

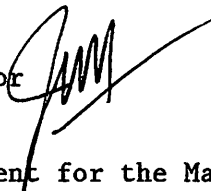
Agenda Item H-1  
April, 1980

MEMORANDUM

DATE: April 19, 1980

TO: Council Members, Scientific & Statistical Committee  
and Advisory Panel

FROM: Jim H. Branson, Executive Director



SUBJECT: Consideration of a Policy Statement for the Management Plan  
Development Process

ACTION REQUIRED

*Develop and adopt a policy. Action at this meeting should be appointment of a working group to draft a policy statement with direction from the Council.*

BACKGROUND

The complicated nature of writing and amending fishery management plans has placed a great burden on the Council's management plan drafting teams. The lack of a formal Council policy for the operations of these teams has caused some confusion in the development of new fishery management plans and, at best, an anfractuous process for amendments.

A policy is needed to define the roles of agency and departmental personnel on the teams in drafting original plans, routine amendments, and/or second generation amendments and plans. The policy should also define the role of the team, their responsibilities to the Council, and the role of Council staff.

Attached is a policy which has been approved by the Pacific Council for the operation of their plan drafting teams. It is an interesting document and probably will be useful in our formulation of a policy for the teams. It will be reviewed by the Advisory Panel and the Scientific and Statistical Committee and will be covered in their reports.

Attachment

MIH

Pacific Fishery Management Council

Policy on the Plan Development Process

In order to improve efficiency of plan development, ensure objectivity in the planning process, and determine responsibilities for preparing FMP-related documents, the Council establishes the following policy:

1. Plan development team members should remain objective in the drafting of management plans. They should not be subject to pressure from their agency, rather they should be able to develop management plans independently without regard to agency policy. The Council should be assured that the product received from the team represents the best objective, scientific appraisal of the fishery and the resource. Political decisions are the purview of the Council only.

It should not be the teams' responsibility to recommend preferred options to the Council, unless such preferences can be made on technical grounds without regard to political considerations.

2. Teams should present alternative management objectives to the Council, and the Council should adopt the objectives as early as possible in the process but after the team has presented enough information on which to make such decisions. The objectives should be operational and as specific as possible. Overly general objectives such as those found in the Act are not helpful in guiding the teams' development of options for a particular fishery.

The team should develop and present all viable alternative management measures which would attain the objectives. It is the duty of only the Council to narrow the list of options. The Council should not indicate a preferred option prior to public hearings, since this would tend to be construed by the public as a circumvention of the hearing process.

The team is responsible for drafting the management plan and, in that capacity, makes the decision with regard to what is included in the successive drafts to be presented to the Council. The SSC and advisory subpanels shall advise the teams and the Council, but their advice is not binding on the teams. The Council shall decide if the plan is to be modified and teams shall comply with Council directive.

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 respond to each item, at that time if possible, and the Executive Director shall submit to the respective team(s) a written response from the Council as soon after the meeting as possible.

3. The agencies shall make strong commitments to plan development activities by providing the necessary personnel time. Plan development should be high priority for all team members. This time commitment could be formalized in a contract between the agency and the Council. Compensation for agency personnel should be arranged on a case-by-case basis.
4. Council staff members should be assigned to assist plan development teams with respect to coordination, organization, and format problems, and to provide other expertise needed by the teams on a case-by-case basis.
5. The team should have responsibility for drafting the FMP, while NMFS and/or Council staff should take the lead in preparing the EIS, regulatory analysis and proposed regulations. This will lift a heavy writing burden from the teams and allow them to concentrate fully on the plan. The team, however, must be consulted in the preparation of these related documents to ensure that correct interpretations of the plan have been made. In some cases, individual team members may need to be heavily involved in these activities. Insofar as possible, preparation of the EIS, regulatory analysis and proposed regulations should occur concurrently with plan development.
6. The Council staff should be responsible for work plans and the scoping process, with assistance from the team, if it is determined that these activities are necessary.