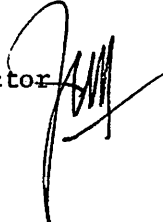


MEMORANDUM

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

FROM: Jim H. Branson, Executive Director 

DATE: July 11, 1980

SUBJECT: Council Operation and Policy

ACTION REQUIRED

None.

Comments welcome on workgroup activity and scheduling.

BACKGROUND

At the May meeting the Council appointed a Scheduling Subcommittee consisting of Ron Skoog, John Harville, Don Bevan, Clem Tillion, Bob McVey, Ed Miles, Don Collinsworth, Sig Jaeger, and Pat Travers to review Council procedures, plan development, our relationship with other agencies and with the development teams, and other aspects of Council work. The SSC has prepared a report on this subject entitled "North Pacific Fishery Management Council Operations - A Critique With Suggestions for Improvement", and that material will be used by the Scheduling and Policy Subcommittee.

The Subcommittee met on June 5th in Juneau with the following attendance: Phil Chitwood, Bob McVey, Pat Travers, Mark Hutton, Margaret Duff, Sig Jaeger, Ed Miles, Steve Pennoyer, Guy Thornburgh, Ron Skoog, Judy Willoughby, Harold Lokken, Don Bevan, John Harville, and myself. A summary of that meeting is included under this agenda item.

I had hoped there would be another meeting of the Subcommittee prior to this Council meeting, but because of the press of work and the shortage of people on the Council staff, we were not able to do so. We need more material from NOAA general counsel on the details of work plans, regulatory analysis, environmental impact statements, and the review procedures. We also need details from the Council staff on problem areas in the Council operation, an area where recognized policy has not been adequate or where policy has not been developed and is needed, with recommendations for changes.

We particularly need to discuss our coordination with the Alaska Board of Fisheries, scheduling for initial FMP's, scheduling for FMP amendments, our inter-action with agencies/user groups through the complete FMP development and amendment process. I hope that we will have that material ready for a second Subcommittee meeting in August.

North Pacific Fishery Management Council

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MD/July 2, 1980

SUMMARY
MEETING OF THE SCHEDULING SUBCOMMITTEE
June 5, 1980, Juneau

The Scheduling Subcommittee met in Juneau on June 5, 1980 to discuss Policy and Planning of Council Operations.

The chairman of the SSC, Steve Pennoyer, presented a report prepared by the SSC subcommittee entitled, "North Pacific Fishery Management Council Operations, a Critique with suggestions for Improvement." In this document the state fishery management system was reviewed in relation to the fishery management system established by the Fishery Conservation and Management Act. The report summarized the problem in Council operations as the lack of a coordinated annual schedule between the two management agencies.

The proposed solution of this problem was to coordinate the Board and Council actions by (a) similar timetable for amendments and plans regulations (b) coordination of joint public input processes and (c) assurance that both agencies and independent study groups give equal technical support to both bodies. The report discusses the role of the Council in plan maintenance and proposes sample timetables for plan amendment and regulation for both state and federal fishery management bodies.

The report requests the Council to accept the role of overseer with the Board of the entire fisheries management process. It strongly recommends that the Council should not accept the current administrative time frame that has been established by the central office of National Marine Fisheries Service. Management by regulation should be proposed wherever possible. It proposes that the management agencies provide plan maintenance coordinators responsible for Council/Board coordination. Finally the report proposes a Council policy statement whereby the Plan Development Teams would prepare the initial management plan for each fishery. The maintenance and amendment of the plan and management of the fishery would be undertaken by Plan Maintenance Teams (PMT) as a cooperative effort by ADF&G, National Marine Fisheries Service, Council and the Board of Fisheries. The Council, AP, and SSC subgroups will review FMP's and amendments as they are being developed. The report concludes with a discussion of the roles and responsibilities of the Plan Development Teams and the Plan Maintenance Teams.

The first issue discussed was a joint annual review schedule for all management bodies and the necessity of preparing joint fishery management plans. The suggestion was made that joint policy changes could be handled by amendment where as annual changes could be handled more flexibly on a regulatory basis.

The question of the number of regulatory proposals presented at Board meetings was discussed. The length of time taken to review the proposals at Board meetings would create a problem for Council members wishing to receive more public input but without the available time to sit through a Board hearing. The Board currently does not screen it's proposals although it could in the future. The Board's mandate is to hold three meetings a year at a minimum. The subcommittee agreed that the scheduling of Council meetings to coincide with Board meetings would ensure that public and technical input would be made at the same time to both bodies.

The discussion was focused on what was considered to be the three fundamental problems facing the Council.

- a. The relationship between the Council and the Board.
- b. The relationship between the Council and the Federal Government and the current administrative problems in plan development, review, and implementation.
- c. The shortcomings of the present Council operations.

The subcommittee agreed that further analysis and discussion is needed to resolve these issues.

A statement on current NMFS review policy and the increasingly important role played by the Regional Office was made by NOAA general counsel. He did not offer any relief from administrative requirements in the short term.

The schedule for oversight hearings on the FCMA was discussed and a strong recommendation was made that Congressional intent on the nature and duration of the Secretarial review be clarified.

Regarding the shortcomings of the present council operations, the lack of detailed procedures and directives was a serious concern of several members of the subcommittee.

The role and responsibilities of a plan maintenance team was discussed and some committee members agreed that the membership should be flexible. The PMT as a whole should be a standing body made up of a coordinating group of representatives of the Council and management agencies. It was recommended that a PMT be elected for Tanner crab and groundfish fishery management plans.

The policy on industry representation on the PDT was restated in response to a query by an AP member. Industry representation is more appropriately affiliated with the Advisory Panel rather than the Plan Drafting Team because of conflicts of interests.

In conclusion, the subcommittee recommended three actions.

- a. That a subcommittee be selected at the July meeting of the Council to review, with selected members of the Board, the annual schedules and to discuss appropriate mechanisms of coordinating these schedules.
- b. That a policy committee be elected to develop Council recommendations for possible changes to the current fisheries legislation.
- c. That a committee should meet before the July meeting to discuss the "nuts and bolts" of Council operations and the procedures for the development and review of fishery management plans and amendments.