



9-17-77
Agenda 9

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

September 14, 1977

Mr. Jim Branson
Executive Director
North Pacific Fisheries
Management Council
P.O. Box 3136 DT
Anchorage, AK 99510

Dear Jim:

I have examined the proposed Model Charter for Advisory Panels that was circulated by the National Marine Fisheries Service. I find there are several things wrong with the model plan which was developed for the Western Pacific Fisheries Management Council and do not necessarily fit into the scenario of the North Pacific Fisheries Management Council. I will attempt to go through the model charter and identify those areas that I think should be changed to better meet our particular needs.

C. Objectives and Duties - There are listed four items; I would like to add an additional item -- (e) U.S. consumer potential for utilizing various species.

I would like to comment that under item C.4., where it states that the Panel members are charged with advising the Council on particular fisheries, with particular reference to socio-economic implications of managing those fisheries, that the word "socio-economic" doesn't go far enough, and the word "biologic" implications should be included. My basis for this is that simple biological information in the form of what these fishermen are actually catching that comes directly from the fishermen themselves is extremely important and shouldn't be given second place to purely socio-economic implications.

D. Members and Chairman - The idea of having 50 members doesn't fit into the system for the North Pacific Fisheries Management Council, and in our case, 25 members appears to be sufficient; I recognize the language states "not more than 50 members," so it probably is not significant.

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In paragraph D.2., "The Panel shall be composed of persons who are either actually engaged in the harvest of, or are knowledgeable and interested in, the conservation and management of, the fisheries to be managed.", this language should have language added to it that also reflects marketing and processing.

In paragraph D.4., I see no reason why the Chairman of the Advisory Panel should be appointed by the Chairman of the Council, although this might be open for discussion. This is a change from the existing method, and I suspect there are valid reasons why it would be better for the Advisory Panel to choose its own Chairman.

E. Administrative Provisions - I am particularly concerned with the second portion of paragraph where they say, "In accordance with Section 10(f) of FACA, a designated officer or employee of the Federal Government must also approve the meeting request and the proposed agenda." This would make the long-in-advance provision of an agenda necessary, and this just isn't possible if the comments of the Advisory Panel are to be timely and to fit the agenda of the Council. Further, I can't see any reason why the federal officer should be involved at all. Additionally, I would like to comment that there really doesn't appear to be any need for the Panel to meet as a whole at least once a year as suggested.

F. Subpanels - The requirement of a subpanel to be of approximately 10 members is somewhat unrealistic, particularly on our smaller Advisory Panel consisting of only 25 members. I do think there is a great deal of merit in having several permanent Advisory Subpanels, but can't see that there should be any rigid structure.

Again, under paragraph F.2., I can't see that subpanels should require the concurrence of the Director of NMFS to establish or abolish such subpanels. The Council should retain authority to direct and manage the Advisory Panel.

In paragraph F.4., I object to the requirement for the federal officer to be involved.

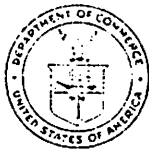
In paragraph F.5., the subpanel should report to the Chairman of the Advisory Panel instead of the Chairman of the Council.

In paragraph F.6., the suggested list of subpanels might be salmon, crab, bottomfish, marketing and processing.

Best regards,

Keith Specking
Keith Specking

KS:re

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

F31/EHR

Date : AUG 25 1977

To : Executive Directors, Fishery Management Councils
(See Distribution Below)From : *Winfred H. Meibohm*
Winfred H. Meibohm, Associate Director
National Marine Fisheries Service

Subject: Model Charter - Advisory Panels

We've been using a draft submitted by the Western Pacific Council in our efforts to develop a charter which could serve as a model for consolidation of existing panels and/or establishment of planned panels. This approach was supported in Secretary Kreps' May 20 memorandum to Council Chairmen, in which she expressed her concern that steps be taken to minimize advisory committee red tape, and recommended that Councils establish one broad based Advisory Panel, with appropriate sub-panels to assure expert guidance and consideration of unique species interests.

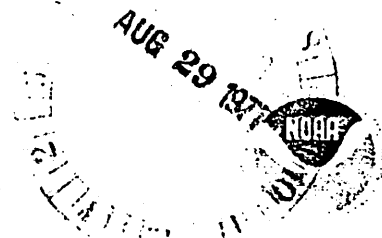
To date, only a few Councils have expressed an opinion relative to the model charter concept and/or its content. At this point, we would like to know the official views of all Councils. We especially want to know about any problems you may have with respect to the adaptability of the model charter to your respective Council. This is extremely important because we believe that the model charter will be approved, and because those subsequently submitted charters which significantly differ from it, will in all probability be subjected to a long and extensive review/approval period.

A copy of the model charter is attached. Your comments and/or your draft charter should be directed to Edna Ross, Fisheries Management Operations Division, F31, NMFS, Washington, D.C. 20235 (202 - 634-7436). It would be appreciated if this information is sent to Edna by September 26, 1977.

Attachment

✓ Distribution: New England Council Gulf of Mexico Council
 South Atlantic Council Pacific Council
 Caribbean Council North Pacific Council

Information Copies to: Mid-Atlantic Council
 Western Pacific Council



DEPARTMENT OF COMMERCE

CHARTER OF

ADVISORY PANEL FOR

THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

A. Establishment

The Advisory Panel (the "Panel") for the Western Pacific Fishery Management Council (the "Council") is hereby established with Office of Management and Budget concurrence under the authority of Section 302(g)(2) of the Fishery Conservation and Management Act of 1976 (the "Act"), Public Law 94-265 (16 U.S.C. 1852). The Act establishes eight Regional Fishery Management Councils, and authorizes the establishment of such advisory panels as are deemed to be necessary or appropriate to assist the Councils in carrying out their functions under the Act.

B. Explanation of Terms

The terms used in this charter shall have the meanings that are prescribed in the Act.

C. Objectives and Duties

1. The Panel shall offer to the Council, on a continuing basis, advice on the assessments and specifications contained in each fishery management plan for each fishery within the Council's geographical area of concern, with particular regard to:

- a. The capacity and the extent to which the fishing vessels of the United States will harvest the resources considered in fishery management plans.

(b) The effect of such fishery management plans on local economies and social structures.

(c) Potential conflicts between user groups of a given fishery resource.

(d) Enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.

2. The Panel shall offer advice and/or prepare comments for the Council on

(a) fishery management plans or amendments thereto during preparation of such plans or amendments by the Council, and on (b) fishery management plans prepared by the Secretary and transmitted to the Council for review.

3. Panel members shall attend public hearings on fishery management plans, and amendments thereto, as requested by the Council Chairman.

4. The Panel, or members thereof, shall attend Council meetings at the request of the Council Chairman to advise the Council on particular fisheries, with particular reference to the socio-economic implications of managing those fisheries.

5. Panel members shall keep the Council advised of current trends and developments in fishery matters.

6. The Panel shall perform such other necessary and appropriate advisory duties as may be required by the Council to carry out its functions under the Act.

D. Members and Chairman

1. The Advisory Panel for the Western Pacific Fishery Management Council shall have a total of not more than ~~50~~ members, all of whom shall be appointed by, and serve at the pleasure of, the Council.
2. The Panel shall be composed of persons who are either actually engaged in the harvest of, or are knowledgeable and interested in, the conservation and management of, the fisheries to be managed. The Panel shall also reflect expertise and interest from the standpoint of geographical distribution, industry and other user groups, and the economic and social groups encompassed in the Council's geographical area of concern.
3. ~~Members of the Panel shall be~~ appointed by the Council for a period of two years, and may be reappointed at the pleasure of the Council. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.
4. The Chairman of the Panel shall be appointed by the Chairman of the Council from among the members of the Panel.

E. Administrative Provisions

1. The Panel shall meet as a whole, ~~at least once a year~~, at the request of the Chairman of the Panel with the approval of the Chairman of the Council. In accordance with Section 10(f) of FACA, a "designated officer or employee of the Federal Government must also approve the meeting request and the proposed agenda.

2. The Panel shall report to the Chairman of the Council or his designee.
3. Security clearances for Panel members shall be requested as necessary.
4. The Executive Director of the Council shall, upon the request of the Chairman of the Panel, provide such staff and other support as the Council considers necessary for Panel and its subpanel activities, within budget limitations.
5. The annual cost of operating the Panel is estimated to be \$40,000. Panel expenses shall be paid by the Council from the grant provided by the Secretary of Commerce. (The Panel will utilize the staff of the Council, as provided in Section E(4) of this charter. It is estimated that two man-years of annual staff support will be needed).
6. Members of the Panel shall serve without compensation. They shall, on request, be paid their actual expenses for travel incurred in the performance of their duties for the Council in accordance with applicable law.

7. The Panel and its subpanels shall function solely as advisory bodies in accordance with the provisions of the Federal Advisory Committee Act.

Subpanels

1. The Panel will be structured in subpanels of approximately 10 members, each concerned with carrying out the objectives and duties of the Panel with respect to a fish species or stock, or related species or stocks.

2. The Council may establish or abolish such subpanels as it deems necessary with the concurrence of the Director, National Marine Fisheries Service, NOAA, (hereby delegate such authority) in accordance with Part II, I.E. of the Department of Commerce Committee Management Regulations.
3. The Chairman and members of the subpanels will be selected by the Council from the membership of the parent Panel.
4. Each subpanel shall meet at the call of its Chairman with the approval of the Chairman of the Council. In accordance with Section 10(f) of the Federal Advisory Committee Act, a designated officer or employee of the Government must also approve the meeting request and proposed agenda.
5. The subpanels shall report to the Chairman of the Council or his designee.
6. A list of current subpanels is provided as attachment A to this charter.

G. Duration

The Panel shall terminate two years from the date of this charter unless earlier terminated or renewed by proper authority by appropriate action.

Date

Signed: _____

Assistant Secretary for
Administration

ATTACHMENT A

SUBPANELS OF THE ADVISORY PANEL FOR THE WESTERN PACIFIC FISHERY
MANAGEMENT COUNCIL

(Effective as of the date of the charter)

Pelagic Fishery Resources Subpanel

Precious Coral Resources Subpanel

Sea Mount Resources Subpanel

Snapper/Grouper/Related Groundfishery Resources Subpanel

Spiny Lobster Subpanel
