

M E M O R A N D U M

TO: Council, SSC and AP members
FROM: Jim H. Branson
DATE: May 18, 1984
SUBJECT: Follow up to April Policy Meeting

ACTION REQUIRED

Review newly drafted policies resulting from the April meeting.

BACKGROUND

Among the decisions made at the April policy meeting were the adoption of annual cycles for decision making for each fishery and the establishment of a mechanism for dealing with proposals requiring immediate attention. Policies, on these two issues have been drafted and are included here as items C-5(a) and (b).

Two additional policies on plan teams and SSC alternates are under item C-5(a) and (d).

The contents of these policies should be examined to ensure they meet the intent of the Council's discussions in April.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Policy on Annual Management Cycles*

The Council has adopted annual schedules for decision making on its fishery plans for groundfish, salmon and crab. One for the herring plan will be added when the plan is finalized. These cycles will dictate how the Council gathers and processes proposed changes to its plans and regulations, when decision documents will be available for public review, and when final decisions will be made by the Council concerning the various fisheries. The cycles are displayed in Attachment A. Further explanation of certain steps in the cycles is given below. In addition, the Council's Policy on Processing Proposals for Changes in Fishery Plans or Regulations (approved in April 1984) should be referenced when a rapid response to an emergency is requested.

Gathering and Processing Proposals. All proposals accept those determined to require a rapid response will be processed according to the relevant annual cycle. Cutoff dates have been established for each fishery and this applies to all proposals regardless of source. The deadlines for proposals will be announced in the Council's Newsletter. Use of the Board of Fisheries proposal format will be acceptable (see Attachment B).

All proposals will be reviewed initially by the Council staff for structural completeness using the following four criteria:

1. Is the objective clearly evident and stated?
2. Is a preferred solution offered?
3. Is supporting documentation presented to explain the problem and need?
4. Does it affect the FCZ?

The staff will attempt to gather additional information if required.

*Approved by the Council in April 1984 at the policy and planning meeting.

The relevant plan team will then perform an initial review, assessing the technical merits of proposals against Council goals and FMP objectives. A preliminary legal review also may be desirable. Team recommendations will be given to the SSC and AP who will review the proposals in light of their particular expertise and will refer all proposals to the Council with recommendations on adoption or rejection. The Council will retain sole authority to determine final disposition of the proposals. All proposals will be reviewed by the Council before being sent to public review.

Decision Documents. The Council will have before it all documents required for review when making its final decisions. These documents should be made available to both the Council and the public, before Council approval. The analyses will be as final as possible given time constraints. Late arriving comments may be incorporated as necessary. The Council may delegate authority to its staff to finalize all documents after the Council makes its final decision. Any substantive changes outside the original range of alternatives presented to the Council must be re-sent to public review with the appropriate supplemental analyses. Draft regulations should be prepared for each significant alternative, time permitting. Should these regulations not be available when the Council makes its final decision as shown in the appropriate plan schedule, the Council will delegate authority to write the regulations to its staff with advice from NOAA-GC and NMFS.

Late information is expected to be the exception, not the rule. Significant new information will be considered only if deemed necessary by the SSC. The SSC will make a recommendation as to what constitutes the best scientific information available. Every attempt will be made to incorporate information presented to the Board of Fisheries into the Council's decision process where relevant. The Council will attempt to allow for adequate public review of its proposals and supporting documentation. Thirty days is expected to be the minimum for public review.

It is assumed that peer review will take place within individual agencies. All analyses should be reviewed by the SSC, AP and appropriate plan team. The one exception may be salmon data which become available very late in the management cycle. Products of special Council workgroups will undergo the same review criteria.

A preferred alternative is not required for analyses presented to the Council.
POLICY/B

ANNUAL MANAGEMENT CYCLES

	<u>Groundfish</u>	<u>Salmon</u>	<u>Crab</u>
JAN	<u>*Council:</u> Issues identified <u>Team:</u> work schedule and assignments	<u>*Council:</u> preferred alternative <u>Team:</u> draft final dec- ision document	<u>START:</u> Proposal deadline 1/7 Board sends to public 1/21 <u>Team:</u> issues identified, work schedules and work assignments <u>Team:</u> development of draft decision document
FEB	<u>Team:</u> development of draft decision documents	<u>Staff:</u> final decision documents to public 2/15	<u>Staff:</u> draft decision docu- ments to public 2/27
MAR	<u>Staff:</u> draft decision documents to SSC & AP	<u>*Council:</u> final decision 3/29	<u>*Council:</u> preferred alternative 3/27
APR	<u>Public:</u> document review	Submit to S.O.C. 4/15	<u>Team:</u> draft final decision documents <u>Staff:</u> documents available for public 4/20
MAY	<u>*Council:</u> Final Decision 5/22		<u>*Council:</u> Final Decision 5/22
JUNE	Submit to S.O.C. 6/1		Submit package to S.O.C. 6/15
JULY	<u>NMFS:</u> Draft resource assessment document available		
AUGUST			
SEPT	<u>*Council:</u> Allocation and harvest level consideration		
OCT		<u>START:</u> Proposal deadline 9/26 <u>Team:</u> Issue identification, work schedule and assign- ments	

*Council action required.

	<u>Groundfish</u>	<u>Salmon</u>	<u>Crab</u>
NOV		<u>Team</u> : Draft decision document	
DEC	<u>*Council</u> : Final allocation and harvest level determination	<u>Staff</u> : Draft decision document to public 12/10	
	<u>START</u> : Proposal deadline		

*Council action required.

REGULATION PROPOSAL FORM

Alaska Boards of Fisheries and Game

See Other Side
For Instructions
on Completing
This Form

Proposal Concerns (Check one)

- Commercial Fishing Sport Fishing Personal Use Fishing Hunting Trapping Subsistence Advisory Committees

*Use Separate Forms For Each
Change of Regulation*

1. Area(s) Affected	
2. Alaska Administrative Code Number 5 AAC	Regulation Book Page No.
3. Purpose of Proposal	
4. Suggested Wording of Proposed Regulation (Use separate sheet if necessary)	
5. Justification	
6. Submitted By: Name _____	
Address _____ Zip Code _____ Phone _____	
Representing <input type="checkbox"/> Self <input type="checkbox"/> Advisory Committee: _____	
<input type="checkbox"/> Regional Council: _____ <input type="checkbox"/> Other: _____	

The Boards of Fisheries and Game limit their agendas by considering changes to certain regulations in alternate years. Check your regulation book or the local Fish and Game office to determine which regulations are currently open for change.

INSTRUCTIONS FOR COMPLETING THIS FORM

1. Enter the regulatory area in which the regulation will apply, such as GMU 23, Bristol Bay, or Statewide.
2. If known, enter the series of letters and numbers which identify the regulation to be changed. For example: 5 AAC 72.055. If it will be a new section, then enter 5 AAC 72.XXX. Enter the page in the regulation book containing the regulations on that subject.
3. Write a one-sentence statement on what the proposed regulation does. For example: reduce the season or bag limit; allow the use of a new harvest method.
4. Print or type your proposal as you would like to see it appear in the regulation book. New or amended regulation wording should appear first and be underlined. Wording being deleted should be fully CAPITALIZED and enclosed in [BRACKETS].

Examples: 5 AAC 27.810. FISHING SEASONS. In the Togiak and Bay districts, herring may be taken from May through July 5 [JUNE 30].
5 AAC 81.320(5). Unit 23 CARIBOU. Three [FOUR] caribou.

5. State why you are proposing the regulation and why it should be adopted. If your justification is lengthy, please include a version of no more than 200 words for publication in the proposal book. Long justifications not accompanied by a shortened version will be edited by the Department and may not accurately express your concerns. Copies of your complete justification are provided to each Board member for their consideration, but cost prevents the publication of lengthy justifications in the public proposal handout.
6. Check "Self" if you are submitting the proposal on your own and not expressing an entire Advisory Committee's or Regional Council's formal proposal. If you are submitting the proposal for an organization, include the title of that organization.

7. MAIL THE COMPLETED FORM TO:
State of Alaska
Boards Fisheries and Game
Box 3-2000
Juneau, Alaska 99802

PLEASE CONSULT A FISH AND GAME OFFICE IF YOU HAVE QUESTIONS OR NEED ASSISTANCE.

Note Examples of filled out forms below.

REGULATION PROPOSAL FORM
Alaska Boards of Fisheries and Game

See User Guide For Instructions on Completing This Form

Proposal Concerns (Check one)

Commercial Sport Personal Use Hunting Training Enhancement Advisory
Fishing Fishing Fishing

Use Separate Forms For Each
Change of Regulation

1. Area(s) Affected <u>Togiak and Bay Districts</u>
2. Alaska Administrative Code Number <u>5 AAC 27.810</u> Regulation Book Page No. <u>120</u>
3. Purpose of Proposal <u>TO lengthen the herring season.</u>
4. Suggested Wording of Proposed Regulation (Use separate sheet if necessary) <u>FISHING SEASONS. In the Togiak and Bay districts, herring may be taken from May through <u>July 5</u> [JUNE 30].</u>
5. Justification <u>Poor weather keeps fishermen off the grounds and we need more days to take enough herring.</u>
6. Submitted By Name <u>TOM COO</u> Address <u>BOX 123, ANCHORAGE, AK 99501</u> Registration # <u>1234567890</u> Regulatory Council <u>Advisory Committee</u> Other _____

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Policy on Processing Proposals for Changes in Fishery Plans or Regulations*

Proposals for changes in fishery management plans or regulations may be placed in three major categories:

1. Proposals which can be handled through the annual management cycle;
2. Proposals which are true emergencies and require immediate relief; and,
3. Proposals which require relief before the next annual cycle but can be processed through the normal amendment or framework procedure, whichever applies.

These categories of proposals will be reviewed and processed by the Council as follows:

Category 1 Proposals. The majority of proposals will be in this category and fit into the annual management cycle established for the relevant fishery management plan. No rapid response would be necessary.

Categories 2 and 3 Proposals. Some proposals will require relief outside the annual management cycle. To determine if rapid response is required, a "Crisis Committee" has been established to evaluate proposals of an emergency nature. The Crisis Committee is composed of the Chairmen of the Council, SSC, AP, and plan team for the relevant fishery management plan. After an emergency request is received, the Crisis Committee would convene, most likely by teleconference, to clarify the issues involved and recommend alternative courses of action. Emergency requests should be submitted in writing to the Executive Director at least 7-10 days before the Council meets.

*Approved by the Council in April 1984 at the policy and planning meeting.

The Crisis Committee would recommend how to handle the proposal. First, they could recommend that it be placed in Category 1 and acted on during the appropriate annual cycle. Second, they could assign the proposal to Category 2 requiring immediate relief. Third, they could assign the proposal to Category 3 requiring relief outside the annual management cycle but through the normal amendment or framework procedure, whichever applies.

Categories 2 and 3 proposals would then be forwarded through the usual Council channels (AP, SSC, PT) for review and comment before the Council took action. At the following Council meeting, the Council would hear the results of the crisis team's evaluation, and AP, SSC and plan team comments on the proposal.

A motion appropriate for a Category 2 proposal would be as follows:

"I move that the Secretary be petitioned to promulgate emergency regulations under Section 305(e)." (A unanimous vote compels the Secretary; a majority mixed vote permits him to use his discretion; motion fails without a majority.)

A motion appropriate for a Category 3 proposal would be as follows:

"I move to begin the amendment process for this proposal now rather than when the annual cycle for the FMP begins." (A majority vote would be required.)

Proposals requiring immediate relief for extreme emergencies before the Council is scheduled to meet could go directly to the NMFS Regional Director since the Secretary of Commerce can initiate emergency regulations independently of the Council.

The above Crisis Committee review procedure was established to avoid the problem of a person coming before the Council at a meeting and stating that an emergency existed, thereby bypassing SSC, AP and PT review. If this is not avoided, the whole Council decision-making process will be weakened. Accordingly, any person who, without prior notice, claims before the Council

that an emergency exists, will have to be told by the Council Chairman that his request can not be considered by the Council at that time. The individual can then take his case to the Regional Director, or, failing that, submit his request to the Executive Director for consideration by the Crisis Committee or during the normal annual cycle.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Policy on Plan Team Composition, Tasking, and Operations*

The North Pacific Fishery Management Council shall appoint a Plan Team for each major fishery for which a fishery management plan either is being developed or has been implemented.

Composition. Members of each team will be selected from those agencies and organizations having a role in the research and/or management of fisheries. The team should be small enough to work efficiently and effectively but sufficiently large to provide the diverse experience and knowledge needed to cover all aspects of a particular fishery. At a minimum, teams shall be composed of one member from agencies having responsibility for management of the fishery resources under the jurisdiction of the Council. Nominations of these individuals are at the discretion of the agencies. Other individuals may be nominated by either members of the Council, SSC or AP. Appointments to the team will be made by the Council with recommendations from the SSC.

Tasking. The team shall:

- (a) prepare and/or review plans, amendments and supporting documents (EISs, RIRs, etc.) for the Council, SSC, and AP;
- (b) aggregate and evaluate public/industry proposals and comments;
- (c) summarize and evaluate data related to the biological, economic and social conditions of the fishery;
- (d) conduct and evaluate analyses pertaining to management of the fisheries;
- (e) evaluate the effectiveness of management measures in achieving the plan's objectives; and
- (f) recommend when and how management measures need to be changed.

Proposed management actions will usually be presented to the Council in the form of alternative approaches. The team will either: (a) recommend a preferred alternative, or (b) state that it has no preferred alternative, or

*Approved by the Council at the April 1984 Policy and Planning Meeting.

(c) state that it was unable to reach a consensus on a preferred alternative. Such preferences should be made on technical grounds or pragmatic management considerations. Policy decisions are the responsibility of the Council.

Operations. Given the team composition and tasking described above, each team will be allowed to organize internally as appropriate to carry out the team's responsibility in an effective and efficient manner. This may for instance require appointment of a small subgroup to actively monitor the fishery or concentrate on specific writing assignments. Team members should choose a team leader, on an annually rotating basis, to oversee the functions of the team.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Policy on Scientific and Statistical Committee Alternates*

Each statutory agency designated as a member of the North Pacific Fishery Management Council by the Magnuson Fishery Conservation and Management Act shall have a member on the Scientific and Statistical Committee. That member may have an alternate, although it is expected that the primary member from an agency will attend meetings of the Scientific and Statistical Committee in person whenever possible. The statutory agency may nominate the alternate for their primary member, notifying the chairman of the SSC by letter of that selection. Alternates will be appointed for the same period as the primary member.

Other Scientific and Statistical Committee members may have an alternate on a case-by-case basis when the member would be unable to participate for an extended period of time. It is expected that those alternates would be experts in the same field as the member and familiar with the work of the SSC and the Council.

(Note: The SSC suggested liberal interpretation for best operation of the Committee and the Council concurred. The key requirement in appointing members or alternates is for the Council to maintain the highest level of objective scientific and technical expertise).

*Approved by the Council in March 1982 and reaffirmed in April 1984 at the policy and planning meeting.