procedure presently in the draft plan. This means that the PDT review takes place from September to early December and the Council approval would take place in December. If there were proposed amendments they could be implemented by April 1st which is the beginning of the fishing year.

4. Troll Salmon - As for the herring, the annual review of the plan and the fishery will hinge around the Board of Fisheries meeting in December. This means that the PDT review would take place September to November, Council approval of changes would be in December and the amendments could be implemented in time for the April 15th opening of the fishing year.

5. The King Crab FMP review - the proposed review is linked to the Board of Fisheries meeting in April. This would mean that the PDT review the data and analysis from the fishery between January and March. The Council would approve any amendments or changes in April and the amendments would be implemented in September to coincide with the start of the fishing season. The PDT have not confirmed this schedule.

6. The annual review of the Clam Plan will depend on the development of the fishery. It is expected that the annual review cycle would be proposed by the Plan Development Team.

The Subcommittee stressed the importance of the SSC, AP and Council review subgroups in the development of a plan or series of amendments. In this way Council advice and review can take place early on in the process and Council members can be kept informed of events. This policy is being reactivated, for example, the Herring Plan was extensively reviewed by the SSC and AP subgroups to the benefit of the plan.

The Subcommittee also requested to be kept up to date on the development schedules of plans and the review of plans at each Council meeting to keep informed of the progress of events and delays in proposed schedules. This update will be provided by the Council staff for meetings in the future.

Attachment

MD

# North Pacific Fishery Management Council

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## MEMORANDUM

DATE: September 14, 1979

TO: Council Members, Scientific & Statistical Committee  
and Advisory Panel

FROM: Jim H. Branson, Executive Director

SUBJECT: Scheduling Subcommittee Meeting Report

The Scheduling Subcommittee met in Anchorage on September 10, 1979. The meeting was attended by Don Bevan (Chairman), John Harville, Harold Lokken, Steve Pennoyer, Phil Chitwood, Bert Larkins, Guy Thornburgh, Maggie Duff and myself.

The purpose of the meeting was to review the development status of certain fishery management plans and to establish an annual review cycle for those plans that are being implemented. The annual review cycle takes into account the fishing seasons, the availability of data, the amendment cycle, if necessary, and the workload of the people involved in the management of the fisheries.

The following plans were considered low priority and shelved: shrimp, dungeness crab, scallops and snails. The following plans are currently being developed; King Crab, Halibut, Herring and Comprehensive Coastwide Salmon. The following plans have, or are about to be implemented: Gulf of Alaska Groundfish, Bering Sea Groundfish, Tanner Crab, Herring and Salmon Plan.

1. Plans Being Developed

a. Surf Clam Draft Plan - The Committee reviewed the development schedule for the Clam Fishery Management Plan, and tentatively approved the schedule as proposed. The plan, however, is a management proposal for a resource which has yet no fishery. The development schedule will be linked to the development of the fishery. An SSC meeting has been scheduled in October to review the plan and an AP/industry meeting is anticipated end of October or November to discuss industry intent regarding the proposed fishery. The subgroup recommended that more time be included in the schedule for public comment and PDT consideration of these comments, in the summer of next year. It was also recommended that the PDT look at the framework possibilities of the Clam Plan. The annual review cycle has not been established and will not be set until a seasonal fishery develops. The proposed development schedule is as follows:

SSC/AP Subgroup Review . . . . . October  
Council Review . . . . . November  
Council Approval . . . . . January  
Plan to Secretary. . . . . February 1980  
Notice of Public Hearings in Federal Register. . . March  
Public Hearings. . . . . April/May  
PDT/SSC/AP Review and Council Review . . . . . June/July  
Council Approval . . . . . August  
Start of Secretarial Review (60 days). . . . . September  
End of Secretarial Review. . . . . November  
Publication of FMP and Regulations in FR . . . . . November  
(Start 60-day review)  
Final Regulations in Federal Register. . . . . January 1981  
Plan Implemented . . . . . February

b. King Crab Plan - The Committee noted that the King Crab Plan had been in the development stage for 612 days. The Subcommittee reviewed the proposed schedule and recommended that the PDT look at the alternatives to the date of submission of a draft

to the Council. The SSC recommendation for implementation of the plan by September 1, 1981 means that a draft should be submitted to the Council by May of 1980 at the latest.

The Subcommittee also briefly discussed the advantages or disadvantages of simplifying the management unit; whether to consider only the King crab fisheries in Kodiak and the Bering Sea; whether to combine parts of the plan with the Tanner Crab Plan, treating both as a crab plan for the Bering Sea for example. It was suggested that the PDT look into this question.

The following schedules vary according to date the draft is forwarded to the Council:

	<u>Or</u>	<u>Or</u>
Draft Plan Submitted to Council . . .	November 1979 . . .	January, 1980 . . .
SSC Review and Council Review . . . . .	Nov/Dec . . . . .	February. . . . .
Council Approval. . . . .	January 1980. . . . .	March . . . . .
Public Hearings . . . . .	March/May . . . . .	April/May . . . . .
Redraft of FMP. . . . .	June. . . . .	June. . . . .
Final Plan Submitted to Council . . . . .	July. . . . .	July. . . . .
SSC Review/Council Review . . . . .	August. . . . .	August. . . . .
Council Approval. . . . .	September . . . . .	September . . . . .
Start of Secretarial Review (60 days)	November. . . . .	November. . . . .
End of Secretarial Review . . . . .	February 1981 . . . . .	February 1981 . . . . .
Publication of FMP and Regulations		
in <u>FR</u> (60 days). . . . .	March . . . . .	March . . . . .
Final Regulations in <u>Federal Register</u>	May . . . . .	May . . . . .
Plan Implemented. . . . .	September 1 . . . . .	September 1 . . . . .

- c. Halibut Plan - The Committee reviewed the status of the ratification of the U.S./Canadian halibut agreement by Congress. Due to the uncertainties surrounding the ratification of the agreement, the subcommittee recommended that the initial plan be reactivated, that the Halibut PDT membership be reviewed, and that the question of limited entry be reconsidered for the halibut

fishery. A suggestion was made that the Halibut Commission participate as a plan drafting team in the revision of the plan. If a new draft plan was to be submitted to the Council for their review and approval, the draft would have to be submitted to the Council by February of 1980. If, however, a final fishery management plan is submitted for Council approval and Secretarial review, the plan should be submitted to the Council by July of 1980.

The two options are as follows:

Draft Submitted to Council . . . . .	February 1980
Council Review . . . . .	March
Council Approval . . . . .	April
Notice of Availability . . . . .	May
Public Hearings. . . . .	June/July
Council Review FMP . . . . .	August
Council Approve FMP. . . . .	September
Start Secretarial Review (60 days) . . . . .	October
End Secretarial Review . . . . .	Mid-December
Publication of FMP and Proposed Regulations and Start of 60-day Public Comment Period . . . . .	December
Final Regulations in <u>Federal Register</u> . . . . .	March 1, 1981
End Cooling off Period, Plan Implemented . . . . .	April 1

OR:

PDT/SSC/AP Review Plan or Amendments . . . . .	April/July 1980
Submitted to Council . . . . .	July
Council Review . . . . .	August
Council Approval . . . . .	September
Start Secretarial Review (60 days) . . . . .	October
End Secretarial Review . . . . .	December
Publication in <u>Federal Register</u> . . . . .	December
60-Day Public Comment Ends . . . . .	February
Final Regulations. . . . .	March 1
End Cooling Off Period, Plan Amendments Implemented. . . . .	April 1

## 2. Plans to be Reviewed

For the past two years the Council activity has been focused on the development of fishery management plans. Three FMP's have been implemented by the Secretary of Commerce and one FMP is about to be approved. These are: Tanner Crab FMP, Gulf of Alaska Groundfish FMP, Troll Salmon FMP and Bering Sea/Aleutian Islands Groundfish FMP. Herring, clam and king crab draft plans were also included in the discussion on the annual review cycle.

In these plans, the Council makes a brief general statement of its intent to review the plans. The Subcommittee recommended that the Council expand its discussion on the annual review of the plan in each plan, to include the purpose, timing, and extent of such a review.

An annual or bi-annual review should consider some or all of the following:

1. The analysis of results from previous seasons' fishery: catch data, catch per unit of effort, observer data, etc.
2. The analysis of the results from the previous seasons' surveys: spawning biomass, sampling program of industry, etc.
3. The effectiveness of management over the previous season.
4. Special reports and studies.
5. Comments and proposed amendments submitted by the general public.

The Subcommittee discussed the importance of a coordinated review of management and the fisheries with the Board of Fisheries, whose meetings are in December (finfish and Tanner crab) and April (primarily shellfish). It was suggested the Executive Directors and their staff meet to discuss the question. Coordinated meetings on salmon, crab and herring will be of immediate importance.



Ideally, annual changes to the plan outside of in-season adjustments can be made without initiating the Secretarial review process by the use of framework management strategies. This is being proposed in the Gulf of Alaska Groundfish FMP and the Herring DFMP by the use of in-season management strategies.

In the meantime, the timing of the annual review will be hampered by the requirements of the Secretarial review process for amendments which can take from 90 to 250 days, depending on the nature of the amendment.

For planning purposes, amendments to the regulations implementing a plan, for which general criteria have been included in the plan, take up to 3 months to process. However, the plans are currently constructed so that annual changes will result in amendments to the plan, as well as regulations. These take at least four months to process assuming that there is no significant environmental or regulatory impact.

The Subcommittee also requested that the Council be involved early in the review process, both of plans and annual amendments. They suggested revitalizing the AP/SSC/Council FMP review subgroups so that the PDT can receive Council advice early on in the development process and so that certain Council members have the opportunity to review the material in detail with the PDT before a full Council review. These review meetings could also be open to the public, depending on the stage of development of the plan or amendment and the wishes of the PDT.

The annual proposed review cycle for each plan was discussed by the Subcommittee. Generally, the review cycle would be made up of the following elements:

	Actual Time	Cummulative Time
1. Plan review team assemble seasonal data from fishery, industry, etc. Data is analyzed;		
2. Plan workshop, public hearings, subgroup review;		
3. Plan review team propose amendments to the Council . . .	3 months	3 months
4. Council approval (one meeting). . . . .	1 month	4 months
5. Secretarial review and approval for:		
a) Regulatory change. . . . .	3 months	7 months
b) Amendment (no significant regulatory impact) . . .	4+ months	8+ months
c) Amendment (significant regulatory impact). . . . .	5+ months	9+ months
6. Implementation of amendment and regulations. . . . .		7-9 months

The timing of the annual review was discussed for each fishery and plan. The Subcommittee considered the fishing season(s), the fishing year, the availability of data, the workload of the management personnel, the workload of the Council itself, and the coordination with the operations of the Board of Fisheries.

- a. Bering Sea Groundfish FMP Review - The annual review cycle is similar to the Gulf of Alaska schedule, except in order to avoid overloading the Council, the time of Council review and approval is staggered by one month. Thus:

PDT Review Data and Analysis . . . . .	December to February
Workshop/Public/Council Review . . . . .	March
Council Approval . . . . .	April
Secretarial Review (45 days) . . . . .	May
Publication of Proposed Amendment in <u>FR</u> (45 day comment period) . . . . .	Mid-June
Final Regulations. . . . .	August
30-day Cooling Off - Amendment Change implemented.	September 1

- b. Gulf of Alaska Groundfish FMP Review - The Subcommittee recommended that the fishing year begin on May 31, instead of November 1 in order to avoid overloading the winter Council meetings. The proposed schedule was modified by the PDT to start the fishing year on September 1. The fishing season extends throughout the year; foreign fisheries data is submitted to National Marine Fisheries Service by May 31; INPFC and bilateral meetings in October and November will also provide information to the PDT, who will be reviewing the fishery during that time:

PDT Review Data and Analysis . . . . .	October/January
Workshop/Public/Council Review . . . . .	February
Council Approval . . . . .	March
Secretarial Review (45 days) . . . . .	April
Publication of Proposed Amendment in <u>FR</u> (45 day comment period). . . . .	Mid-June
Final Regulations. . . . .	August
30-day Cooling Off - Amendment Implemented . . . . .	September 1

- c. The Tanner Crab FMP Review - The Subcommittee recommended that the fishing year be changed to start January 1 instead of October 31. The fishing seasons run from mid-September to June, with most of the Bering Sea effort concentrated in March, April and May; Kodiak season starts on January 5.

The Subcommittee recommended that the PDT review the management unit and the possibilities of removing the Southeastern and Yakutat areas from the fishery management plan or limiting the management plan to the Bering Sea/Aleutian Islands and/or Kodiak.

If the fishing year started on January 1, the Council would have to approve amendments by August. The PDT review and analysis would start around May.

A member of the PDT recommended starting the fishing year in March to coincide with the major fishing activity. This would mean that PDT review would take place in October. This would also accommodate the analysis of the Kodiak fishery as data becomes available on September 15th.

PDT Review Previous Seasons' Data . . . . .	May/July
Foreign Fisheries Data Becomes Available. . . . .	May 31
Workshop/Public Hearing/Council Review. . . . .	June/July
Council Approval. . . . .	August
Start Secretarial Review (45 days). . . . .	September
End Secretarial Review. . . . .	Mid-October
Proposed Amendments/Changes in <u>FR</u> . . . . .	Mid-October
End 45-day Public Comment Period. . . . .	End November
30-Day Cooling Off - Amendment Implemented. . . . .	January 1

- d. Herring FMP Review - The proposed schedule is closely linked to the proposed ABC and TAC review and allocation procedure in the Draft FMP. The fishing year starts on April 1, the fishing season generally begins on May 1. Review of fisheries data and survey information takes place in September and allocations are finalized then for the second part of the fishing year.

According to the proposed FMP, review of the fisheries by the PDT and preparation of amendments to the Herring FMP would require the following schedule:

PDT Review Data and Analyses . . . . .	September/November
Workshop/Public/Council Review . . . . .	November
Council Approval . . . . .	December
Secretarial Review (45 days) . . . . .	January
Publication of proposed amendment in <u>FR</u> (45 day public comment period). . . . .	Mid-February
Final Regulations. . . . .	March 31
30-day Cooling Off Period Waived, Amendment Implemented . . . . .	April 1

- e. Troll Salmon FMP Review - The Subcommittee discussed the current status of the plan and the preparation of the five amendments. They recommended that Council action on these amendments be deferred until the joint Board/Council meeting had taken place in December. The amendments could be implemented on April 15, 1980 by requesting waivers of certain prescribed periods of review, or "cooling off", or, if necessary, the regulations could be implemented on an emergency basis.

As for the Herring FMP, the annual review of the plan hinges around the Board of Fisheries meeting in December. The proposed schedule is:

PDT Review Data and Analyses. . . . .	September/November
Workshop/Public/Council Review. . . . .	October
Council Approval. . . . .	December
Secretarial Review. . . . .	January
Publication of Proposed Amendments in <u>FR</u> (45 days public comment period). . . . .	Mid-February (effective immediately)
Final Regulations . . . . .	April 15

- f. King Crab Draft FMP Review

The proposed annual review of the plan was approved by the subcommittee prior to review by the PDT. The review is linked to the Board of Fisheries meeting in April, when king crab is discussed with other shellfish. The season begins early September. The proposed schedule is:

PDT Review Data and Analyses . . . . .	January/March
Workshop/Public/Council Review . . . . .	February
Council Approval . . . . .	April
Secretarial Review . . . . .	May

Publication of Proposed Amendments in FR  
(45 days public comment period). . . . . Mid-July  
Final Regulations. . . . . August  
30-day Cooling Off Period, Amendment Implemented. September

3. Council Update

The Subcommittee requested an update of plan development and review at each meeting to keep informed of progress and postponements. This will be provided by Council staff for meetings in the future.

TABLE 1 : REVIEW OF ACTIONS ON EMP'S TO DATE

EMP'S	DATE BEGUN	DATE SUBMITTED	DATE APPROVED	DATE IMPLEMENTED
Tanner Crab	1/26/77	10/17/77	5/16/78	12/1/78
*Salmon	1/6/78	12/18/78	5/15/79	5/15/79
Goa Groundfish	1/26/77	10/17/77	2/24/78	12/1/78
BS/A Groundfish	1/7/78	4/23/79	Presently under review	
**Halibut	7/10/78	11/14/78		
Herring	9/12/78			
Clam	4/27/77			
***King Crab	1/6/78			
Troll Salmon	1/16/79			

\* This plan was approved with interim regulations effective immediately.  
 \*\* This plan was drafted as a contingency pending the outcome of U.S./Canada negotiations.  
 \*\*\* Plan development period has been extended due to the size and complexity of the resource and the fact that the fishery is entirely domestic.

TABLE 2 : REGULATORY HISTORY OF THE GULF OF ALASKA GROUND FISH FMP

ACTION	DATE OF COUNCIL APPROVAL	DATE OF PUBLICATION IN FR	DATE IMPLEMENTED	DESCRIPTION
FMP & REGS	9/23/1977	4/21/1978	12/1/1978	
AMM # 1	7/27/1978	8/7/1978	12/1/1978	Extends plan year
AMM # 2	8/28/1978	10/6/1978	1/1/1979	Joint venture reserves
AMM # 3	6/27/1978	10/13/1978	12/1/1978	Pacific cod Chirikoff TALFF
AMM # 4	2/23/1979	7/9/1979	8/27/1979	10 subparts..
AMM # 5	6/8/1979	7/20/1979	6/27/1979 <sup>1/</sup>	Rattails
AMM # 6	6/29/1979	7/26/1979	9/18/1979	DAH and TALFF changes
AMM # 7	8/24/1979			Extends plan and regs..

MD/9/24/1979

1/ The regulatory change was made effective earlier than the date of publication of the proposed regulations by publishing it as an errata change to the regulations of the plan on 6/29/1979, effective on 6/27/1979. This was then followed by a more detailed amendment on 7/26/1979.



**TABLE 3: PLAN REVIEW AND AMENDMENT PROCESS**

Action	Actual Time	Cumulative Time
Plan review team assemble seasonal data from fishery, industry, etc. Data is analyzed;		
Plan workshop, public hearings, subgroup review;		
Plan review team propose amendments to the Council . . .	3 months	3 months
Council approval (one meeting). . . . .	1 month	4 months
Secretarial review and approval for:		
a) Regulatory change. . . . .	3 months	7 months
b) Amendment (no significant regulatory impact) . . .	4+ months	8+ months
c) Amendment (significant regulatory impact). . . . .	5+ months	9+ months
Implementation of amendment and regulations. . . . .		7-9 months

TABLE 4 SUMMARY OF PROPOSED ANNUAL REVIEW CYCLES.

PLANS		J	F	M	A	M	J	J	A	S	O	N	D		
GULF OF ALASKA GROUND FISH	Fish Seas.	-----)													
	Data Avail.						D					D	D		
	Am. Cycle	-3	-3	-3	-2	-1	-1	-1	-1	X			3	3	
	Workload											I	I	B	B
BERING SEA GROUND FISH	Fish Seas.	-----)													
	Data Avail.						D					D	D		
	Am. Cycle	-3	-3	-2	-1	-1	-1	-1	-1	X			3	3	
	Workload											I	I	B	B
SALMON (Not final)	Fish Seas.	(-----)													
	Data Avail.														
	Am. Cycle	-1	-1	-1	X					3	3	3	3	2	
	Workload													B	B
TANNER CRAB (Not final)	Fish Seas.	-----)													
	Data Avail.											D	D		
	Am. Cycle	(two alternatives, see text)													
	Workload												I	I	B

PLAN EFFECT

TABLE 4 SUMMARY OF PROPOSED ANNUAL REVIEW CYCLES.

PLANS		J	F	M	A	M	J	J	A	S	O	N	D		
GULF OF ALASKA GROUND FISH	Fish Seas.	-----)													
	Data Avail.											D---D			
	Am. Cycle	-3	-3	-3	-2	-1	-1	-1	-1	X			3---3		
	Workload											I---I	B--B		
BERING SEA GROUND FISH	Fish Seas.	-----)													
	Data Avail.											D---D			
	Am. Cycle	-3	-3	-2	-1	-1	-1	-1	-1	X			3---3		
	Workload											I---I	B--B		
SALMON (Not final)	Fish Seas.	(-----)													
	Data Avail.														
	Am. Cycle	-1	-1	-1	X					3	3	3	3	2	
	Workload												B--B		
TANNER CRAB (Not final)	Fish Seas.	-----)													
	Data Avail.											D---D			
	Am. Cycle	(two alternatives, see text)													
	Workload												I---I	B--B	
KING CRAB (Not final)	Fish Seas.	-----)													
	Data Avail.														
	Am. Cycle	-3	-3	-3	-2	-1	-1	-1	-1	X					
	Workload				B--B										
HERRING	Fish Seas.	(-----)													
	Data Avail.											D---D			
	Am. Cycle	-1	-1	-1	X							3	3	3	2
	Workload												I---I	B--B	
CLAM (Not final)	Fish. Seas.	(two alternatives, May 15 - Sept 1; May 15 - April 1)													
	Data Avail.	(unknown)													
	Am. Cycle	(unknown)													
	Workload				B--B										
HALIBUT (Not final)	Fish Seas.	(====)(===)													
	Data Avail.														
	Am. Cycle	-1	-1	-1	-1	X						3	3	3	2
	Workload												I---I		

Fishing Season Opening & Closings are (====); Time of Availability of Data is D---D; Amendment Cycle is made up of: X is the start of the fishing year, 1 is the Secretarial Review Period, 2 is the Council approval, 3 is the PDT preparation and Council review; Workload considerations are : I--I is INPFC meetings, B--B is Board of Fisheries.

PLANS BEING DEVELOPED

