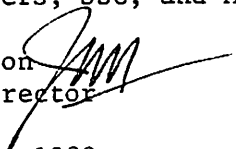


M E M O R A N D U M

TO: Council Members, SSC, and AP

FROM: Jim H. Branson 
Executive Director

DATE: September 18, 1980

SUBJECT: Policy and Planning Subcommittee Meeting

ACTION REQUIRED

To review the summary of the meeting and comment on next steps.

BACKGROUND

The Policy and Planning Subcommittee met on August 27-28, 1980 in Anchorage. The purpose of the meeting was to discuss the overall FMP process from the Council's standpoint and establish some preliminary guidelines on Council operations. A topical guide for discussion was sent to the Subcommittee before the meeting. This is Attachment A to the Meeting Summary.

The Council should review the discussions at the meeting and provide guidance on where we go from here. With Council concurrence, we will proceed with the development of an annual plan review cycle. This will then be incorporated in a policy document on Council operations.

CP

POLICY AND PLANNING SUBCOMMITTEE MEETING SUMMARY

August 27-28, 1980

The Policy and Planning Subcommittee met in Anchorage on August 27 and 28, 1980. Clem Tillion, Robert McVey, Sig Jaeger, Guy Thornburgh, Harold Lokken, Bob Mace, John Harville, Bart Eaton, Don Bevan, Jeff Stephen, Rick Lauber, Pat Travers, Pete Busick, Jim Campbell, Ron Skoog, Steve Pennoyer, Jim Branson, and the Council staff attended. Questions on four main topics, status of plans, plan development, plan amendment and revision, and Council operations, were used to guide discussion (Attachment A).

STATUS OF PLANS

Status of plans. Tanner Crab, Gulf of Alaska Groundfish, and Troll Salmon are implemented; Bering Sea/Aleutian Island Groundfish, King Crab, Herring, and Comprehensive Salmon are being developed; and Halibut, Surf Clam, Shrimp, Snails, Dungeness Crab, and Scallops have been deferred.

Halibut Plan. Though this Plan has been deferred, the section on limited entry will be augmented after receipt of the Tetra Tech contract report, which should be ready October 15th. The Halibut Plan should be kept somewhat current in the event that IPHC should falter. With the recently approved additional Council staff position, the Plan could be updated annually, possibly with the help of IPHC.

Continued deferment. The Subcommittee agreed to continue to defer the Plans for halibut (except as noted above), surf clam, shrimp, snails, Dungeness crab, and scallops, and concentrate Council energies on the plans already implemented or being developed.

PLAN DEVELOPMENT

Bering Sea/Aleutian Islands Groundfish Plan. The Regulatory Analysis is in its third draft; Pat Travers' EIS for the original Plan and the amendment package has been received; the package should be ready for the Environmental Working Group by September 5th so that hearings can be coordinated with those for the King Crab Plan in late November or early December.

King Crab Plan. This Plan will probably not be ready for the fleet before the season; however, a summary of the Plan and a proposed schedule of hearings should be made available to the fleet at tank inspection time. It is important to indicate progress on the Plan. Dutch Harbor was suggested as a location for hearings. Other hearing locations would be Nome, Kodiak, Seattle, and Anchorage. A tentative hearing schedule should be approved at the September Council meeting. Council and staff assignments will be made then. Anchorage hearings could be held during the December meeting with the Board of Fisheries. The King Crab Plan is now scheduled to be implemented by September 1, 1981.

Herring Plan. This Plan is being re-written. The SSC will review the DFMP on September 3rd and will probably elect a subgroup to review it prior to distribution to the Council, SSC, and AP. Biomass estimates also should be available in September. If the Herring Plan is reviewed and possibly approved at the September Council meeting, the Plan could be implemented by next June; however, if problems are encountered, the Plan probably will not be implemented before next winter's fishery.

General implementation schedule. It was agreed that the Herring Plan could be in place for next winter's fishery; the King Crab Plan could be implemented for the fall of 1981; and since the BS/AI Groundfish Plan covers a year-round fishery, it could be delayed if necessary.

Setting an implementation date. Regarding the question of a specific logical implementation date being stated at the outset of plan development, it was agreed that a realistic target date for implementation is beneficial as incentive for the staff to maintain an achievable schedule. These target dates should follow the annual cycles of the fisheries, and not be disruptive.

Policy on plan types. With regard to whether the Council should develop policy concerning the general plan type it desires, i.e., plans requiring amendments, framework plans, or policy plans, it was suggested that amendment plans should be rejected in favor of framework plans. Also, it is extremely difficult to functionally separate the framework plan from the policy plan.

It was suggested that another possible option would be in the determination of the three acceptable methods of expressing OY. OY can be expressed by a number or range, by formula, or procedurally. The type of OY used will depend on the fishery. With ranges, no plan change would be required for an insignificant variation. Framework plans are desired that require little or no change using the amendment process. However, a plan is not desirable if it is so flexible that the resulting regulations do not convey the original intent of the framework plan. The Subcommittee agreed that regulations should be developed by the Council, not Washington, D.C., to insure that they do what the plan intended. The Council could put together a plan without sending regulations to D.C. If it worked, it would have saved a lot of difficulty. Another alternative is to put state regulations into Federal format for the King Crab Plan. It was suggested that, in that case, the regulations should be broad enough to accommodate this year's and next year's state regulations, too. The Regional Director could be given authority to make changes in season. Alaska Department of Fish & Game could take care of the day-to-day regulation of the resource.

Discussion followed regarding the problem of outside fishermen feeling they have little or no influence on the Board of Fisheries. It was pointed out that outside fishermen should have recourse to both the Board and the Council. Questions were raised on whether simply using state regulations

put into Federal Register format would violate the 14th Amendment. It was suggested that the state would not be foolish enough to make regulations which could be struck down on that count.

Subcommittee agreement on framework plans. The Subcommittee agreed to establish Council policy to work towards use of the framework plan, with the King Crab Plan being experimental in this area.

PLAN AMENDMENT AND REVISION

Annual plan review cycle. There is a need for definite policy and Council procedures for annually reviewing and revising plans. It was suggested that work should be done on certain plans only at specified times throughout the year. This annual management process should be incorporated into the plan from the outset. Deadlines could be set by which all suggestions and ideas for amendments must be received; otherwise those suggestions would wait until the next year's amendment cycle.

Improving the review process. There must be practical ways to shorten the process within the current framework. The Council may be far too passive in the process. Efforts should be made to handle legal work in the Region rather than in D.C. To alleviate potential problems, any amendment should first be reviewed in the Region by the General Counsel to insure that it includes everything that the Council voted on and that it is in proper Federal Register format. As little as possible should be left to the discretion of those in Washington, D.C. A review by the Regional General Counsel may not save much time, but hopefully the 250-day plan amendment process could be decreased to 150 - 180 days. This would put the process between the end of the season and the beginning of the next.

Another delay arises because the Regulatory Analysis and the EIS are not done when the plan is prepared. Possibly, the RA and the EIS could be started at the same time the plan amendment is initiated. Until recently there has not been sufficient Council staff for these other tasks.

It is very important to lay the groundwork for developing plans and amendments to circumvent the horseblanket. Plans should be written with sufficient flexibility built in. CEQ has reported that the Council's EIS's are too technical and do not sufficiently address the alternatives. Possibly a uniform format for EIS's could be developed so that they do not have to be thought of anew each time around. It was pointed out that the EIS and Regulatory Analysis for the BS/AI Groundfish Plan are both considerably larger than the amendment itself.

Council and Board of Fisheries. The Subcommittee proceeded to address the alignment of Council activities with the Alaska Board of Fisheries. The group was reminded that the Council has, in the past, requested that they be required to take action on no more than two major plans at any Council meeting. By following the Board of Fisheries schedule as closely as is feasible, the Council will have a much heavier workload at each of their meetings, but fewer meetings during the year would be necessary, i.e., six three-day meetings rather than the currently scheduled nine two-day meetings.

It was suggested that, although it is important to work closely with the Board of Fisheries, meshing the Council's schedule with theirs seems impractical. Someone from the Board of Fisheries could be asked to join the Council at its meetings. This person would be treated on a consultant basis insofar as expenses and remuneration. First the Council's legal advisors should be consulted to see if this arrangement could be authorized to provide monthly contact with the Board of Fisheries.

What are the legal ramifications of nominating a Board member to sit in on Council meetings and vice-versa, particularly when Board meetings discuss topics with Council relevance? The two schedules should be blended as much as possible, starting with the two crab plans and the Herring Plan on a trial basis.

Chairman Tillion agreed to check with the Board of Fisheries on an informal basis to see if they are receptive to the invitation to have one of their Board members participate in Council meetings, and vice-versa.

The general consensus was that the Council should attempt to align its schedule with the Board of Fisheries activities, hold as many public hearings as possible in joint session with the Board, and attempt to ease the load on the staffs of the agencies involved.

The question was raised on whether finfish and shellfish plans should be grouped into different cycles or processed individually. The Subcommittee agreed that finfish and shellfish should be grouped to the extent necessary to match the Board of Fisheries in order to keep from having to handle so many fisheries at one meeting.

Plan maintenance coordinators. With respect to the question of the necessity for a Plan Maintenance Coordinator to interface between the Council and the Board, it was agreed that one person should be designated so that there is one common source of updated information.

Deadlines for proposals. Regarding the question of an annual cut-off date for public input and regulations proposals, it was agreed that a cut-off date should be instituted. The cut-off date for proposals could coincide with a Council meeting. This would eliminate having a number of amendment proposals in any one year. In the interim, resource problems could be addressed by emergency regulations.

Use of subpanels. The concept of subpanels made up of Council, SSC, and AP members which will work with the PDT's on the individual fisheries was endorsed. By utilizing the individual Council members' expertise in their specific fishery areas, the Council as a whole will be up-to-date on the progress in these specific areas.

In a discussion of the constraints of formal review requirements on instituting an annual management cycle, it was pointed out that things that can be done by regulation need to be identified. Much could be handled by careful drafting of the original plans. Giving the Regional Director authority to make emergency changes is needed in order to keep the amendment process to a minimum. With regard to distinguishing between significant and non-significant changes, perhaps the use of framework plans will help to avoid some of the numerous amendments.

COUNCIL OPERATIONS

Plan Development and Plan Maintenance Teams. A formal operational policy is needed with respect to the composition and role of the PDT's and PMT's. It was suggested that management people should be included so that those responsible for implementation can see what is or is not working. A policy manual could be developed and brought before the Council so that established policy could be put into the plans. However, these policies should be flexible enough to meet the requirements of special cases.

AP members on PDT. Whether or not an AP member is included on the PDT should be determined by the particular expertise of the AP member. Sig Jaeger suggested possible ground rules and reasons for having an AP member on the PDT: (1) There must be an understanding that a first or second draft is not quotable, is for review by the PDT, and will most likely be changed; (2) Industry membership does not mean industry participation or a protagonist stance; (3) The team member is a working member to help assess for readability, jargon, and terminology; (4) Final proposed regulations are often the result of PDT debate. Often the AP does not know what other options were available during the drafting process unless they are a member of the PDT; (5) PDT participation by an AP member allows practical consideration of how realistic plan measures are, their enforceability, and their cost to industry; (6) Industry can aid in determining a realistic DAH estimate for a plan; (7) AP members gain a working, vested interest in more effective resource management of the fishery, and attempt to move away from the traditional arm's length adversary role.

Some Subcommittee members endorsed Mr. Jaeger's suggestions, stating that it created a situation in which user groups, scientists, and industry could participate in the decision-making process. However, the technical team could do their work and then interact with the AP industry members after the time-consuming, technical work was out of the way. No option should be preempted because an industry member was violently opposed to a particular option. It was suggested that it is the participation in PDT activities that is important, not the voting role, in order that industry persons with particular expertise have the opportunity for input.

PDT mechanics and closed meetings. Concerning holding closed PDT meetings, the PDT's might be able to hold more productive meetings in closed session, after which time advice could be received through the AP advisory role. The scientists need time to themselves in order to develop what is needed. AP industry members probably don't have the time to spend in the long drafting stages of the plans.

PDT meetings could be totally closed for the first two or three meetings in order to really get down to work. If the PDT could bring a working draft to the members of the three review groups, then they could get the kind of direction that is needed. The Council, AP, and SSC would have a working knowledge of the plan. It was also suggested that any PDT leader should have the authority to make a meeting an executive session. The Council provides ample opportunity for public input, and the AP and SSC also need the opportunity for input. The PDT could work alone for preliminary information gathering, then meet in closed session with AP and SSC member sub-groups; then go back and redraft, if necessary, as many times as is required before coming before the Council.

It was explained that while team meetings could be closed meetings, most other meetings must be open and advertised. One concept would be to have A and B teams. Team A would be a small team for initial drafting; Team B would include AP, SSC, and Council members and meet in closed session to review and revise Team A's ideas. Under current methods, the drafting team is usually one person. It was noted that this concept of closed PDT meetings had been tried before; however, due to lack of formal policy, PDT chairmen had been lax in enforcing the closure of the meeting. If a firm policy were laid out, then it would be the responsibility of the PDT chairman to insist that only Council family be included as extra participants in the meetings.

It was the general consensus of the group that the A and B team concept is worth consideration as formal policy, since more than adequate opportunity is given for public input through this system.

Regarding the number of times plans and amendments should be reviewed during development, it was generally agreed that if the A and B team concept works, the double review currently done should not be necessary. If time is pressing the second review could be waived.

The SSC has proposed the formulation of PMT's made up of two or three persons for each plan. These PMT's would monitor the fishery, identify problem areas and make suggestions for improvements. It was suggested that the SSC should be asked for a more detailed description of the roles of the PMT members. Concerning policy regarding the dissemination of information, it was suggested that documents should not be released until the Council, SSC, and AP have received them. Discussion followed regarding the Freedom of Information Act, and its application to the documents with which the Council deals. It was the general consensus that the Act would take over after the Council has received the documents.

AP recruiting. Discussion followed on the process of obtaining AP members. It was suggested that for the AP cycle, nominations be requested in September with the nomination period closing in October; appointments will be made in December. Any nominations that come in after that period will be kept on an active list for the interim. When the nominations list is closed annually, the Council will notify the persons on that list that it has been closed and that they should re-apply if they wish to be considered for the next year. The process could be speeded up by making selections at the October meeting, since the nomination period would close on October 10th.

Council meeting materials. Regarding the question of having a cut-off date for submission of documents for the Council agenda, it was agreed that the Wednesday of the week prior to the Council meeting is a practical cut-off date. The agenda does contain a section for "Other New Business as Appropriate" which can be held in reserve for late items requiring Council action. This document submission cut-off date would also apply to the Special Reports section of the agenda whenever possible.

North Pacific Fishery Management Council

ATTACHMENT A

Clement V. Tillion, Chairman
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M E M O R A N D U M

TO: Policy and Planning Subcommittee

FROM: Jim H. Branson
Executive Director

DATE: August 18, 1980

SUBJECT: Meeting materials for meeting on August 27, 1980.

Enclosed is a working document to guide discussion at our August 27th meeting. Issues and questions have been extracted from discussion papers generated by the SSC and Plan Scheduling Subcommittee over the past year. These issues have been arranged under four major topics: Status of Plans, Plan Development, Plan Amendment and Revision, and Council Operations, but many topics overlap. During this meeting, we would like to establish preliminary policies that can be passed on to the FCMA Subgroup and Council-Board Interrelations Subgroup for their consideration and then to the Council.

Distribution:

Don Bevan
Jim Campbell
Bart Eaton
John Harville
Sig Jaeger
Harold Lokken

Bob McVey
Ed Miles
Steve Pennoyer
Ron Skoog
Clem Tillion
Pat Travers

CP

I. Status of Plans

Thirteen plans have been considered for development by the Council in the past:

<u>Implemented</u>	<u>Development</u>	<u>Shelved</u>
Tanner Crab	BS/A Groundfish	Halibut
GOA Groundfish	King Crab	Surf Clam
Troll Salmon	Herring	Shrimp
	Comp. Salmon	Snails
		Dungeness Crab
		Scallop

The plans for shrimp, snails, dungeness crab, and scallops were considered low priority and shelved by the scheduling Subcommittee (Bevan, Harville, Lokken, Pennoyer, Chitwood, Larkins, and Thornburgh) at a meeting on September 14, 1979. At that meeting, the Subcommittee approved the development schedule for the halibut and surf clam plans.

In October 1979, the Council unanimously agreed to reactivate the draft Halibut FMP and asked the PDT to begin work on limited entry portions of the plan. At the December 1979/January 1980 meeting, the Council reviewed language of the North Pacific Halibut Act of 1979 and informed the Secretary of Commerce that the Council had no problems with Act's provisions. Since January, little has been done on the Halibut DFMP because the IPHC seems stable and other plans needed attention.

Status of the Surf Clam FMP was reviewed by the Council in July 1980. It was the consensus of the Council that because of the lack of industry interest and unresolved problems with testing for paralytic shellfish poisoning, the Surf Clam FMP would be shelved indefinitely after adding the results of research currently in progress.

Current Issues on Plan Status

- 1) What degree of readiness should the Halibut FMP be held in? Do we need meetings of the PDT?
- 2) Should there be any changes in status of the shelved plans?
- 3) Should Council family energies be directed solely toward perfecting the plans now under development and those already implemented?

II. Plan Development

Three plans are being developed: BS/A Groundfish, King Crab, and Herring. Schedules for the development of these three plans are in Attachment A.

The Comprehensive Salmon Plan is in a primordial, pre-development phase. The Council appointed Skoog, Jensen, and Bevan to an Inter-Council Salmon Coordinating Committee (Donaldson, Martinis and McDevitt from PFMC) at the Council's March 1980 meeting. The Coordinating Committee met first on April 29 and a second meeting is planned for September 4 in Juneau. A joint PFMC-NPFMC PDT meeting occurred on May 14 and a statement of purpose and objectives for inter-council coordination was prepared. In the meantime, Natural Resources Consultants is under contract to, among other things, recommend procedures for developing a comprehensive plan. Their final report will be presented to the Council in September. Then we will prepare a development schedule for this comprehensive plan.

Current Issues on Plan Development

- 1) Are the present schedules for development of the BS/A Groundfish, King Crab, and Herring plans acceptable?
- 2) Should initial plan development have a specific logical implementation date?

- 3) In reviewing the generic plan development schedule (Attachment B), what changes can be recommended to the Council's FCMA Subgroup for possible incorporation in a proposed FCMA amendment?
- 4) Three different types of plans may be developed: plans requiring amendment, framework plans, and policy plans. Should Council develop policy concerning the general plan type it desires?

III. Plan Amendment and Revision

Three plans have been implemented and are being amended: Tanner crab, GOA groundfish, and troll salmon. Their amendment schedules are in Attachment C. Several difficult policy issues must be faced by the Council to alleviate the burdensome amendment process associated with implemented plans. Some of these issues are raised below for the Subcommittee's consideration.

Current Issues on Plan Amendments/Revisions

- 1) Is the current schedule for plan amendment satisfactory?
- 2) Should a formal annual review cycle be instituted for each plan instead of the current unstructured processing of amendments that requires an inordinate amount of Council and staff time?
- 3) What is a viable annual review cycle for each fishery?
 - a. What are season and catch cycles? (Attachment D)
 - b. What are research and data cycles? (Attachment D)
 - c. When are formal meetings? (Attachment D)
 - d. How many plans can be addressed at one meeting?
- 4) Should the annual review cycle be aligned with the Board of Fisheries activities? (Attachment E)
 - a. Require similar technical inputs?

- b. Coordinate call for proposed regulations and screening?
 - c. Coordinate hearings and meetings?
 - d. Group finfish and shellfish into different cycles or process plans individually?
 - e. Do we need a plan maintenance coordinator to interface between Council and Board?
 - f. Should there be an annual cutoff date on public input and regulation proposals?
 - g. Should there be joint Council-Board subcommittees for each fishery?
 - h. Should SSC review both Board and Council output where necessary?
 - j. How do we resolve Council-Board differences?
- 5) What are constraints of formal review requirements on instituting an annual management cycle?
- a. What constitutes a significant or non-significant change?
 - b. How do we predict whether a lengthy review will be required?
 - c. How can the amendment process be changed?

IV. Council Operations

Together with proposed policy that may emerge from discussion of the above issues, the Subcommittee should address the internal operations of the Council vis-a-vis the staff, teams, SSC, AP, and the public.

Current Issues on Council Operations

- 1) What are the roles and composition of the plan development and plan maintenance teams? Should AP members be on the PDT and PMT? Should the responsibility for monitoring a fishery be taken by a team, an agency, or an individual? Should a formal policy be developed? (Attachment F)
- 2) How many times should the Council, SSC, AP, and public review plans and amendments during their development?

- 3) What is Council policy on holding closed PDT sessions? Should some planning documents be withheld from public scrutiny in the early phase of plan development or revision?
- 4) How much lead time is required for Council review of documents?
- 5) How often should chairmanships of committees and subcommittees be changed? How often should committee memberships be reviewed?

North Pacific Fishery Management Council Operations
A Critique with Suggestions for Improvement

BY

North Pacific Fishery Management Council
Scientific and Statistical Committee

INTRODUCTION

Alaska statehood not only brought State fishery management authority to the territorial sea of Alaska, but in absence of explicit Federal regulation of domestic fisheries seaward of the territorial sea, the State effectively (and out of necessity) extended its management into these waters to encompass the fisheries throughout their ranges. The Federal Government assisted this management through direct fiscal support for fishery research and the conduct of cooperative research on resources harvested by the domestic fishery.

The Federal Government managed the foreign offshore fisheries through a series of bilateral agreements, participation in such commissions as INPFC and IPHC, and active research input to international and interstate organizations. The State participated by contributing technical expertise on resources also harvested by the domestic fishery.

The Fishery Conservation and Management Act of 1976 changed the relationship of the Federal government to the domestic fisheries off Alaska by establishing the Fishery Conservation Zone (FCZ; 3 to 200 nautical miles offshore) where the U.S. assumes exclusive fishery management authority for fisheries. The Secretary of Commerce is now legally responsible for offshore fishery management plans and regulations. Further, the FCMA established the North Pacific Fishery Management Council for the FCZ off Alaska with a major function of preparing fishery management plans (FMPs) for the Secretary.

EXISTING SYSTEMS

State System

The Alaska State system centers around the Board of Fisheries for policy and regulations and the Alaska Department of Fish and Game as the administrator for regulation implementation and resource-fishery research. The Commercial Fisheries Entry Commission regulates the number of participants in some fisheries.

The Board promulgates regulations. This usually occurs as a result of two major regulatory meetings each year (finfish in December and shellfish in March). The Board holds hearings in major geographic areas and enhances its contact with the public by utilizing an extensive network of advisory committees composed of persons well informed on the fishery resources of the locality.

Figure 1 shows the schedule of events the Board has established to carry proposed changes of management into regulation. It is sufficiently structured with deadlines, specific duties by selected state agencies (Alaska Department of Fish and Game, Alaska Department of Public Safety, Department of Law, Lt. Governor) public input, etc., to insure annual regulations.

GENERAL SHELLFISH SCHEDULE

15 December Solicit proposals.
25 January Proposal deadline.
1st week February Staff review of proposals.
2nd week February Type & collate proposals. Draft Legal notice.
3rd week February Review legal notice. Print proposal packet.
4th week February Mail proposal packet. Print, mail and publish legal notice.
2nd week March Deadline for comments.
3rd week March Type comments & copy proposals for working books.
4th week March Meeting starts.
1st week April Meeting ends.
3rd week April New regulations submitted to Department of Law. Begin typesetting new book.
2nd week May New regulations filed with Lt. Governor; become effective in 30 days if SB 340 does not pass.
3rd week May Regulation book material to printer.
2nd week June New regulations become effective.
4th week June New regulation books printed & shipped.

GENERAL FINFISH SCHEDULE

Mid August Call for proposals.
3rd week September Proposal deadline. Review staff proposals.
4th week September Type and collate proposals.
1st week October Print proposal packets. Draft and review legal notice.
2nd week October Print and publish legal notice. Mail proposal packet.
3rd week October Mail legal notice.
3rd week November Comment deadline.
1st week December Meeting starts.
3rd week December or 2nd week January Meeting ends.
2nd week January or 1st week February New regulations to Department of Law.
1st week February or 3rd week February New regulations filed with Lt. Governor; effective in 30 days or longer if SB 340 passes.
3rd week February or 2nd week March New regulation book to printer. Available in 30 to 60 days.

The Board system is also flexible enough to accommodate resource and resource utilization "emergencies." Further, the Board process is presently understood and utilized by the users of Alaska's fishery resources.

The Alaska Department of Fish and Game is charged with managing, protecting, maintaining, improving, and extending the fishery resources of Alaska in the interest of the economy and general well-being of the State.

One of the major roles that the Department has assumed is staff agency for the Board. ADF&G handles the administration of the Board and the flow of the regulatory process from the initial call for proposals to the printing of the resultant regulation book. At Board meetings dealing with commercial fisheries ADF&G provides reports on the status of resources and fisheries; reports on the effectiveness of management measures and impacts of proposed measures; supports the Board process through the Director of the Division of Commercial Fisheries and support staff experienced in the management of Alaska domestic fisheries. The very size of the state and the complexity of the fisheries involved insure that the process could benefit from additional outside technical assistance and research support. Besides assisting the Board in management planning and the regulatory process, the Department performs the vast array of field management tasks necessary for effective management. These tasks, of course, require a large staff and investment in facilities.

FCMA System

The Secretary of Commerce has the authority for FMPs and their implementing regulations. For Alaska, a separate regional Council has been established to (among other duties) prepare FMPs for acceptance by the Secretary. NOAA and NMFS act as service agencies for the Secretary, although historically they have not had the need to develop manpower and expertise for domestic fishery management.

An important aspect of this system is the role of the Council in preparing FMPs. It is the role of the regional council to reflect the uniqueness of the fisheries off Alaska. The NPFMC has chosen to use plan development teams as the mechanism for preparing FMPs. These teams are led by NMFS or ADF&G with membership predominately of agency staff experienced in the fishery or resource. In other words, the agencies have accepted the responsibility of providing the experienced personnel necessary for effective planning.

Another aspect of the Council's system is the use of a Scientific and Statistical Committee as technical advisors and an Advisory Panel whose members represent major segments of the fishing industry, both catching and processing, subsistence fishermen, consumers, sport fishermen, etc. The Council also holds public hearings both in association with various decision making meetings and at different locales for specific reasons throughout the State.

After three and one-half years of the FCMA in Alaska a system has taken form and produced three FMPs that have been accepted by the Secretary. The Gulf of Alaska groundfish fishery is predominately foreign; Tanner crab is mostly domestic; and Southeast salmon is solely domestic. The management

strategies for the domestic fisheries are generally the same as the regimes developed by the State. This is reasonable because the intent of the Council is not to dramatically change the fisheries but use Federal resources to enhance the existing domestic fisheries and develop underutilized ones.

The resources involved were under an extensive management program to insure their continued productivity and the existence of an orderly fishery on them. The development of these plans has led to emphasizing the need for specific research and has stimulated further joint State-Federal work on specific issues. It has also made outside technical expertise available when required.

PROBLEM STATEMENT

The FCMA approach to the management of the domestic fisheries in these formative years has been very costly to the State and the public. Some of these costs are associated with the development phase of any new system and must be expected. But there remain other costs that are associated with the lack of a smooth, certain, efficient system for each fishery that can be planned for and followed on an annual basis.

A domestic fishery is an annual event and the fishing industry responds to a set of annual regulations. The sequence of events from evaluating the effectiveness of a management plan strategy through a resultant change in regulation must occur within an annual cycle. The public needs to know who to go to to air their opinions and grievances--the Council, the Board, or both? The public needs to know when and how often it must be involved--once a year, twice a year, or 10 times a year? The public needs to know if the regulations will be in effect when the season begins and if they will be consistent in State and Federal waters. The agencies and advisory bodies need to know when and how they are expected to interact within these two systems.

PROPOSED REGIME

It seems that any system to be effective must minimize duplication and confusion while making the best use of its manpower and fiscal resources to achieve good fishery management. It must, of course, recognize existing authorities and legal constraints but accept the fact that resource regulatory bodies have basically a common goal and, insofar as possible, should seek cooperative means of achieving it.

In essence, it must be realized that neither the Council nor the Board, (and NMFS-ADF&G) can function independently and fulfill their resource management obligations. Both deal with the same resources at different times and areas; both deal with the same public; and both are dependent on the same agencies for technical input. It seems axiomatic that both should have presented to them the same resource, socio-economic and public input upon which to base their decisions. Since each operated under a somewhat different set of criteria (standards) there may be legal or political reasons that different decisions are reached, and these may require further negotiation or compromise to design an effective management regime. Nevertheless, up to

that point each should be given and demand an equally adequate level of technical analysis and public input support.

Achievement of systems of equal comprehensiveness for the Council and Board may be accomplished by attention to three areas:

1. Similar timetables for amendments and plan regulations.
2. Cooperative joint public input processes.
3. Insurance that agencies and independent study groups give equal technical support to both bodies.

Plan Development and Maintenance

We view plan development and plan maintenance functions as somewhat separate though related. The resources and fisheries for which plans have been, or are being developed, run the gamut from fisheries which have been under 15 years of extensive management and research such as king crab, to those that have new aspects being considered in their management regimes such as offshore troll, to totally new fisheries such as Bering Sea surf clam. While the amount of background data which must be acquired prior to drafting a new plan will differ in each case, it is the first time the Council will review in depth the management of an individual fishery. Plan development may require a different approach than plan maintenance which will be an every year, continuing process. We are assuming plan maintenance to really be the annual management process which may include some modification of the basic plan but also includes annual resource assessment and monitoring, public input, technical input to decision making bodies, regulations for the conduct of the fishery, and actual in-season management.

We have attached proposed policies for both plan development and plan maintenance. Further detail on how plan maintenance could be accomplished is the subject of the balance of this discussion.

Scheduling

Suggested example timetables for plan amendment and regulation and policy development are attached. These conform insofar as possible with State and Federal administrative realities, fishery timing, public availability, and data analysis completion. If Board and Council can adhere to generally the same timetable it will minimize the costly and inefficient demands of two separate systems of the agencies that are the basic staffs to both bodies.

Dates and events are approximate and should obviously be the subject of further discussion before agencies, advisors, etc., can be committed to this process.

There are some additional steps that are required.

First, the Council must accept the task of establishing itself with the Board as overseer of the entire process that begins with proposed changes to a management regime and results in regulations. Most of the work is accomplished by NMFS, ADF&G, and Council staff but the Council should not accept

anything less than a timely, effective system for Alaska. If, for example, environmental assessments and regulatory analyses are an essential segment of the process and are currently bottlenecks, the Council should find out what is needed, when it is due, and who should do it.

Second, the Council, representing the regional expertise of Alaska's offshore fisheries, should seek to shorten the current time frame administratively established by the Central Office of NMFS. This system will not fit the fisheries of Alaska.

Third, the Council should minimize the need to enter the cumbersome Federal administrative processes. For example, fishery management plans should become general, multi-year plans with as few amendments as possible. We have attached scheduling requirements sent us by Council staff. There exists a need to have determination of what levels of amendment-regulation fall into the various review categories.

Technical Support

The ADF&G staff has served as technical support staff to the Board. To some degree, NMFS, ADF&G, and others, through a loosely defined "team process", have attempted to provide this same support to the Council.

It would seem that both the Council and Board should utilize the same technical support mechanisms rather than create separate entities. This will avoid duplications, lessen workload on the agencies, and help insure that both bodies receive the same analysis.

For example, the Board has received technical input on Tanner crab from an ADF&G "team" of some 20 individuals that are directly involved in resource management and research; meet annually to review program results and propose management and program amendments; and meet with the Board at some decision point to support their regulation adoption procedure. Members of this staff are stationed throughout Alaska and meet regularly with the public at advisory committee or special interest group gatherings to provide technical input. The recommendations of this "team" are reviewed by a headquarters staff for technical competence, both from a scientific and regulation mechanism standpoint. At this time, some of the NMFS scientists involved in crab resource assessment attend the annual meeting and the Board meeting and contribute in a somewhat ad hoc fashion to that process.

Within the existing structure are the elements required to satisfy the needs of both bodies charged with cooperatively managing these resources. Because of the field resource program, management capability and staff, ADF&G would remain lead agency for staff support on king and Tanner crab management plan maintenance. Their technical staff would continue to operate in much the same manner in which they had previously. ADF&G, additionally, should provide a Plan Maintenance Coordinator full time as a focal contact point for Council/Board coordination, to insure appropriate documents reach affected parties, to draft plan language as needed (or insure that it is done) and coordinate required meetings. NMFS should also assign an individual to assist in this effort. The technical meetings shown on the draft schedules would have input from both agencies' staffs and others may attend and contribute as needed.

ADF&G/NMFS technical supervisory staff will be monitoring input-output from these meetings and the Council SSC will do the same. The SSC has technical experts from both agencies assigned to it as well as university and other agency members. They should be in an excellent position to verify the technical objectivity and completeness of this process and should accept as a major responsibility the review of documents produced. Their subgroups (or members of subgroups) may wish to attend some of these meetings.

Public Input

The Board system of advisory committees statewide is extensive. The Council can use the input from these bodies by ADF&G simply making their proposal and regulatory comment summaries available to Council staff and advisory bodies. Additionally, the Council may wish to establish some advisory function in Seattle whose inputs to the process can be provided the Board. Both bodies are charged with holding hearings. If there are two focal point regulatory meetings per year primary hearings on plans of mutual interest can be held at these. The Board holds three additional hearings in various areas of the state each year. Council and Board may wish to coordinate hearing schedules and attendance to insure joint input where desirable.

The SSC suggests that the Council adopt the attached policy on plan development and maintenance.

POLICY ON FISHERY MANAGEMENT PLAN (FMP) DEVELOPMENT AND MAINTENANCE

One of the primary functions of the Council, in accordance with the provisions of the FCMA, is to prepare and submit fishery management plans and amendments to the Secretary.

The Council recognizes the State of Alaska has an extensive management, research, and enforcement program which has effectively managed the domestic commercial shellfish and finfish fisheries throughout their range prior to the enactment of the FCMA and that the Division of Commercial Fisheries of the Alaska Department of Fish and Game (ADF&G) has in place a staff of fisheries managers and research biologists with substantial experience and expertise in fisheries management. The Council further recognizes that collection of catch, effort, and biological data from domestic fisheries are currently collected and provided by ADF&G. It is also well known that the Northwest and Alaska Fisheries Center has a resource assessment program in the FCZ off Alaska and has many scientists with vast experience and specific expertise in stock assessment techniques, computer modeling, fisheries economics, and other disciplines.

In order to improve efficiency of plan development, insure objectivity in the planning process, and determine responsibilities for preparing FMP related documents, the Council, in agreement with NMFS and ADF&G, establishes the following policy:

POLICY STATEMENT

Plan Development Teams will be appointed by the Council to prepare the initial management plan for each fishery under Council jurisdiction, as described in Annex I. The maintenance, amendment of the plan, and management of the fishery will be undertaken as a cooperative effort with ADF&G, NMFS, the Council, and the Board of Fisheries, as described in Annex II.

Neither type of team (Plan Development Team or Plan Maintenance Team) will be responsible for the actual, day-to-day management of the fishery which will remain the responsibility of the resource managing agencies. However, it is most likely that there will be much overlap between PDT, PMT, and management personnel.

The Council/AP/SSC shall provide subgroups for each fishery. This provides certain Council/AP/SSC members with an opportunity to review FMPs in detail as they are being developed or amended.

In the case of need for special expertise or expedition of FMP-related projects the Council may rely on ad hoc, contracted agency commitments.

ANNEX I

North Pacific Fishery Management Council
Policy of Fishery Management Plan Development

A. A Plan Development Team shall be appointed by the Council. The SSC will propose team composition based on recommendations from the management agencies and augmented with additional expertise as required. The additional expertise may be in the form of special study groups to input to the team on specific subjects. In the case of more ongoing involvement, non-agency members may be recommended for membership on the team.

Non-agency membership will be based on technical expertise. Compensation for non-agency members will be considered on a case-by-case basis. "User" or special interest groups will not have members on planning teams, although an AP subgroup will work closely with each team. These groups can contribute through the public review process and advisory panels.

B. A Plan Development Team (PDT) will be responsible for the initial development of an FMP. This team will be small enough to be effective as a working group but large enough to provide sufficient diversity and experience to cover all aspects of the particular fishery. Socio-economic as well as biological expertise will be considered. Some members might only participate on an irregular basis in response to the need for their "specialty."

The PDT will, for example, describe the status of the fishery and resource; suggest alternative management objectives; prepare the draft FMP and related documents; evaluate public comments; etc.

PDT members should remain objective in the drafting of management plan documents. The Council should be assured that the product received from the team represents the best scientific appraisal of the fishery and the resource. Political decisions are the responsibility of the Council.

Teams should present alternative management objectives to the Council, and the Council should adopt the objectives as early as possible in the process. The objectives should be operational and as specific as possible.

Teams should develop and present viable alternative management measures which would attain the objectives and provide an analysis of the impacts of these various options. It is the duty of the Council to narrow the list of options.

The teams may recommend preferred options to the Council, when such preferences can be made on technical grounds or pragmatic management considerations without regard to political considerations.

Teams are responsible for drafting the management plans and, in that capacity, make the decision with regard to what is included in the successive drafts to be presented to the Council. The SSC and Advisory Panel shall advise the teams and the Council, but their advice is not binding on the teams. The Council shall decide if the plans are to be modified and teams shall comply with Council directives.

When teams present successive drafts of management plans to the Council, they shall submit in writing to the Council a list of problems and alternative solutions which require resolution by the Council. The Council shall devote sufficient meeting time to respond to each item and shall submit to the respective teams a written response as soon after the meeting as possible.

The teams and Council should strive to keep the FMP process for each fishery on the schedule that has been determined to best fit that particular fishery. Such schedules should be established early by the team with Council approval.

C. Team meetings and working sessions may be closed to the public. The team leader will advise Council staff prior to any meeting regarding the open or closed status of the meeting. A Council staff member will be assigned to assist each planning team with respect to coordination, organization, and format problems, and to provide other expertise needed by the teams.

D. NMFS and ADF&G shall make strong commitments to FMP development and FMP maintenance activities by providing the necessary personnel and administrative support. FMP activities should be high priority for team members.

It is expected that PDT members will draw upon data and expertise available through their agency.

E. The responsibilities of the PDT will end when the FMP is implemented. The maintenance and amendment of the plan and management of the fishery will be conducted under policy described in Annex II, "Plan Maintenance Policy."

ANNEX II

North Pacific Fishery Management Council
Policy for Plan Maintenance and Management

Actual plan maintenance and management will be accomplished through the agencies, Council advisory bodies, the Council and Board of Fisheries, with input from the affected public. A Plan Maintenance Team (PMT) will be formed primarily to identify individuals responsible for coordinating the needed input to the Council at the appropriate times. One member will be designated as leader to provide a primary contact.

The PMT will accept responsibility for coordinating the FMP process once the plan has been implemented. This team will be smaller and consist primarily of NMFS and ADF&G resource managers and extended jurisdiction related staffs.

The PMT will, for example, coordinate the following tasks: fishery and resource status updates; reviews of management objectives; appraisals of management regime's effectiveness at achieving the objectives; FMP amendments; introduction of agency proposed management changes with rationales and potential impacts; evaluation of proposals introduced by the public; screening of proposals and documents for relevance to appropriate bodies; etc.

The PMT is a coordinating body that cannot be expected to actually perform all of the tasks associated with FMP maintenance. The PMT will be dependent on agencies' commitments of resources to accomplish their tasks, often on a case-by-case basis.

Example

King - Tanner Crab

<u>Board</u>			<u>Council</u>		
Dec 15	Solicit Regulatory Proposals	**		Solicit Regulatory Proposals	Dec 15
		40			40
<u>Jan 15</u>					
25 Jan	Proposal Deadline		ADFG/NMFS Stock Status, Research Proposal Prep. Additional attendance could be suggested	SSC Subgroup members attend	Proposal Deadline Jan 25
1st wk Feb	Staff Review				
2nd wk Feb	Type, Collate	54			54
3rd wk Feb	Print Proposals				
4th wk Feb	Mail Proposals	**			
<u>Feb 15</u>					
			ADFG/NMFS Proposal Review written comments	SSC review proposals/ comments with PMT	
2nd wk Mar	Comment Deadline			SSC written comments to Council/Board	
3rd wk Mar	Type, Copy				
<u>Mar 15</u>					
			ADFG/NMFS Staff Presentations to Board/Council	SSC Subgroups attend Staff presentations available for comment	
4th wk Mar	Board Adopt	14			14
1st wk Apr	Regs, Plans Policies				*
<u>April 15</u>					
3rd wk Apr	Regs to Law				14
<u>May 15</u>					
2nd wk May	Regs to Lt.Gov.	63		SSC ongoing review plans, resource docs.	
3rd wk May	Print Regs			Recomm. to Council TAC's	
<u>June 15</u>					
2nd wk Jun	Regs Effective		ADFG/NMFS Prep In-Season Management Plans		115+
4th wk Jun	Reg Books Out	14			
				Minimum time to Adopt Amends	Sept 1
				Max December	

*Joint Public Hearing
 **Advisory Board Hearing

Finfish - Herring

<u>Board</u>			<u>Aug 15</u>		<u>Council</u>	
Aug 15	Solicit Regulatory Proposals		<u>Aug 15</u> ADF&G/NMFS Review Herring ABC-DAH	SSC Review Results - In Writing	Solicit Regulatory Proposals	Aug 15
		35				40
3rd wk Sep	Proposal Deadline		<u>Sen 15</u> ADF&G/NMFS Proposal, Research Management Plan Review	SSC Subgroup Members Attend	Proposal Deadline	3rd wk Sep
4th wk Sep	Staff Review					
1st wk Oct	Type, Collate				Council Recommend TAC, TALFF, Emergency Regs, etc.	
1st wk Oct	Print Proposals					
2nd wk Oct	Mail Proposals	67	<u>Oct 15</u>			54
3rd wk Nov	Comment Deadline		<u>Nov 15</u> ADF&G/NMFS Presentation to Board/Council	SSC Review Proposals Comments with PMT SSC Written Comments to Council/Board		
1st wk Dec	Board Adopt	21				14
	Regs Plans Policies				Council Final Action on Regs, Amends, Policies	1st wk Dec
3rd wk Dec			<u>Dec 15</u>			
2nd wk Jan	Regs to Law		<u>Jan 15</u>	SSC Ongoing Review Plans, Resource Documents		14
		67			Amends to NMFS Regs Policy to NMFS/ADFG for in- season Management Guidance	3rd wk Dec
1st wk Feb	Regs to Lt. Gov.		<u>Feb 15</u> ADF&G/NMFS Prep In-Season Management Plans			115+
1st wk Mar	Regs Effective		<u>Mar 15</u>		Minimum Time to Adopt Amends	3rd wk Apr
1st wk Apr	Regs Published					

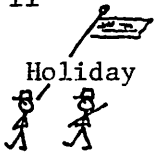

GROUNDFISH

<u>Board</u>	<u>Date</u>	<u>Council</u>
Solicit proposals	Aug 15	Solicit proposals, publish preliminary OY/Initial TAC/DAH update. Consider "Team" ^{1/} proposal recommendations.
Proposal deadline	Sept 15 Sept 15-Oct 15	Proposal deadline "Team" ^{1/} develops final TACs' Council, SSC, AP working groups select proposals pertinent to Council.
Proposals to public	Oct 15	Selected proposals and "Team" ^{1/} recommended final TACs to AP, SSC, public.
Comment deadline	Nov 15 Nov 20-Dec 10	Comment deadline Council, SSC, AP working groups review selected proposals/comments and prepare recommendations to parent bodies. SSC, AP submit final recommendations to Council on TACs, other regulatory changes, amendments; recommendation in writing submitted also to Board.
Public hearing	Dec 1-10 Dec 11-12	Council meeting-Council adopts, passes to Board.
Board reviews Council action, adopts regs.	Dec 13-20	R.D. implements final TACs, DAHs, TALFFs, and other regulatory changes. Council forwards formal amendments to NMFS.
	Jan 1 ^{2/}	Secretary review begins
New regs to Law	Jan 15	
New regs to Lt. Gov.	Feb 15	105 days No EO 18055 No NEPA
New regs effective	Mar 15 Apr 15	Secretary review ends, amendments implemented.

^{1/} "Team", as used here, is not the PDT but, instead, the PMT plus involved NMFS, ADF&G, and non-agency experts (as described in Annex II) that will provide technical input to both the Council and the Board.

^{2/} New fishing year starts under final TACs, DAHs, TALFFs as approved by Council/RD.

NPFMC ACTIVITIES

	SUN	MON	TUE	WED	THU	FRI	SAT
OCT	19	20	21 PH-Dutch	22 PH-Nome	23	24 Tanner Crab NOA	25
OCT	26	27	28 SSC	29 SSC AP	30 NPFMC- Anchorage	31 NPFMC- Anchorage Salmon 1981 Amend. NOA	1
NOV	2	3	4	5	6	7	8
NOV	9	10	11  Holiday	12	13 PH-Salmon Sitka	14	15
NOV	16	17	18	19	20	21	22
NOV	23	24	25	26	27  Thanksgiving	28	29
DEC	30	1	2	3	4	5 PH-Seattle, Kodiak	6 PH-Seattle, Kodiak
DEC	7	8	9 PH- Anchorage	10 NPFMC- Anchorage	11 NPFMC- Anchorage Jointly w/BOF	12 NPFMC- Anchorage	13
DEC	14	15 Salmon & King Crab & BS/AI PC ends	16	17	18	19	20 Tanner Crab PC ends