

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director



DATE: September 19, 1989

SUBJECT: Comment Deadline Policy

**ACTION REQUIRED**

Review and approve policy on deadlines for public comments.

**BACKGROUND**

Last June the Council received public testimony on the apparent inequities in Council procedures in reference to comment deadlines. Though most members of the fishing industry submit their comments by the published deadline, some written comments are received late. All are made available to the Council. However, late comments are sometimes based in part on other views submitted by the deadline. As a result, some members of the public believe that the Council's current policy gives late commenters an unfair advantage.

At the request of the Council, the staff has prepared a draft policy statement on deadlines for comments (Item C-11(a)). We also did a trial run of the policy by highlighting the treatment of late comments in both the roe-stripping amendments Notice of Availability and the Council meeting agenda mailing which were sent to the public. At this meeting, the Council is scheduled to adopt this or some other policy which will guide our treatment of future written comments.

Please note that the policy is silent on the addition of late comments to the administrative record for Secretarial review. If the Council adheres strictly to this policy, late comments would not be part of our record, but industry could resubmit the comments to the Secretary during the 60-day comment period mandated by the Act.

~~DRAFT~~

*approved*

### Council Policy on Deadlines for Written Comments

The North Pacific Fishery Management Council frequently solicits public comments on a wide array of fishery issues, management or regulatory changes, Council policy, and administrative procedures. These public comments are essential to the decision-making process. Comment periods are scheduled to accommodate Council and committee meeting schedules, intended implementation dates, dates of Council decision, and fishing schedules. Comment deadlines are necessary to allow time for staff compilation and analysis and Council review.

Published deadlines for written comments will be strictly adhered to. Comments received by the deadline will be included in staff summaries and other meeting materials. Written comments received after the published deadline or at the Council meeting, other than simple transcripts of oral testimony, will be stamped "Late Comment." They will not be summarized or analyzed in preparation for the Council meeting, nor will they be placed in the Council member notebooks. All "Late Comments" will be placed in a special notebook, marked as such, and made available to the Council members only upon their request.