

Agenda Item #5
August 1977

August 12, 1977

Mr. Spencer Apollonio, Executive Director
New England Regional Council
One Newbury Street
Peabody, MA 01960

Dear Spencer,

Thanks for your letter of August 5th and the copies of your correspondence with Richard Sharood.

Your proposal for an independent study of the "events schedule" is timely and I believe has a great deal of merit. I will query the North Pacific Council on this matter at their meeting on August 25th and 26th to see if they wish to join with the New England Council in this effort. I rather expect they will, in any case I'll let you know immediately after that meeting.

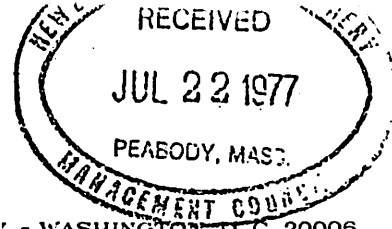
The North Pacific Council is greatly concerned not only with the rather complex and seemingly somewhat unnecessary steps involved in reviewing management plans, but with a time lag of that length for any reason "real time" management appears to be almost impossible if we have to regulate next year's fisheries with data that at the very best would appear to be two years old. Even if we can speed the process up I think we are going to have to carefully tailor management plans so fine tuning is possible on a very short-term basis within a management year if we are to be successful in fulfilling the mandates of the FCMA.

Sincerely,

Jim H. Branson
Executive Director

cc: All Regional Councils

JHB:in



THOMAS D. WILCOX, P. C.
ATTORNEYS AT LAW

THOMAS D. WILCOX
RICHARD N. SHAROOD

919 EIGHTEENTH STREET, N. W. - WASHINGTON, D. C. 20006
202 296-2810, 2811

July 20, 1977

Mr. Spencer Apollonio
Executive Director
New England Regional Fishery Management Council
Peabody Office Building
One Newbury Street
Peabody, Massachusetts 01960

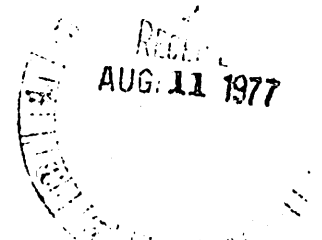
Dear Spencer:

Thank you for your letter of July 14, 1977, concerning the so called "Events Schedule" devised by NOAA. I have seen earlier versions of this chart and believe it a classic example of the bureaucracy at work. None of us who were involved in the drafting of the FCMA imagined that we were creating such a monster and I still do not believe that we in fact did.

The complexity of the "Events Schedule" and the protracted delays are not the result of the procedures of the FCMA but are rather in my opinion the result of engrafting a multiplicity of other statutes together with their own processes onto the FCMA.

I would be pleased to work with your Council to simplify and shorten the steps required for the development of Fishery Management Plans. As one of the staff draftsmen of this legislation, I believe I am qualified to undertake such an effort on behalf of the Council.

This undertaking will entail consultation with my former colleagues of the House Merchant Marine & Senate Commerce Committees, key members of Congress, NOAA-NMFS, CEQ and other agencies with a peripheral interest such as Interior and Corp. of Engineers. Following such consultations I will personally determine and verify the statutory and/or regulatory authority and/or justification for each step and identify those steps which may have a questionable basis in law or regulation. I will also attempt to identify those steps which the Council may be able to shorten or eliminate. To the extent that certain steps may be beyond the Council's power to alter or eliminate, I will recommend appropriate administrative and/or legislative courses of action.



Mr. Spencer Apollonio

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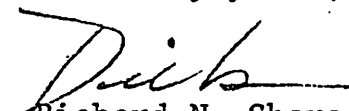
July 20, 1977

In all candor, I cannot give you any prognosis as to how much of the "Events Schedule" can be eliminated or shortened. If it is not possible to streamline these procedures, all of the Councils will be hamstrung in their efforts to assume responsibility. In the meantime, of course, NOAA's PMP's continue to govern the majority of fisheries. If I were a cynic, I might suggest that this has been done with malice aforethought.

I believe that we should enter into a written contract and for this purpose it might be better to get together in person to discuss my fee and other relevant details.

I will give you a call this coming Friday to see if we can get together next week either here or at your office.

Sincerely yours,


Richard N. Sharood

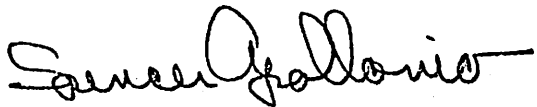
RNS:bc

New England Regional Fishery Management Council
Peabody Office Bldg., One Newbury Street, Peabody MA, 01960 - 617-535-5450

MEMO

To: Executive Directors, Regional Fishery
Management Councils

Date: August 5, 1977



From: Spencer Apollonio, Executive Director

Subject: PROFESSIONAL LEGAL REVIEW OF THE HORSE BLANKET - EVENT SCHEDULE
FOR FMPs

This Council has determined that it may be productive to employ professional, independent legal services in an attempt to reduce the time constraints of the Horse Blanket. The enclosed correspondence is self-explanatory, and for your information. I expect to meet with Dick Sharood on August 17 to discuss details of his possible review.

This Council directed me to advise other Councils of our proposed action, and to inquire whether other Councils may wish to join the New England in this effort.

We would welcome any comments you or your Council may care to make on this proposal.

pmp

Enclosures (2)

New England Regional Fishery Management Council

Peabody Office Building
One Newbury Street
Peabody, Massachusetts 01960

Henry Lyman, Chairman

Phone: 617-535-5450

July 14, 1977

Mr. Richard N. Sharood
Attorney At Law
National Federation of
Fishermen
919 Eighteenth St., N.W.
Washington, DC 20006

Dear Dick:

You may have seen the "Events Schedule" prepared by NOAA/NMFS for the implementation of fishery management plans under the provisions of the 200 mile act - the FCMA, PL 94-265. The "Events Schedule" is otherwise known as the "horse blanket" - although that may be a euphemism - and in case you have not had that experience I enclose a copy for whatever enlightenment you may be able to extract from it.

Needless to say, the schedule gives great concern to all Councils because of the vast amount of time involved. It appears to require perhaps three times as long to review a plan as it does to write a plan! In any case the apparent time requirements can severely limit the effectiveness of the Councils in responding appropriately to management needs of the fisheries and to the intent of Congress.

All Councils are determined to try to reduce the time requirements, particularly in the review period, to the minimum.

This letter is to inquire whether you would be interested in assisting in this effort. The Council would like to explore with you the possibility of your professional services in reviewing the Schedule to determine how and where the time requirements may be reduced.

Some of the requirements may result from an arbitrary, and perhaps revocable, administrative decision within NOAA or EPA, some may result from a regulation in Commerce or elsewhere that might be amended, and some may be statutory requirements. These should be identified as such.

The Council would welcome and would be willing to support a qualified and professional analysis of the Event Schedule and informed summary and recommendations to determine how it could be shortened significantly.

Mr. Richard N. Sharood

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July 14, 1977

Your name was suggested for several reasons: you are in Washington and can go to various agencies conveniently and talk to the principals involved in the various events of the schedule; you know what is going on in fisheries and the FCMA, and you know many of the government officials.

Would you let me know if this project would be appropriate for you, whether you could get into it in the near future, and would you suggest the time you foresee needed to do the job and your contractual arrangements with the Council?

We will look forward to hearing from you.

Sincerely yours,



Spencer Apollonio
Executive Director

pmp

Enclosure:

cc: Henry Lyman, Chairman

Agenda Item #5
Aug. 1977

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

SUPPORT BUILDING - JUNEAU 99881

July 19, 1977

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

Dear Jim:

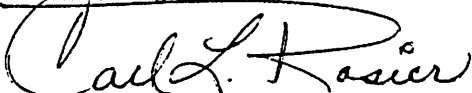
In reviewing the scheduling for submission of the fishery management plans for which we have been designated lead agency, I find that the scheduled date of 9-22-77 to submit the initial draft of the king crab plan to the Council to be a bit too optimistic. Most of the writing team personnel are fully committed to management and research activities during the summer months in addition to their participation in the development, review, and rewrite of the Tanner crab plan. In this light, I am suggesting that the date for submission of the king crab plan be changed to 2-23-78.

In addition to giving the writing team additional time to prepare the plan, we will have the advantage of seeing how the Tanner crab plan is received and the appropriateness of the format used and the EIS. Also, as I am sure you know, the SSC is to prepare a revised plan outline for Council consideration and approval, which if completed in a timely fashion could influence the development of the king crab plan.

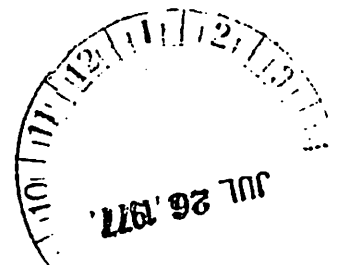
Further, since this resource is harvested only by domestic fishermen and by most any measure, has to be considered a healthy fishery, we do not see that there would be any adverse impacts by operating under the PMP for an additional period of time. In fact, the advantages to be gained from having additional time to prepare the plan and the EIS using the new plan outline will outweigh any possible disadvantages of a short delay.

Jim, please contact me if you feel that this proposed delay is going to cause any problems, and we will see what we can work out.

Sincerely,



Carl L. Rosier, Director
Division of Commercial Fisheries



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New England Regional Council
One Newbury Street
Peabody, MA 01960

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