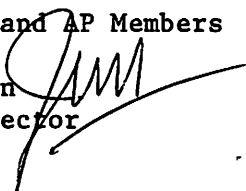


M E M O R A N D U M

TO: Council, SSC and AP Members
FROM: Jim H. Branson 
Executive Director
DATE: May 11, 1987
SUBJECT: Halibut Regulation Procedures

ACTION REQUIRED:

- (1) Review and approve procedures; incorporate into Council policy.
- (2) Approve regulatory team composition.
- (3) Approve regulatory amendment advisory group composition.

BACKGROUND

Halibut Regulation Procedures

We have been told by the NMFS Central Office that the Council will be expected to pick up some of the burden on halibut regulatory issues, specifically those of a socioeconomic and allocative nature. This directive is an outgrowth of recent measures by the Commission that attempted to improve even further the "edge" given residents of Area 4C. That move, contested by elements of the existing halibut fleet, was modified by the Department of Commerce and has convinced them that the Councils, rather than IPHC, are responsible for non-biological management measures under authority of the Northern Pacific Halibut Act of 1982. NOAA is convinced, as am I, that the legal responsibility lies within the Council, not the IPHC.

Council action on halibut management must obviously be closely coordinated with actions of the IPHC. A schedule (item C-4(a)) for considering regulatory proposals has been developed in concert with IPHC and Pacific Council staff which reflects current North Pacific Council procedures for consideration of groundfish amendments as well as necessary timing for coordination with established IPHC procedures. The schedule contemplates creation of a Halibut RAAG (regulatory amendment advisory group) similar to the proposed PAAG for groundfish FMP amendment reviews, and a regulatory team similar to existing plan teams.

Halibut Regulatory Team

Although the Council is not operating under an FMP for halibut, an equivalent to a plan team will be necessary to provide background material, analyze proposals, and support Council deliberations. Such a regulatory team should, at a minimum, have representatives from the agencies involved in management of halibut. Item C-4(b) lists a suggested composition for the halibut regulatory team.

Halibut Regulatory Amendment Advisory Group

Similar to consideration of a Plan Amendment Advisory Group (PAAG) for review of groundfish proposals, a Halibut Regulatory Amendment Advisory Group (RAAG) may be appropriate for review of halibut proposals. Composition of the Halibut RAAG could follow the format being considered for PAAG; item C-4(c) suggests the membership of this group.

HALIBUT REGULATION PROCEDURES FOR
THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Alternative 1

- Step 1 August 15 Publically announce cycle for halibut regulations and release a call for regulatory proposals (except for proposals specifically dealing with harvest quotas).
- Step 2* September 15 Deadline for receiving regulatory proposals. Initial categorization by regulatory team (RT).
- Step 3 September 17 Halibut RAAG (regulatory amendment advisory group, similar to PAAG for groundfish plan amendment review) reviews proposals as initially categorized by the RT into:
1. Incomplete
 2. Require Council action
 3. Require IPHC action
- The Halibut RAAG review would:
1. Retrieve any "incomplete" proposals that they deem worthy of consideration;
 2. Rank Council-type proposals and estimate analysis time and costs for each, with input from RT;
 3. Forward IPHC-type proposals to the Commission for their consideration.
- Step 4 September 23 At the September Council meeting the Council reviews recommendations of the Halibut RAAG and RT, discards/approves regulatory proposals, and possibly adds proposals of their own.
- Step 5 October 15 RT submits an Advanced Notice of Proposed Rule Making (ANPRM), after having completed a brief qualitative analysis of Council-approved proposals. ANPRM is published in the Federal Register for 30-45 days of public comment; during this time the RT continues analysis of proposals. (Preliminary IPHC meeting,

*An alternative, which eliminates full Council review in September, is suggested as Alternative 2 at the end of this attachment.

usually in late November, reviews ANPRM and sends their comments and best estimates of next year's quotas to Council.)

- Step 6 December 9 At the December Council meeting the Council reviews public comments, further RT analyses, comments from IPHC and their conference board, and takes final action (approves/discards) on regulatory proposals. IPHC is notified of Council action and asked to consider any changes in their regulations that might be needed to implement Council measures.
- Step 7 December 20 Send final package to Secretary of Commerce for action. SOC reviews, approves/disapproves/amends, and publishes a Notice of Proposed Rule Making (NPRM) in 30 days.
- Step 8 January 20 NPRM 30-day comment period begins. IPHC meets late January, can comment to SOC on Council actions. Bio/conservation regs they develop will be implemented at approximately the same time as Council regs -- mid-April.
- Step 9 February 20 SOC prepares a Final Rule Making package (FRM).
- Step 10 March 10 FRM is published in the Federal Register.
- Step 11 April 10 Regulations become effective; published in IPHC regulatory package.

Alternative 2

- Step 2 October 1 Under this alternative, public proposals are not due until October 1, instead of September 15. This alternative removes initial Council review of proposals at the September meeting (Step 4 in Alternative 1).
- Step 3 October 1-15 Halibut RAAG and RT sort, rank, and estimate time and costs for analysis of proposals.
- Step 4 October 15 Prepare and publish ANPRM, as in Step 5 of Alternative 1.

This procedure does not include full analysis of IPHC status of stock information, which becomes available in November. Consequently, regulatory proposals dealing specifically with harvest quotas will need to be reviewed and analyzed outside of this schedule. Because harvest quotas themselves most reasonably relate directly to biological/management considerations to be handled by IPHC, rather than by Council, such proposals can be handled by IPHC outside of the Council's schedule for review of allocative proposals.

HALIBUT REGULATORY TEAM COMPOSITION

Composition of the regulatory team (RT) should include members of involved regulatory agencies; specific membership from other organizations may not be necessary. A suggested composition of the Halibut RT includes:

IPHC staff
NMFS Regional Office staff
NWAFC staff: biologist (?)
 economist (?)
ADF&G staff
NPFMC staff

HALIBUT REGULATORY AMENDMENT ADVISORY GROUP COMPOSITION

Composition of the Halibut RAAG could be similar to the groundfish PAAG:

2 Council members (including NMFS-RD as IPHC Commissioner)
2 SSC members
2 AP members
Halibut RT chairman

M E M O R A N D U M

TO: Council, SSC and AP Members

FROM: Jim H. Branson
Executive Director

DATE: May 21, 1987

SUBJECT: Halibut Regulation Procedures

ACTION REQUIRED:

- (1) Review and approve procedures; incorporate into Council policy.
- (2) Approve management team composition.
- (3) Approve regulatory amendment advisory group composition.

BACKGROUND

Halibut Regulation Procedures

We have been told by the NMFS Central Office that the Council will be expected to pick up some of the burden on halibut regulatory issues, specifically those of a socioeconomic and allocative nature. This directive is an outgrowth of recent measures by the Commission that attempted to improve even further the "edge" given residents of Area 4C. That move, contested by elements of the existing halibut fleet, was modified by the Department of Commerce and has convinced them that the Councils, rather than IPHC, are responsible for non-biological management measures under authority of the Northern Pacific Halibut Act of 1982. NOAA is convinced, as am I, that the legal responsibility lies within the Council, not the IPHC.

Council action on halibut management must obviously be closely coordinated with actions of the IPHC. A schedule (item C-4(a)) for considering regulatory proposals has been developed in concert with IPHC and Pacific Council staff which reflects current North Pacific Council procedures for consideration of groundfish amendments as well as necessary timing for coordination with established IPHC procedures. The schedule contemplates creation of a Halibut RAAG (regulatory amendment advisory group) similar to the proposed PAAG for groundfish FMP amendment reviews, and a management team similar to existing plan teams.

Halibut Management Team

Although the Council is not operating under an FMP for halibut, an equivalent to a plan team will be necessary to provide background material, analyze proposals, and support Council deliberations. Such a management team should, at a minimum, have representatives from the agencies involved in management of halibut. Item C-4(b) lists a suggested composition for the halibut management team.

Halibut Regulatory Amendment Advisory Group

Similar to consideration of a Plan Amendment Advisory Group (PAAG) for review of groundfish proposals, a Halibut Regulatory Amendment Advisory Group (RAAG) may be appropriate for review of halibut proposals. Composition of the Halibut RAAG could follow the format being considered for PAAG; item C-4(c) suggests the membership of this group.

HALIBUT REGULATION PROCEDURES FOR
THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Alternative 1

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- Step 2* September 15 Deadline for receiving regulatory proposals.
Initial categorization by management team (MT) as:
1. Incomplete
 2. Require Council action
 3. Require IPHC action
- Step 3 September 17 Halibut RAAG (regulatory amendment advisory group, similar to PAAG for groundfish plan amendment review) reviews proposals and team recommendations:
- The Halibut RAAG would:
1. Review and validate team recommendations on whether a proposal meets all the criteria in the Council's proposal format;
 2. Identify those proposals of high priority and estimate analysis time and costs for each, with input from the management team;
 3. Recommend additional alternatives to each proposal if possible.
 4. Forward IPHC-type proposals to the Commission for their consideration.
- Step 4 September 23 At the September Council meeting the Council reviews recommendations of the Halibut RAAG and team, and drops or approves regulatory proposals, and possibly adds proposals of their own. A team estimate of the time and effort required for each proposal will be needed at this meeting.
- Step 5 October 15 MT submits an Advanced Notice of Proposed Rule Making (ANPRM),^{1/} after having completed a brief qualitative analysis of Council-approved proposals. ANPRM is

*An alternative, which eliminates full Council review in September, is suggested as Alternative 2 at the end of this attachment.

1/ Need legal opinion on whether ANPRM is necessary.

published in the Federal Register for 30-45 days of public comment; during this time the MT continues analysis of proposals. (Preliminary IPHC meeting, usually in late November, reviews ANPRM and sends their comments and best estimates of next year's quotas to Council.)

- Step 6 December 9 At the December Council meeting the Council reviews public comments, further MT analyses, comments from IPHC and their conference board, and takes final action on regulatory proposals. IPHC is notified of Council action and asked to consider any changes in their regulations that might be needed to implement Council measures.
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HALIBUT MANAGEMENT TEAM COMPOSITION

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2 Council members (including NMFS-RD as IPHC Commissioner)
2 SSC members
2 AP members
Halibut MT chairman