

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director



ESTIMATED TIME 1 Hour
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DATE: January 3, 1996

SUBJECT: Council Operations

**ACTION REQUIRED**

Consider establishing committee to review Council operations and report in April or June.

**BACKGROUND**

Last April the SSC made the following comments concerning Council operations:

In its January 1995 minutes, the SSC noted the current magnitude and complexity of the workload undertaken by the Council is overwhelming its staff, the staffs of cooperating agencies, and the advisory bodies of the Council. This is compromising the effectiveness of the Council management efforts and adversely impacting the preparation and review of documents prepared by the Council staff and outside organizations (such as oil and gas lease sales).

The SSC thanks the Council's Executive Director for making available earlier Council reports dealing with workload issues and the development of its processes and procedures for operations. The SSC reviewed documents prepared following five meetings held by the Council between 1984-1990 with particular attention focussed on the current policy document (1990) on annual management cycles.

The SSC believes that strict adherence to the 1990 rules would provide a step forward to enhancing Council operations. The SSC, however, believes that more must be done in the face of declining budgets and staffs and the growing complexity of management issues which include ITQs, increasing diversity of constituents, the high level of overcapitalization, and bycatch and use issues.

**The SSC accordingly suggests that a special meeting of a newly formulated policy and planning group be held as soon as possible.** The group would include representation of the Council, its staff, the AP and the SSC, as was done effectively in the past. The group should be charged with updating the current operating procedures in the face of human resources limits. While not trying to limit the agenda, the SSC suggests that an examination of the meeting schedule, particularly in regard to frequency and the timing of meetings, alternate schedules for TAC determination, and the development of a new approach for prioritizing amendment proposals might be particularly helpful to the Council process.

Last March, I had provided the SSC with a review of past Council considerations of operations. The cover memo with a short history is provided here as C-6(a). It may be appropriate to establish a committee as the SSC suggests to review our schedule and operations and report back to us in April or June, depending on progress made.

# North Pacific Fishery Management Council

Richard B. Lauber, Chairman  
Clarence G. Pautzke, Executive Director



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## MEMORANDUM

TO: Scientific and Statistical Committee

FROM: Clarence Pautzke  
Executive Director

DATE: March 6, 1995

SUBJECT: Policy and procedures

At the January 1995 SSC meeting, you noted in your minutes that Council schedules, procedures and rules of operation are frequently not followed now due to the press and urgency of fishery management issues. You suggested that it might be useful to form a subcommittee of Council, AP and SSC members to examine operations and procedures with staff.

I have put together the following summary of past activities on this subject, beginning with the April 1984 meeting of the Council. Please let me know if you want this to be a discussion item on the April SSC agenda.

### **April 1984 - Anchorage**

In April 1984, the Council held its 60th plenary session and devoted it entirely to policy and planning, setting of objectives, and responding to industry concerns over the process the Council used to come to decisions. Attachment 1 has an agenda, a list of products desired from the meeting, and Branson's introduction to the meeting which is self explanatory, as is the industry letters included there that triggered the review. Attachment 2 includes the meeting notebook materials dealing with procedures and documentation. Attachment 3 includes those portions of the meeting minutes pertaining to policy and procedures and treatment of amendment proposals and annual management cycles. Appended to the minutes are comments by the SSC and several work groups that met on particular subjects.

### **May 1984 - Anchorage**

In May 1984, the Council reviewed the recommendations developed at the April meeting and took final action to adopt policies on annual management cycles and plan team composition and tasking. Attachment 4 has the notebook materials and the minutes on the subject.

### **August 1985 - Girdwood**

The Council met in Girdwood Alaska on August 12-14, 1985. Their focus was on Magnuson Act reauthorization, the various studies completed by the U.S. Inspector General, OMB, and the Council/NOAA Task Force commissioned by Tony Calio on the council process, and revisions to the Gulf of Alaska groundfish plan and goals and objectives. There was little discussion of policy and procedures.

### **April-May 1987- Anchorage**

The Council's Policy and Planning Committee met in Anchorage on April 22 to review Council operating procedures. They recommended shifting the March-May meetings to April-June beginning in 1988, shifting the groundfish proposal deadline to October 1, and formation of a plan amendment advisory group to initially review plan amendment proposals. They also made six recommendations concerning plan team operation. The Council reviewed the Committee's recommendations in May 1987 and adopted almost all of their recommendations, particularly the revised management cycle and proposal forms. Attachment 5 has the notebook materials and pertinent minutes.

### **June 1990 - Juneau**

The Council held a retreat on June 22-23, 1990 in Juneau to receive a report from its ad hoc Performance Review Committee and to consider an array of topics including overfishing, groundfish amendment cycles, meeting efficiency, AP operations, plan team member performance, record building, and committees. Regarding groundfish amendment cycles, the following six major conclusions were drawn:

1. Adopt new groundfish amendment cycle that calls for proposals in July and perform analysis from September to April.
2. During analytical period, use the December and January meetings for review and checkpoints on analyses and their direction.
3. Need strong coordination between the Region , Center and Council staff on staff coordination and efficiencies to complete assignments.
4. Staffs should interface with industry to ensure input and feasibility.
5. May want to completely reexamine FMPs and rewrite given current fisheries.
6. Need careful editing of analyses to remove inflammatory statements.

The Council's Policy on Annual Management Cycles, originally adopted in May 1987, was revised to solicit groundfish proposals in July instead of September. Attachment 6 is a copy of the performance review report that triggered the above considerations.

Attachment 7 has our current policies.

Brent C. Paine  
Executive Director



AGENDA C-6  
JANUARY 1996  
SUPPLEMENTAL

Steve Hughes  
Technical Director

Dr. Clarence Pautzke  
605 W. 4th Ave., Suite 306  
Anchorage, AK 99501

October 25, 1995

Dear Clarence,

Thank you for the note of thanks for the reception various industry groups held on behalf of the Council. Nice to leave the intense meeting room now and again during a Council week and realize the importance of things other than establishment of fish policy. I wanted to share with you some thoughts that came to mind after witnessing the last hour of the September/October 1995 Council meeting.

The issue is clarification of the Council's process for deciding which proposal is to be awarded analysis and which ones fall by the wayside. What I observed is that the current practice for prioritizing proposals seems vague and unclear. In addition, what transpired at the last Council meeting seems quite different than the formalized process as defined in the Council's reference manual.

The process began with plan team review during their August meeting. I observed that the Team decided not to rank the submitted proposals. Rather, they classified them, rather subjectively, as allocative, biological and/or efficiency oriented. As a Council member, I wouldn't find this type of review too helpful. I recommend that you instruct the Plan Teams exactly what the Council expects of them (Terms of Reference).

From there the process seems a little unclear. I don't recall the PAAG meeting and reviewing the proposals, nor do I recall the AP or SSC providing input. Nor did I witness the Council discussing and debating any of the proposals or asking for public testimony. What I did witness was during the session on project prioritization, at the last hour of an six day meeting, there was a suggestion that one proposal go forth for initial analysis. I believe that you made this request. This occurred with no allowance of public input. So, my question is how did just one proposal, the GOA trimester pollock proposal, receive consideration and endorsement, while all the other 40 proposals did not?

You mention in your October 18, 1995 memo that due to a lengthy agenda, the Council did not consider the new proposals. Correct me if I am wrong, but is not the GOA trimester proposal a "new" proposal? My understanding is that it was submitted along with the other 40 proposals, under your 'call for proposals' request.

I am not too concerned that any particular proposal did or did not make the cut. My greater concern is that the Council develop a clear and open process of review in their prioritization of issues. I request that this review process be critically examined by yourself and the Council, and that clear methods of operation be established and hopefully abided. This will go a long way toward achieving the primary goals of the Council. This helps the public realize in advance what the process is. Rather than spending time lobbying individual members of the Council to get something prioritized on the agenda and acted upon, we can rest assured that a predetermined process will unfold based on established standards.

Clarence, under the present operating standards, the free-for-all, chaotic discourse that occurred when the Council addressed priorities at the last hour of the meeting, when individuals aired their personal 'wish lists', will continue. I was particularly upset at the manner in which David Benton chided you for not getting the Council to achieve his desired results of full utilization in a timely manner. There are better alternatives. Perhaps you might consider holding a single issue meeting, the focus of which could be developing a strategic plan.

I believe there will always be an imbalance between the finite amount of resources you and your staff have and the list of projects the Council would like addressed. How the Council prioritizes is where attention needs to be focused.

This brings me to my next point. Meeting after meeting, I witness that there are far too many issues on the meeting agenda than there is time for adequate consideration. This is frustrating for all involved. Staff has to do the work, prepare reports and presentations, folks from the industry have to direct their limited resources toward review, AP and SSC faithfully plow through their agenda, and the Council members have an understanding that something will happen on a topic if it's placed on the agenda. Frankly, this is just not happening. Talk to the staff, or to members of the industry, or to Council members, and I think you will uncover a certain amount of frustration and that this is in fact a problem. What bothers me is that though many seem to realize this, there is no effort under way to rectify the situation.

So, I request that you conduct an evaluation of how many items that are placed on an agenda get skipped over. Look at the past three meetings and see what items were meaningfully addressed and which ones received no attention due to

lack of time. If the result is that a number of issues went unaddressed, then I suggest that you and the Council spend some time and energy to develop a means to match an agenda with the amount of resources actually available. Time seems to be the limiting resource. By the way, I make it a point not to attend Board of Fisheries meetings, as their solution to this problem is to go on meeting, and meeting and meeting. I guess they are sponsored by Eveready batteries.

I have rambled on a bit, perhaps doing so just to vent a little frustration of the Council process. By and large, excellent work gets done by your staff and the NMFS folks. Thank you for your consideration of my thoughts.

Sincerely,

A handwritten signature in cursive script that reads "Brent C. Paine". The signature is written in black ink and is positioned above the printed name.

Brent C. Paine

cc: Rick Lauber  
Steve Pennoyer

# North Pacific Fishery Management Council

Richard B. Lauber, Chairman  
Clarence G. Pautzke, Executive Director

Telephone: (907) 271-2809



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November 6, 1995

Brent Paine  
United Catcher Boats  
1900 W. Emerson Place, Suite 212  
Fishermen's Terminal  
Seattle, WA 98199

Dear Brent:

I am responding to your October 25 letter concerning Council process and the review of proposals. I can understand your frustration with the treatment of proposals, as many times we do not follow the procedures outlined in our standard operating procedures. As you know from your time on staff, we receive many more proposals than we have staff time or personnel to complete. This often leads to disarray in the proposal review process.

It is true that the plan teams, PAAG, AP and SSC are supposed to review proposals. While it is relatively easy for these bodies to prioritize biological proposals that may relate to concerns over conservation, it has been difficult for them to grapple with proposals which may have allocational effects. Bob Mace, chairman of the PAAG came away from the 1994 PAAG meeting with a sense that the committee was not proving very useful in sorting through the proposals. Everyone had different wants and needs, and I think Bob concluded that priorities needed to be set by the Council. In any case, he recommended that the PAAG be disbanded for 1995.

A major question is whether to call for proposals in the first place. Everyone knows that there are overriding issues which are taking up most of the staff's time, so in calling for proposals, we run the risk of sending a false signal to industry that we can work on their proposals. Then individuals go to a lot of work writing up proposals, only to find we do not have anybody to work on them. As you will recall, I called for proposals during the summer of 1993 and we received 23, nine of which were chosen for further development.

In 1994, with comprehensive planning, the moratorium, inshore-offshore, and a myriad of other amendments looking us square in the face, I decided not to call for proposals. As noted in the attached summary of the PAAG meeting in December 1994, about 20 proposals came in anyway. The Council did not even get to that agenda item in September. The PAAG report from December notes that they did not assign priorities, but deferred ranking to the Council. The Council finally got back to the proposals in January 1995 and chose four for further development.

This past summer we again called for proposals even knowing that staff was tied up with other priorities and with ongoing projects that needed to be cleared out of the system. We received 42 proposals. The pollock trimester proposal for the GOA was #19. It was submitted by Chris Blackburn to address chum salmon bycatch problems in the GOA, however, Steve Pennoyer placed it on the "must do" list on the basis that the pollock fishery with its current small quarterly apportionments of pollock had become unmanageable. Other issues such as the observer program, improved utilization, etc, were all carry overs from previous meetings and still on the table.

Brent Paine  
November 6, 1995  
Page 2

The only other issue that was brought to the table was that of Pacific cod allocations, when Clem Tillion read a long motion spanning the range from gear to inshore-offshore allocations. The Council refrained from accepting the motion, but did indicate that they wanted it on the December agenda for further development. They also earmarked IBQs for treatment in December, an issue which I know is very important to your association.

Turning to your recommendation that the Council hold a single issues meeting to develop a strategic plan, we will be discussing in January a recommendation from the SSC to review our operations. I plan on placing your letter in the notebooks at that time. I doubt we will ever have the luxury of a single issue meeting, but at least we should be able to follow our stated procedures more closely. I know on my part, I am going to attempt to channel initial and final reviews of amendments into the April and June meetings as originally envisioned in our SOPPs. I also have taken special care with the December and January meetings to place only those items on them for which we will have sufficient time for discussion and action. I just hope it works.

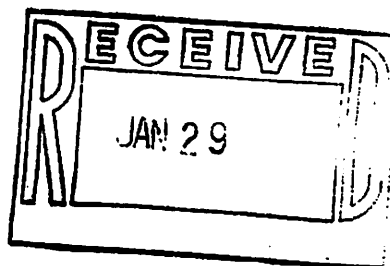
Thanks for your fine, insightful letter. Over this next year, I am hopeful that we will be able to clear this process up, while recognizing that there will always be more issues than the combined NMFS, Council and State staffs can handle. See you in December.

Sincerely,



Clarence Pautzke  
Executive Director





January 23, 1996

Mr. Richard B. Lauber  
North Pacific Fishery Management Council  
604 W. 4th Ave., Suite 306  
Anchorage, AK 99501-2252

RE: Vessel Bycatch Accountability Program

Dear Chairman Lauber,

A number of industry organizations and companies support the North Pacific Fishery Management Council's continued goal of better management of species taken as bycatch in our directed fisheries. To this end, we have supported efforts to scope out and analyze possible options of a Vessel Bycatch Accountability (VBA) Program. During the June 1995 Council meeting in Dutch Harbor, many of us presented a letter (Lauber, June 15, 1995) requesting the Council begin review of such a program for a number of reasons.

The VBA proposal grew out of the industry's frustration of premature closures of directed fisheries due to attainment of PSC well before attainment of the TAC and secondly, the negative effects of a few bad actors' fishing behavior on the entire fleet. We are also frustrated by the evident failure of the Vessel Incentive Program as a tool to influence individual operation's behavior.

The VBA proposal focuses on 'real-time' incentives. It makes individuals accountable for their own actions and keeps the effects of their actions at the individual level, thereby allowing the 'clean' actors to receive the benefits of fishing with low bycatch rates. The end goal is to achieve OY and optimize the use of allocated PSC.

The outline of the analysis of a VBA program as developed by NMFS and reviewed by the AP at the December 1995 Council meeting is a step in the right direction. We understand that the monitoring and enforcement requirements of a bycatch program at the individual level are the same requirements of bycatch and quota management for the Council recommended all-species CDQ program.


For these reasons, the undersigned industry representatives request that the Council expeditiously continue its efforts to develop and analyze viable options of such a program. There are number of issues, such as transferability, enforcement, monitoring and initial allocation, that are undefined at this time. This is why our recommendation of a range of options for these issues was proposed. The pros and cons of options can be ferreted out in the analysis.

Sincerely,

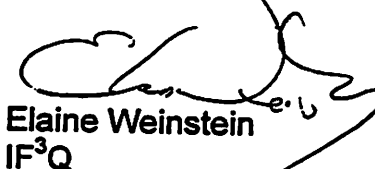


Brent Paine & Steve Hughes  
United Catcher Boats

Jay Stenson  
Alaska Draggers Association



Chris Blackburn  
AGDB



Elaine Weinstein  
IF<sup>3</sup>Q



Beth Stewart  
Aleutians East Borough



Fred Yeck  
Midwater Trawlers Cooperative



David Benson  
Tyson Seafood Group



Arnie Thomson  
Alaska Crab Coalition