

Draft Agenda for May 1984

61st Plenary Session
North Pacific Fishery Management Council

May 23-24, 1984
Anchorage, Alaska

- A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING
- B. SPECIAL REPORTS
- B-1 Executive Director's Report
 - B-2 Domestic Fisheries Report by ADF&G
 - B-3 Foreign Fisheries Report by NMFS
 - B-4 Enforcement and Surveillance Report by U.S. Coast Guard
 - B-5 Joint Venture Operations
- C. NEW OR CONTINUING BUSINESS
- C-1 Follow up to April Policy Meeting
 - C-2 Foreign Fishing Permits for Poland
 - C-3 Halibut Management: Alternatives for future Council action - *Info only item*
 - C-4 Report on Joint Venture Policy by Industry Workgroup
 - C-5 Fate and Impact of Marine Debris - Report by George Snyder
 - C-6 Other Business
 - C-7 - Report on Strategic Policy + Planning Committee*
- D. FISHERY MANAGEMENT PLANS
- D-1 Herring FMP
 - (a) Preliminary report on Togiak fishery.
 - (b) Council direction on further FMP development.
 - (c) Offshore research RFP - review funding sources and approve release to bid.
 - D-2 King Crab FMP
 - (a) Review permit provisions in FMP.
 - (b) Review Board actions.
 - D-3 Tanner Crab FMP
 - (a) Review of Board actions.
 - (b) Review any needed amendments.
- draft future fisheries mgmt.*

D-4 Gulf of Alaska Groundfish FMP

- (a) Workgroup report on prohibited species problems and solutions.
- (b) Sablefish: allocation objectives, domestic trawl mortalities, joint venture trawl restrictions, intrusion problem in Southeast.
- (c) Council follow up to Board provision for permits and observers in sensitive crab areas. *DRAFT REGS*
- (d) Status report on groundfish monitoring program.

D-5 Bering Sea/Aleutian Islands Groundfish FMP

Industry workgroup report on prohibited species problems and solutions in Southeast Bering Sea.

E. CONTRACTS, PROPOSALS AND FINANCIAL REPORTS

- E-1 Status of Contracts
- E-2 FY85 Budget and Programmatic Funds

Social Cultural Study

0.7 Report & 2 Strategic Com.

Draft Agenda for July 1984

62nd Plenary Session
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July 23-24, 1984
Anchorage, Alaska

- A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING
- B. SPECIAL REPORTS
 - B-1 Executive Director's Report
 - B-2 Domestic Fisheries Report by ADF&G
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 - B-5 Joint Venture Operations
- C. NEW OR CONTINUING BUSINESS
 - C-1 Halibut follow-up to May or possibly discuss for first time, if not taken up in May.
 - C-2 Set Council Meeting Schedule for 1985.
- D. FISHERY MANAGEMENT PLANS
 - D-1 Salmon FMP
Probably nothing.
 - D-2 Herring FMP
 - (a) Follow-up if plan revision suggested in May.
 - (b) Approve bids if RFP sent out after May meeting.
 - D-3 King Crab FMP
Nothing if Council approves permit section in May.
 - D-4 Tanner Crab FMP
 - (a) Final approval of amendments sent to public review in May.
 - D-5 Gulf of Alaska Groundfish FMP*
 - (a) Follow-up to Prohibited Species Workgroup report in May.
 - (b) Sablefish follow-up to May: allocation objectives, domestic trawl mortalities, joint venture trawl restrictions, Southeast intrusions, etc.
 - D-6 Bering Sea/Aleutian Islands Groundfish FMP
Review initial RAD.
- E. CONTRACTS AND BUDGETS
 - E-1 Contract 84-2 - Chinook Troll Data Analysis: Final Approval.
 - E-2 Contract 83-2 - Social and Cultural Aspects of the Pacific Halibut Fishery: Final Approval.

*Could probably be held off until September.

C O P Y

United States Department of Commerce
National Oceanic and Atmospheric Admin.
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20235

TO: F/AKR - Robert W. McVey
FROM: F/M1 - Roland Finch
SUBJECT: NPFMC April 24-26 Meeting

You asked me to give you any ideas from our perspective that might contribute to the Council's examination of its procedures. I have reviewed the Council's agenda with interest and commend the Council upon having the enterprise to undertake such a review. This office would be happy to help the Council achieve its objectives in such ways that it may find useful.

It is not appropriate for me to suggest how the Council handle the mechanics of its business. It is quite capable of doing that and I am sure that it will do so efficiently. It would perhaps help more if I give some general observations of principle that could be usefully considered in its deliberations. The following ideas are not new, but I hope it will assure that some potential problem areas are not overlooked.

Fisheries regulations, as other regulations, are managed by statutes and other law designed to protect the regulated against arbitrary and capricious actions on the part of the Government--including Fishery Management Councils. The public must be able to comment on an informed basis on proposed actions. This has been reinforced in recent years by efforts to reduce regulation and ensure that, when it is needed, it is applied in the least burdensome way. Congress and the Administration is continuing to seek ways to strengthen this principle, and the body of regulatory law that has been produced will not go away. Therefore, it does not make sense to fight the concept but rather to face it foursquare and develop procedures that meet the requirements in a simple and direct manner. We have tried to do this in the Operational Guidelines, which are always open for revision in response to practical suggestions.

The basic principle is to ensure that the public is able to comment on alternatives for achieving any particular purpose defined by the Council, being aware, as a result of available analysis, what would be the resource, environmental, economic and social consequences of the alternatives. Such analyses are sometimes prepared subsequently to justify decisions rather than in advance to improve them. Most delays in processing FMPs have arisen from inadequate or incomplete documentation.

Advance analysis may mean a slower and more deliberate process, but a sound and well considered base for regulation is likely to be more effective and important than speed in most cases. Of course, speed is sometimes important, and the framework and emergency processes are available to deal with such occasions. By putting careful consideration into framework measures, they may serve well for a long time, enabling annual changes to be made in a few weeks and many in season changes in a few days. However, there should not be an

attempt to cram every partly-seen future change into a framework amendment. These are better dealt with when they occur, when the changes needed can be clearly seen, and when their consequences can be analysed. Emergency authority remains available to take urgent action, although it should not be used as a means to short-circuit the public process.

During the process, new information must be responded to, if significant, even if it means going back to the drawing board.

Delegations to Washington to educate the central bureaucracy are generally not useful. The NMFS Regional staff are perfectly capable of this task, so that, with one or two notable exceptions, this is seen as a lobbying effort. An exception is where some novel circumstances, such as the state management concept, can be worked out by a joint effort that may simultaneously resolve problems at multiple review levels.

Programmatic funding must remain on a national basis to give year-by-year flexibility as needs shift. Projects must relate specifically to proposed FMPs and amendments. In fact, you should know that many general administrative matters--such as programmatic grants, conduct of meetings with regard to the agenda, and other public participation questions--are covered in the MFCMA Operations Handbook revision due to be distributed within a few weeks. The draft Table of Contents is attached.

Attachment

M E M O R A N D U M

TO: Jim Campbell
Council Chairman

FROM: Sara Hemphill

DATE: April 25, 1984

SUBJECT: Deliberations of Advisory Nominating Committee on A.P. Structure

The Advisory Nominating Committee met yesterday morning and, at your direction, discussed the concerns that the members have had with respect to the structure of the AP.

We were able to identify several issues that we feel need to be considered and hopefully acted upon by the Council. In addition to identifying these issues, I think it would be helpful to review, for you, some of our general discussion as well.

1. It was noted that the input from the AP is not now as substantive and "hard" such as that the Council receives from the SSC. Possibly, this situation is advised and should continue or possibly some change can be made. We do not make a recommendation here.
2. The committee members were unanimous in their dissatisfaction with the fact that many AP members are not active industry members, but rather "hired guns" who not only sit on the AP, but also then act independently as advocates for particular interest groups before the Council. However, the committee recognized that these advocates are often excellent spokesmen for their constituency, despite the fact that we get a distilled version of the issues. The committee consensus was that such advocates are less desirable AP members than some others. It was noted also that such advocates will participate whether they are on the AP or not.

3. We discussed the fact that there has been confusion over what interests, regions, gear-types, etc. should be represented on the AP. One suggestion that was made was that the industry sectors and general citizenry are not evenly represented and that more specific definition should be given to this issue, such as:

one-third harvesting sector (by fishery - shellfish, groundfish, salmon, halibut);

one-third processing, marketing and transportation sector; and
one-third citizenry at-large (environmental, sport, other ocean uses, consumer)

The committee discussed the pros and cons for maintaining such representation rather than geographic, regional or gear-type representation, and does not make a recommendation here.

4. The committee was adamant and unanimous in wanting to recommend limitation of terms for AP members. Our recommendation would be no more than two 2-year terms. Further, we recommend that the Council bite the bullet and implement such a rule retroactively. For example, if a new regime were to go into effect in December, any current member who had already served four years would be dropped.

The committee felt that what might be lost in continuity would more than be made up in new ideas and approach.

5. On the other hand, the committee recognized that there are many valuable industry members of whom we would not want to lose track and others we would like to invite to participate in AP deliberations from time to time. To accommodate this situation, the committee suggests that the AP might be limited to 12 members, split evenly as described above. Given the budget currently allows for an average of 18 AP members per meeting, this arrangement would allow the AP and the Council to invite 6 "specialists" to sit and vote at each meeting. These "special" AP members would be selected from a large group of experts who have indicated an interest and intent to participate and would be chosen as appropriate given the issues to be addressed at that meeting.

6. Finally, we discussed briefly the issue that the AP may serve as a political, emotional safety valve and that refining its structure will create rather than solve problems.

We would appreciate any thoughts or directions you and the Council can give us so that we can develop for you more definitive recommendations.