PART III:

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

FISHERY CONSERVATION AND MANAGEMENT

Interim Regulations
Title 50—Wildlife and Fisheries
CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE
REGIONAL FISHERY MANAGEMENT COUNCILS

Interim Regulations

This chapter is new and is issued by the Secretary of Commerce to carry out certain statutory mandates contained in the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (hereinafter the “Act”).

In broad summary, the Act:
1. Provides authority for exclusive United States management authority over all fish, except highly migratory species, within a newly constituted Fishery Conservation Zone contiguous to the territorial sea.
2. Provides exclusive United States Management authority beyond the Fisheries Conservation Zone for certain anadromous and Continental Shelf fishery resources.
3. Establishes eight Regional Fishery Management Councils, instruments of State-Federal interaction in the conduct of such fisheries management.
4. Sets national Standards for Conservation and Management with which the management of fishery resources must be consistent.
5. Provides for mechanisms to allocate catch of fish between U.S. and foreign fleets with preference to U.S. fishermen.
6. Provides for the preparation and implementation of fishery management plans.

More specifically, the Act directs the Secretary of Commerce to prescribe rules and regulations for several sections of Title III, which deal with the national fishery management program and the responsibilities and functions of the eight Regional Fishery Management Councils in the development of fishery management plans.

The Act’s effective date of March 1, 1977 for establishment of the Fisheries Conservation Zone has necessitated early and rapid assistance to the Councils. Parts 601 and 602 of this Chapter are therefore issued as interim final regulations in accordance with 5 U.S.C. 553(d)(3) to furnish the information required by the Act as quickly as possible and to provide a framework within which the Councils can begin operation immediately.

Interested parties, Regional Councils and governmental agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated thereby to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All such submissions received on or before December 2, 1976, will be considered prior to the publication of final regulations.

Secs. 501(b), 502(f) (f), and 304(f) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1851, 1852, 1848) are set forth hereafter as 601.1-601.13.

Issued in Washington, D.C., on September 13, 1976.

DAVID H. WALLACE, Associate Administrator, National Oceanic and Atmospheric Administration.

PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

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Subpart A—General

§ 601.1 Purpose.

The regulations in this Part implement certain portions of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801-1892), which among other things, establishes eight Regional Fishery Management Councils. The principal responsibility of these councils is to provide the nucleus of a national fisheries conservation and management program through the systematic development of fishery management plans. These Regional Fishery Management Councils are independent bodies. They shall act under the Uniform Standards established by these regulations and the Act. This part describes matters pertaining to the establishment, organization, practices and procedures of the eight Councils.


Subpart B—Geographical Boundaries

§ 601.11 General.

(a) Fishery Conservation Zone. The Act creates a zone contiguous to the territorial sea, which is called the fishery conservation zone. The outer boundary of the zone is 200 nautical miles from the baseline from which the territorial sea is measured and the inner boundary is a line coterminal with the seaward boundary of each of the coastal States. (See 43 U.S.C. 1301(b) and 1313 for definition “seaward boundary”)

(b) Council. Regional Fishery Management Council.

(c) Administrator. The Administrator of the National Oceanic and Atmospheric Administration.

(d) Associate Administrator. The Associate Administrator for Marine Resources, National Oceanic and Atmospheric Administration.

(e) Director. The Director of the National Marine Fisheries Service.

(f) Regional Director. The Regional representative of the Director. There are five regional offices of the National Marine Fisheries Service whose Regional Directors serve on the various Councils as specified in the Act.

§ 601.12 Method of determination.

(a) The Secretary or the Administrator may, if he determines that a determination of the boundary of any fishery conservation zone is not practical or feasible, make a determination regarding such boundary.

(b) The Secretary or the Administrator shall publish such a determination in the Federal Register and serve a copy of the determination on every Regional Director.

§ 601.13 Description.

(a) The Secretary or the Administrator is authorized to submit to the Councils Statements of certain data which is described in the Act.

§ 601.21 General

(a) Definitions.

§ 601.22 Administration

(a) Purpose.

§ 601.23 Administrative practices and procedures

(a) Procedures.

§ 601.24 Operational practices and procedures

(a) Consent.

§ 601.25 Council statement of organization, practices and procedures

(a) Purpose.

(b) Authority.

(c) Form.

(d) Effect.

§ 601.111 Definitions.

(a) Confidental means containing information, the unauthorized disclosure of which could be prejudicial or harmful. Depending on the context within which it is used, the word "Confidential" may mean the following:

(1) Identifies information having an official security classification of Confidential.

(2) Describes information/data that is identifiable with an individual, business, or some other entity and that is accepted by the Secretary or the Councils under a stipulation that limits disclosure.

Access to security classified material is governed by security regulations and procedures pursuant to Executive Order 11652, effective June 1, 1972. Access to information granted confidential treatment as a condition of obtaining it is governed by Part 603 of these regulations.

§ 601.112 Scope.

(a) The Act creates a zone contiguous to the territorial sea, which is called the fishery conservation zone. The outer boundary of the zone is 200 nautical miles from the baseline from which the territorial sea is measured and the inner boundary is a line coterminal with the seaward boundary of each of the coastal States. (See 43 U.S.C. 1301(b) and 1313 for definition “seaward boundary”)

(b) Purpose.

(1) The boundaries described in § 601.13 delineate the geographical area of fishery management.
(2) Within the geographical area of authority, each Council shall have responsibility for the following categories of fishery resources:

(1) All fish within this zone, except "highly migratory species";

(2) All anadromous species throughout the coastal zone of a foreign nation's territorial sea or fishery conservation zone recognized by the United States; and

(3) Continental Shelf fishery resources.

(c) Jurisdiction—(1) State. Generally the Act does not diminish the jurisdiction of any State over fishery resources within its own boundaries, nor does it extend State fishery jurisdiction beyond a State's seaward boundary.

(2) InterCouncil. In any case in which the range of stock or a fishery extends beyond the geographical area of authority of any one Council, as defined in §601.13, the Secretary is authorized to designate the Council that shall prepare the fishery management plan and such a fishery. When such a plan includes waters adjacent to the States represented on more than one Council, the Council designated by the Secretary may require that a plan be prepared jointly by the Councils concerned. In this case, any plan or amendment must be approved by a majority of the voting members, present and voting, of each participating Council.

§601.12 Method of determination. [Reserved]

§601.13 Description. [Reserved]

Subpart C—Uniform Standards for Organization, Practices and Procedures

§601.21 General.

(a) Purpose. Section 302(1) of the Act requires each Council to determine its own organization, practices and procedures for carrying out its functions in accordance with such Uniform Standards as are prescribed by the Secretary. The regulations contained in this subpart provide the Uniform Standards in accordance with which the Councils will operate.

(b) Applicability of other laws—(1) National Environmental Policy Act of 1969 (42 U.S.C. 4321). The National Environmental Policy Act (NEPA) sets forth the strategy of the Congress to achieve coordination of Federal activities and environmental considerations. NEPA's basic purpose is to ensure that, in addition to technical and economic considerations, Federal officials weigh and give appropriate consideration to unquantified environmental values in policy formulation, decisionmaking and administrative actions. Section 102(2)(C) of NEPA requires preparation of a detailed environmental impact statement consideration of major Federal actions that significantly affect the quality of the human environment.

(2) NEPA's basic purpose is to insure that, in addition to technical and economic considerations, Federal officials weigh and give appropriate consideration to unquantified environmental values in policy formulation, decisionmaking and administrative actions. Section 102(2)(C) of NEPA requires preparation of a detailed environmental impact statement consideration of major Federal actions that significantly affect the quality of the human environment.

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(b) Preparations and submission of a fishery management plan to the Secretary is a major Federal action. To determine whether preparation and submission of a management plan, or an amendment of a plan, will significantly affect the quality of the human environment; an environmental assessment must be made in the case of each plan. This assessment, whether written or oral, in response to adequately documented decision to be reached as to whether an EIS must be prepared, or if a negative declaration on the need for a statement should be filed. The preparation of environmental assessments for each management plan will occur concurrently with the preparation of the plan. In the case of Council-prepared plans, the Councils have the responsibility for preparation of an environmental assessment and for preparing recommendations on whether to proceed with an EIS or to file a negative declaration. The Council shall make a draft Environmental Impact Statement, if applicable, at the hearing referred to in §601.24(c). In the event that the Council determines that the plan, or the regulations promulgated by the Secretary vary from the plan, the Council shall amend the Environmental Impact Statement statement. In addition, the guidelines of CEQ (40 CFR Part 1500) and guidelines and procedures of the Department of Commerce (DAR 216-6) and NOAA (DM 02-10) provide further information for responding to the requirements of NEPA.

(2) Provisions of three interrelated laws affect Council practices and procedures, particularly concerning opportunity for public input, public access to Council meetings and agendas, records and reports of such meetings. These laws are:

(i) The Federal Advisory Committee Act (Pub. L. 92-463). This Act provides to individuals certain rights of access to records kept about individuals by agencies which are operating under any Federal law, and which are received from a branch of the Federal government and used by that agency in discharging its official duties. The Act authorizes the principal State officials, the NMFS Regional Directors, and the nonvoting members to designate individuals to attend Council meetings in their absence. Only one designee per Council may be so specified by each of the above officials.

(ii) The Privacy Act (5 U.S.C. 552(a)). The Act authorizes the principal State officials, the NMFS Regional Directors, and the nonvoting members to designate individuals to attend Council meetings in their absence. Only one designee per Council may be so specified by each of the above officials.

(iii) The Freedom of Information Act (5 U.S.C. 552(a)). This Act provides for public access to records of the executive branch of the Federal government, and agencies are required to make records available to the public subject to the provisions of the Act. Further instructions for responding to the requirements of NEPA.

(3) Coastal Zone Management Act of 1972 (16 U.S.C. 1451). The principal objective of this Act is to encourage and assist States in developing coastal zone management programs, to coordinate State activities and safeguard the regional and national interests in the coastal zone. While the coastal zone does not extend beyond the territorial sea activities taking place beyond the territorial sea may impact on the coastal zone and thus come with the influence of coastal zone planning. In the preparation of fishery management plans, Councils should be particularly cognizant of the provisions of the CZMA (Sec. 307(c)) that require that any Federal activity directly affecting the coastal zone of a State be consistent with that State's coastal zone management program. Thus Councils will need to coordinate their planning actions with the appropriate State agencies involved in coastal zone planning.

§601.22 Organization.

(a) General. This part addresses such questions as organization of the Council members, administrative staff and advisory panels.

(b) Voting members. The Councils consist of voting and nonvoting members or their designees, as specified in the Act.

(c) Terms. Members appointed following initial constitution of the Councils, are appointed to a term of years. Each individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term. The anniversary date for measuring terms of membership is August 11.

(d) Designees. The Act authorizes the principal State officials, the NMFS Regional Directors, and the nonvoting members to designate individuals to attend Council meetings in their absence. Only one designee per Council may be so specified by each of the above officials.

(1) Regional directors. The Regional Directors of the National Marine Fisheries Service shall, in accordance with the Act, serve as voting members on the Councils as follows:

Council Regional Director

New England........... Northeast region.
Mid-Atlantic........... Do.
South Atlantic......... Southeast region.
Gulf of Mexico........ Do.
Pacific................. Northwest region.
North Pacific.......... Alaska region.
Western Pacific........ Southwest region.

(4) Appointments. Inasmuch as each year approximately one-third of a Council's appointed membership will lapse, new members shall be appointed by the Secretary or his delegate from lists of nominees submitted by the Governors of each applicable constituent State by June 1 of each year. The Governors are responsible for determining that their nominees meet the qualification requirements of the Act and for providing appropriate documentation for the Secretary or his delegate to make a reasoned determination.

For a term of years, an individual must be nominated by a Governor shall be equal to at least three times the number of vacancies available, and each such
nominee shall be considered as available for any such vacancy. These procedures also shall apply when a vacancy occurs prior to the normal expiration of a term of a member appointed by the Secretary or his delegate.

(5) Organization. The Chairman shall be elected by the voting members present and voting. The term of office for the Chairman shall be one year. No member shall be elected Chairman whose appointment as a voting Council member will expire in less than one year from the date of election as Chairman. The Council may establish such other officers as it deems necessary and set their terms of office. The Council may appoint such standing and ad hoc committees from among the voting and nonvoting members as it deems necessary. Such committees must conform to the procedures for assuring open meetings specified for the Council itself.

(c) Administrative staff. Each Council shall appoint an Executive Director and such other full and part-time administrative employees as the Secretary determines are necessary to the performance of its functions, and which are consistent with budgetary limitations. The Executive Director and staff are responsible to the Chairman of the Council.

(ii) Duties. Each Council, through its Chairman, shall assign such duties to the Executive Director as it deems appropriate, consistent with these Uniform Standards.

(d) Compensation. The administrative responsibilities, coupled with the complexity of the workload of the Council, will influence the pay level—approvable to the Chairman of the Council.

(2) Organization. The members of the Committee and a Chairman are appointed by the Council. Membership shall be multidisciplinary, including both biological and social scientists from the Federal, State, and private scientific community who are knowledgeable about the fisheries to be managed. The size of the Committee is discretionary within the resources budgeted to the particular Council. The Committee shall meet in the area encompassed by the Council constituents with the approval of the Chairman of the Council. No staff is assigned to this Committee but staff support may be requested from the Chairman or the Executive Director. This committee shall have a charter separate from that of its parent Council.

(e) Other administrative staff—(1) Minimum. Each Council shall have an administrative staff consisting of an executive director, an administrative officer, and a secretary.

(i) Additional staff. Additional administrative staff may be appointed because of differences in workload and availability of resources. The number of additional positions will also vary over time as the work of the Council is defined during its initial phase of operation. Budgeted positions will be apportioned by the Secretary on the basis of justifications submitted by the Councils.

(iv) Scientific and statistical committees. Each Council shall establish and maintain, and appoint the members of, a Scientific and Statistical Committee to assist it in developing, collecting, evaluating and analyzing such statistical, biological, economic, social and other scientific information as is relevant to such Council's development or amendment of any fishery management plan. The Secretary is authorized to pay the actual expenses of such Committee members while engaged in Council business.

(1) Function. The Scientific and Statistical Committee provides expert scientific and technical advice to the Council on the development of fishery management policy, on the preparation of Fishery Management Plans, and on the effectiveness of such plans once in operation. The Committee aids the Council in identifying scientific resources available for the development of plans, in establishing the goals and objectives of plans, in establishing criteria for judging plan effectiveness and in the review of such plans.

(ii) Duties. Each Council shall establish and adopt such fishery advisory panels as are necessary or appropriate to assist it in carrying out its functions under the Act. The Secretary is authorized to pay the actual expenses of the members of such panels except those who are Federal employees, while engaged in the performance of Council business.

(c) Function. Fishery Advisory Panels are authorized principally to obtain the pragmatic advice and counsel of the people most affected by the Council's management activities on matters of fishery management policy, on the preparation of Fishery Management Plans, on their review prior to submission to the Secretary, and on their effectiveness once in operation. These Panels aid the Council in establishing both the goals and objectives of plans as well as the criteria for judging plan effectiveness, and serve as a communication link with those who must operate under the management regime.

(2) Organization. The members and a Chairman are appointed by the Council. The membership of each such Panel shall be composed of a balanced representation of those who are either actually engaged in the harvest, processing or consumption of, or are knowledgeable and interested in the conservation and management of, or are engaged in the development of applicable fishery or fishery management unit. The size of each such Panel and the number of Panels are discretionary within the resources budgeted to the particular Council. The size of each such Panel and the number of Panels are discretionary within the resources budgeted to the particular Council. The size of each such Panel and the number of Panels are discretionary within the resources budgeted to the particular Council.

(iii) Additional administrative services. The Councils shall be administered by means of annual grants to the Councils.

(iv) Budgeting, funding, and accounting—(1) Federal funds. The funding for the administrative and technical support of Council operations is included in the budget of the Department of Commerce and, through that agency, in the budgets of NOAA and NMFS. The funding requirements of the Councils are subject to regular budgetary scrutiny. These funds are budgeted, apportioned, and released to each Council in order to expedite the delivery of this support to the Councils after consulting with the Secretary. Uniform Standards in this Section are provided in order to expedite the delivery of this support to the Councils after consulting with the Secretary.

(e) NOAA field units. These NOAA field units are authorized to provide services and support to respective Councils.

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by the NMFS Regional Director for additional guidance on procedure and appropriate NOAA administrative requirements. Fiscal Year 1977 contract funds for all Councils will be retained at the headquarters level of NMFS in Washington, D.C. under the direction of the Council as the need arises. The operating needs of the Councils will be met out of the funds already budgeted for each Council.

Beginning July 1, 1976, each Council will assume responsibility for preparing its own grant request in accordance with the provisions of OMB Circular A-110.

(2) Financial procedures and standards.

(a) Financial standards. Appropriations for each Council are to be used by the Secretary in analyzing Council budgets. Each Council may appoint and assign duties to an Executive Director and authorized administrative personnel, full and part-time administrative employees as the Secretary determines are necessary to the performance of its functions. Each position must be filled during the budget process described in OMB Circular A-110 and § 601.23(c)(3) of these regulations. Descriptions of the work to be performed shall be submitted in accordance with the section below dealing with salary and wage administration.

(b) Experts and consultants. Each Council may contract with experts and consultants as needed and within their respective budgets to provide technical assistance.

(c) Details of Government employees. Each Council may request the head of its respective budgets to provide technical assistance. Any Council requests to the Secretary for technical assistance may be utilized as the Council takes appropriate guidance on procedure and responsibilities of the work performed.

(d) Standards of employment practices. The following sets forth the responsibilities of the Councils with regard to personnel matters and establishes personnel related standards to be used by the Secretary in analyzing Council budgets:

1. Staffing. Each Council may appoint and assign duties to an Executive Director and personnel classified appropriate to the position. The Council is responsible for maintaining standards of conduct, training, and procedural requirements for the work performed. The Council may request the head of its respective budget to provide assistance. Any Council requests to the Secretary for technical assistance may be utilized as the Council takes appropriate guidance on procedure and responsibilities of the work performed.

2. Leave. Employees of the Council should be granted paid leave for holidays, vacations or exigency of sickness, and civil duties (jury, military reserve obligations) as determined by the Council. Paid annual leave should not exceed 20 days per year, and sick leave should not exceed 13 days per year.

3. Other leaves. Leave should be granted paid leave for holidays, vacations, or exigency of sickness, or civil duties (jury, military reserve obligations). Employees shall be paid for all hours in which they worked during the leave period.

4. Employment benefits. The Council shall provide its employees the opportunity to participate in group medical insurance, group life insurance, group disability plans and pay a reasonable proportion of the cost of such plans.

5. Standards of conduct. The Councils are responsible for maintaining high standards of ethical conduct among themselves and their staff. Such standards should include the following principles:

a. No employee of the Council shall engage in any employment, activity, or operation that conflicts with or affects the result of an election to or a nomination for any office, place or employment under the provisions of the Federal General Schedule at any time. After a position has been filled, an employee may be promoted normally and recognized for superior performance in accordance with Council policies.

b. Leave. Employees of the Council shall be granted paid leave for holidays, vacations or exigency of sickness, and civil duties (jury, military reserve obligations) as determined by the Council. Paid annual leave should not exceed 20 days per year, and sick leave should not exceed 13 days per year.

6. Employee benefits. The employment benefits. The Council shall provide its employees the opportunity to participate in group medical insurance, group life insurance, group disability plans and pay a reasonable proportion of the cost of such plans.

7. Standards of conduct. The Councils are responsible for maintaining high standards of ethical conduct among themselves and their staff. Such standards should include the following principles:

a. No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, state, county, or municipal elective office.

b. No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliation.

c. No Council member or employee shall pay, offer, or promise or solicit, or receive from any person, firm, or corporation, a contribution in any form, or take any other action on his or her own behalf or on behalf of any person or organization that is or might be reasonably considered by the Council to be in conflict with the rights or interests of the Council, or that conflicts with the fair and impartial conduct of his or her council duties.

8. No Council member or employee of the Council shall use any authority or influence in connection with his or her Council employment that has not been made available to the public.

9. No Council member or employee of the Council shall engage in criminal infamous, dishonest, notoriously immoral or disgraceful conduct prejudicial to the Council.

10. No Council member or employee of the Council shall use Council property or other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.

11. Security investigations. When it is anticipated that security classified information will be kept or handled in Council offices, certain employees shall be designated to be permitted access to the information in accordance with Federal standards and shall receive appropriate security clearance from the Office of Investigation and Security of the Department of Commerce.

12. Personnel files. A file for each Council member containing appointment papers, security reports, biographical data and other official papers will be centrally maintained in NOAA under security and safeguard conditions required for files subject to the Privacy Act.

13. Ad Hoc staff support. All Federal agencies are authorized to detail personnel for the Council on a reimbursable basis. Any Council requests to the heads of such agencies must contain the purpose of the detail, the length of time of the detail, the compensation to be paid, and the stipulation that the Council access to security classified information will be limited. Any Council requests to the Secretary for technical assistance may be utilized as the Council takes appropriate guidance on procedure and responsibilities of the work performed.

14. Council access to security classified material. The security investigation that is routinely conducted at the time a nominee to the Council is appointed or designated is the basis for authorizing access on a need-to-know basis to material classified CONFIDENTIAL.

FEDERAL REGISTER, VOL. 41, NO. 180—WEDNESDAY, SEPTEMBER 15, 1976

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(i) A list of Council members with affiliations, indicating voting and nonvoting members and Council officers serving during the calendar year, office titles and dates of such service.

(ii) A list of Council administrative staff with titles.

(a) General. In fulfilling the Council’s responsibilities and functions, the Council members will meet in plenary session, in executive session, individually or in subgroups to hear statements in order to clarify issues, gather information or make decisions regarding material before them. This section establishes uniform standards for the conduct of those activities to meet the requirements of the Act and to facilitate the exercise of Council responsibilities.

(b) Meetings.—(1) General. The Council will meet at the call of the Chairman or upon request of a majority of the voting members. Advisory bodies will meet with the approval of the Chairman. The Council shall develop a mechanism for coordinating requests for advice from their advisory bodies through the Executive Director.

(2) Notice. Notice of meetings, including time, place, subjects to be discussed, etc., must appear in the Federal Register at least 20 days prior to the meeting. Notice shall be published in the Federal Register or by other means. The Secretary shall promptly forward copies to the Director, National Marine Fisheries Service, NOAA, who shall submit such notice to the Federal Register.

(i) All meetings or portions thereof must be open to the public with only those exceptions set forth in the Federal Advisory Committee Act, which provide that a quorum of any Council or advisory body shall conduct all meetings or portions thereof closed to the public, and citing the appropriate authorization, for any closed portions of the meetings.

(v) A list of all items sent to or received from the Secretary during the calendar year, including proposed fishery management plans and amendments, and comments, on foreign fishing applications or on developed plans. Indication of the date such items were transmitted to or received from the Secretary and the date of any action taken.

(vi) An appropriate summary of the discussion at any closed sessions held during the year.

(vii) An estimate of the man years of staff support by source (Federal, State, private).

(viii) An estimate of the cost to operate the Council, including sources of funding and the respective amounts.

(ix) Financial and other reports. Requirements for periodic financial and other reports for purposes of overall NOAA budgetary control and reporting will be included in grants issued to the Councils.

§ 601.24 Operational practices and procedures.

(a) General. The Councils shall conduct all meetings and hearings within its geographic area of concern. In the particular case of the North Pacific Council, this means within the State of Alaska.

(b) Conduct. When it is determined that a hearing is appropriate, the Chairman of the Council shall convene the hearing.

(c) Hearings.—(1) General. The Act requires the Councils to hold public hearings in order to provide the opportunity for all interested persons to be heard in the development of Fishery Management Plans, amendments thereto, and with respect to the administration and implementation of the Act. The Council may use its judgment regarding when and where such hearings should be held, provided they are held in the particular geographic area concerned.

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(b) Meetings.—(1) General. The Councils shall meet at the call of the Chairman or upon request of a majority of the voting members. Advisory bodies will meet with the approval of the Chairman. The Council shall develop a mechanism for coordinating requests for advice from their advisory bodies through the Executive Director.

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(a) General. In fulfilling the Council's responsibilities and functions, the Council members will meet in plenary session, in executive session, individually or in subgroups to hear statements in order to clarify issues, gather information or make decisions regarding material before them. This section establishes uniform standards for the conduct of those activities to meet the requirements of the Act and to facilitate the exercise of Council responsibilities.

(b) Meetings.—(1) General. The Councils shall meet at the call of the Chairman or upon request of a majority of the voting members. Advisory bodies will meet with the approval of the Chairman. The Council shall develop a mechanism for coordinating requests for advice from their advisory bodies through the Executive Director.

(2) Notice. Notice of meetings, including time, place, subjects to be discussed, etc., must appear in the Federal Register at least 20 days prior to the meeting. Notice shall be published in the Federal Register or by other means. The Secretary shall promptly forward copies to the Director, National Marine Fisheries Service, NOAA, who shall submit such notice to the Federal Register.

(i) All meetings or portions thereof must be open to the public with only those exceptions set forth in the Federal Advisory Committee Act, which provide that a quorum of any Council or advisory body shall conduct all meetings or portions thereof closed to the public, and citing the appropriate authorization, for any closed portions of the meetings.

(ii) A list of all items sent to or received from the Secretary during the calendar year, including proposed fishery management plans and amendments, and comments, on foreign fishing applications or on developed plans. Indication of the date such items were transmitted to or received from the Secretary and the date of any action taken.

(iii) An appropriate summary of the discussion at any closed sessions held during the year.

(iv) An estimate of the man years of staff support by source (Federal, State, private).

(v) An estimate of the cost to operate the Council, including sources of funding and the respective amounts.

(vi) Financial and other reports. Requirements for periodic financial and other reports for purposes of overall NOAA budgetary control and reporting will be included in grants issued to the Councils.

§ 601.24 Operational practices and procedures.

(a) General. In fulfilling the Council's responsibilities and functions, the Council members will meet in plenary session, in executive session, individually or in subgroups to hear statements in order to clarify issues, gather information or make decisions regarding material before them. This section establishes uniform standards for the conduct of those activities to meet the requirements of the Act and to facilitate the exercise of Council responsibilities.

(b) Meetings.—(1) General. The Councils shall meet at the call of the Chairman or upon request of a majority of the voting members. Advisory bodies will meet with the approval of the Chairman. The Council shall develop a mechanism for coordinating requests for advice from their advisory bodies through the Executive Director.

(2) Notice. Notice of meetings, including time, place, subjects to be discussed, etc., must appear in the Federal Register at least 20 days prior to the meeting. Notice shall be published in the Federal Register or by other means. The Secretary shall promptly forward copies to the Director, National Marine Fisheries Service, NOAA, who shall submit such notice to the Federal Register.

(i) All meetings or portions thereof must be open to the public with only those exceptions set forth in the Federal Advisory Committee Act, which provide that a quorum of any Council or advisory body shall conduct all meetings or portions thereof closed to the public, and citing the appropriate authorization, for any closed portions of the meetings.

(ii) A list of all items sent to or received from the Secretary during the calendar year, including proposed fishery management plans and amendments, and comments, on foreign fishing applications or on developed plans. Indication of the date such items were transmitted to or received from the Secretary and the date of any action taken.

(iii) An appropriate summary of the discussion at any closed sessions held during the year.

(iv) An estimate of the man years of staff support by source (Federal, State, private).

(v) An estimate of the cost to operate the Council, including sources of funding and the respective amounts.

(vi) Financial and other reports. Requirements for periodic financial and other reports for purposes of overall NOAA budgetary control and reporting will be included in grants issued to the Councils.
man of the Council will designate at least one voting member of the Council to officiate. Conduct of the hearing, beyond the stipulation that all points of view be given a chance for expression, is within the discretion of the hearing official under whatever instructions the Council may wish to provide.

(3) Notice. Hearings must follow the same procedures for announcement as for Council and advisory group meetings. Advance notice should be given in the local media where the hearing is to take place. Publicity should be sufficient to assure that all interested parties are aware of the opportunity to make their views known.

(4) Record. An accurate record of the participants and their views, obtained by use of either a court reporter or detailed minutes, must be reported back to the Council and maintained as a part of the Council’s official records.

(d) Council operational structure—(1) General. In addition to the Council staff, special committees, and the advisory groups that are provided for under the Act, an operational structure will be needed to develop plans for the Fishery Management Plans and to assemble drafts for formal review by the Councils and their advisors. The operational structure selected should assign clearly defined responsibilities and functions listed in section 302(b) of the Act; and (ii) Strike a reasonable balance among the following criteria.

(3) Criteria for formation—(i) Focused responsibility. The structure selected should assign clearly defined responsibilities and functions listed in the formal structure provided in the Act.

(ii) Administrative simplicity. The structure selected should permit thorough and uncomplicated supervision by those with formal responsibility, including the Executive Director of the Council.

(iii) Flexibility. Within defined responsibilities, the structure should be able to bring to bear the necessary expertise on planning problems and to respond to shifts in Council priorities.

(iv) Independence and relevance of scientific. The scientific input to the development of plans should be institutionally insulated from managerial biases and pressure from interested parties, while remaining relevant to the problems of management.

(v) Quality of scientific and technical information. The structure should assure that the best scientific and technical information available will be applied in plan development.

(vi) Minimum cost. Cost, both in dollars and in diversionary impact on ongoing programs should be minimized within the constraints of the other criteria.

§ 601.25 Council statement of organization, practices and procedures.

(a) General. The Act requires that the details of how a Council will operate shall be published by the Council and made available to the public. The required Statement of Organization, Practices and Procedures, as a minimum, shall address the items listed in the formal structure.

(1) Each Council is expected to publish such a statement by March 1, 1977. Publication will be in the Federal Register, and must include an address where interested members of the public may write to request copies. Changes to the statement must likewise be published and made available.

(2) (i) Name of council.

(ii) Location of offices.

(iii) Legal authority.

(iv) Purpose.

(v) Composition.

(vi) Officers and terms of office.

(3) Staff.

(i) Composition.

(ii) Functions.

(iii) Employment practices.

(iv) Standing committees of council members.

(i) Name.

(ii) Composition.

(iii) Function.

(iv) Meetings and hearings.

(v) Frequency.

(vi) Duration.

(vii) Location.

(viii) Agenda or orders of business.

(v) Minutes.

(i) General rules of procedures.

(ii) Authority of the chair.

(iii) Advisory panels.

(i) Name.

(ii) Composition.

(iii) Function.

(iv) Organization of management plan development teams.

(v) Organization.

(vi) Practices and procedures.

(vii) Balance among criteria.

(A) Focused responsibility.

(B) Administrative simplicity.

(C) Flexibility.

(D) Independence and relevance of science.

(E) Quality of scientific and technical information.

(F) Minimum cost.

(ii) Financial management system.

(i) Standards for and code of employment conduct in contract awards and administration.

(ii) Procurement procedures.

(iii) Property management.

(iv) Accounting and budgetary control procedures.

PART 602—GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS

Sec. 602.1 Purpose and scope.

602.2 National standards for fishery conservation and management.

602.3 Contents of fishery management plans.

602.4 Standard format for fishery management plans. [Reserved]

602.5 Procedures for development, review and amendment of fishery management plans.

Authorizing Citation: 16 U.S.C. 1851.

§ 602.1 Purpose and scope.

(a) A major purpose of the Fishery Conservation and Management Act is to provide for the preparation and implementation, in accordance with National Standards, of fishery management plans and policies which will achieve, on a continuing basis, the optimum yield from each fishery covered by the exclusive fishery management authority established by the Act.

(b) Title III of the Act establishes seven National Standards for fishery conservation and management. Any fishery management plan prepared or submitted by the Regional Councils or the Secretary and any regulation promulgated to implement a plan shall be consistent with these National Standards. The Secretary is required to establish guidelines based on the National Standards, to assist in the development of fishery management plans.

(c) This part accordingly constitutes the Secretarial Guidelines for fishery management plan development based upon the National Standards. It comprises explanatory comments with regard to these National Standards, guidelines regarding the content of fishery management plans and for various other procedures involved in the development, submission, review and amendment of plans.

§ 602.2 National standards for fishery conservation and management.

(a) General. Each fishery management plan, and any amendment to such plan, prepared by any Council and submitted to the Secretary will be reviewed by the Secretary for approval, disapproval, or partial disapproval. The review will involve a determination of whether the proposed plan is consistent with: The National Standards; The other provisions of the Act; and Any other applicable law (Section 304(b)).

(1) Purpose. This section provides explanatory comments with respect to the National Standards so as to assist the Regional Councils in meeting the aforementioned National Standards consistency requirement.

(2) Definitions—(i) Biomass. The total biomass of an ocean area is the total weight of all forms of marine animal and plant life.

(ii) Habitat. Habitat is that combination of physical, chemical, and biological conditions and factors necessary for the completion of the life history and for all life functions of any marine animal or plant that is to be managed under the Act. These conditions and factors include all those that primarily or secondarily support such life functions as reproduction, feeding, metabolism, respiration, resting, and movement or migration.

(iii) Recruitment. Recruitment is the addition of a new fish to an exploitable phase of a stock of fish in a given period through growth of smaller individuals to a catchable size.

(iv) Fishery management unit. A species or group of species that is capable of being managed as a unit on a rational and timely basis.

(b) Standard 1. Conservation and management measures shall prevent overfishing while achieving, on a contin-
RULES AND REGULATIONS

Section 201(d) of the Act provides that fishing by foreign nations is limited to that portion of the optimum yield of any fishery subject to the fishery management authority of the United States which will not be harvested by vessels of the United States. In determining whether U.S. fishermen will harvest an optimum yield, the Councils are to give consideration to the capacity of U.S. fishermen to harvest such yield. Both the optimum yield (MSY) and the "sustainable level of harvest" of a fishery must be made available for foreign fishing are to be included in fishery management plans and amendments to such plans.

(c) Standard 2. Conservation and management measures shall be based upon the best scientific information available.

(1) Scope of scientific information and technical analysis—(D) Information. The term "scientific information" is meant to include information of a biological, ecological, economic, and sociological nature. Success of a fishery management plan depends upon the quantity and quality of its scientific and technical information, the proper analysis of this information, and the degree to which it is applied.

The basic MSY concept is broader than the concept of the National Marine Fisheries Service. Optimum yield and management measures shall be based on the best available scientific information.

(2) Optimum yield and management objectives. The determination of optimum yield for a particular fishery will depend heavily upon the objectives that have been determined and adopted by the Councils during the fishery management planning process. Relative weighting of the elements of the optimum yield determination will be dictated by the National as well as regional objectives for the fishery. Rarely will a fishery be managed to meet a single objective. Objectives sought may conflict to a degree with one another. Consequently, priority decisions must be made to develop objectives.

(5) Optimum yield and foreign fishing. Section 201(d) of the Act provides that fishing by foreign nations is limited to that portion of the optimum yield of any fishery subject to the fishery management authority of the United States which will not be harvested by vessels of the United States. In determining whether U.S. fishermen will harvest an optimum yield, the Councils are to give consideration to the capacity of U.S. fishermen to harvest such yield. Both the optimum yield (MSY) and the "sustainable level of harvest" of a fishery must be made available for foreign fishing are to be included in fishery management plans and amendments to such plans.

(d) Standard 3. To the extent practicable, an individual stock of fish shall be managed as a unit or in close coordination.

(1) Fishery management units. A management unit may involve a species, group of species, or other populations capable of being managed as a unit on a rational and timely basis. It is expected that management units will incorporate the entire range of a stock of fish. Also, management units should, to the extent practicable, comprise several stocks that are ecologically interrelated or are affected as a group by fishing practices. Fishery management units are broadly defined to take account of the multitude of fishing practices which can influence fish populations. Management units will vary, ranging from a single stock to a group of stocks found in a certain area of waters.

(2) Jurisdiction. Unity of management, or at least cooperation between various jurisdictional authorities (e.g., State, Federal, international) is vital to prevent jurisdictional disputes from adversely affecting conservation practices. Where fishery management units cross Council or Federal-State boundaries, coordination should be sought among the several fishery managers and Councils in the development of plans and regulations. The occurrence of a stock in a given Council area does not necessarily mean that a plan will be written specifically for that area. Where a stock's range overlaps Council areas, one plan may be written to cover the entire range. Where stocks are discontinuous, plans by more than one Council will be necessary. The Secretary of Commerce and the Secretary of State, will assume responsibility for development of a joint management regime with the neighboring country's authorities. Where a stock's range overlaps Council areas, one plan may be written to cover the entire range. Where stocks are discontinuous, plans by more than one Council will be necessary. The Secretary of Commerce and the Secretary of State, will assume responsibility for development of a joint management regime with the neighboring country's authorities.

(3) Interrelationship of species/habitat. (D) Information. The broad, long-term approach to total marine biomass management plans developed by each Council should be to optimize the benefits from the total marine biomass within the Council area and of authority. The long-term approach to total marine biomass management necessitates changing from overfishing and fishery management practices which can include emphasis directed toward: (i) A single stock of fish found in a certain area; (ii) Different stocks of fish caught by the same vessel; (iii) All the stocks of a particular species in a certain area; and (iv) A species that overlaps Council areas. The primary objective should be to optimize the benefits from the total marine biomass within the Council area and of authority. The long-term approach to total marine biomass management necessitates changing from overfishing and fishery management practices which can include emphasis directed toward: (i) A single stock of fish found in a certain area; (ii) Different stocks of fish caught by the same vessel; (iii) All the stocks of a particular species in a certain area; and (iv) A species that overlaps Council areas. The primary objective should be to optimize the benefits from the total marine biomass within the Council area and of authority.
should consider these and other habitat factors.

Standard 4. Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, or among different gear types, it must be done fairly. The requirement for fairness and equity should ensure that attention is given to the preservation of the quality of the recreational fishing experience with respect to any species of substantial interest to recreational fishermen. In determining fair and equitable allocations, considerable importance shall be given to the economic and sociological consequences of alternative allocation schemes. Any fishery management plan must provide for uniform and equal treatment of United States citizens and corporations operating or engaging in the fisheries concerned without regard to their particular residence or State of incorporation.

(ii) Traditional or historic fishing patterns will also be considered when allocation of fishing privileges is necessary. Application of these conservation and management measures is not expected to disrupt existing socioeconomic patterns of harvesting, processing or marketing. Right of entry of new participants into a fishery should be protected, wherever feasible.

5. Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(i) Purpose. This standard is intended to promote the efficiency of the harvesting, processing, and marketing of fishery products. It is purpose also to encourage the development of management plans that permit the U.S. fishing industry to provide a greater share of the fish consumed in the United States.

(ii) Scope. Economic efficiency should be regarded as a subset of a larger framework for fishery management choices involving other decisions about the distribution of costs and benefits, provision of employment, changes in the rate and composition of regional economic development, environmental impacts, etc. To follow efficiency principles exclusively may not provide the greatest overall benefits to the nation or necessarily reduce costs to the consumer. Accordingly, both the advantages and disadvantages of each measure should be carefully weighted in the context of the likely changes for the particular fishery involved. From the standpoint of a national concern for the efficiency of energy expenditure for various management alternatives. Economic analyses made during the formation of management plans may provide a basis for management choices concerning economic efficiency. Where limited access systems are recommended, an analysis of such factors as the relative price of vessels, or alternative employment problems, etc., will be necessary for an informed decision regarding the implementation of such systems.

(ii) Traditional or historic fishing patterns will also be considered when allocation of fishing privileges is necessary. Application of these conservation and management measures is not expected to disrupt existing socioeconomic patterns of harvesting, processing or marketing. Right of entry of new participants into a fishery should be protected, wherever feasible.

§ 602.3 Contents of fishery management plans.

(1) General. A continuing goal of management is to eliminate, to the extent practicable, cost saving measures necessary to ensure full utilization of available capabilities. Cost effectiveness should be sought through the process of optimizing existing capabilities, rather than at the expense of program objectives or program effectiveness. The planning of the proposed management regime, including enforcement, should be carefully evaluated in relation to the anticipated benefits.

(ii) Traditional or historic fishing patterns will also be considered when allocation of fishing privileges is necessary. Application of these conservation and management measures is not expected to disrupt existing socioeconomic patterns of harvesting, processing or marketing. Right of entry of new participants into a fishery should be protected, wherever feasible.

(i) General. A continuing goal of management is to eliminate, to the extent practicable, cost saving measures necessary to ensure full utilization of available capabilities. Cost effectiveness should be sought through the process of optimizing existing capabilities, rather than at the expense of program objectives or program effectiveness. The planning of the proposed management regime, including enforcement, should be carefully evaluated in relation to the anticipated benefits.

§ 602.3 Contents of fishery management plans.

(a) Required provisions. Each fishery management plan, whether prepared by the Council or by the Secretary, must identify the broad management objectives to be attained in the fishery. Management objectives should be formulated as temporarily as possible. Each plan must also include the following five provisions:

(1) The necessary and appropriate conservation and management measures governing fishing. These measures shall be consistent with the National Standards, with the guidelines based on the National Standards, and with other applicable Federal law. They represent the action program needed to attain the management objectives of the plan.

(2) A complete description of the fishery including: the nature and extent of fishing; the number of vessels involved; fishing gear used; species and stocks involved and their distribution, movements, and ecological relationships; the likely costs of management; actual and potential revenues from the fishery and recreational interests; and the extent and nature of foreign fishing and Indian fishing rights.

(3) An assessment and specification of the fishery's present condition, probable future condition, maximum sustainable yield, and optimum yield. The biological status of the fishery should be described in terms of whether it is underutilized, intensively exploited, or overexploited. The present and potential economic and social problems should be discussed. A summary of all best information available should be included and utilized in making specifications of condition and yields. With regard to the present and future conditions of each fishery, the plan should include:

(i) A description of the fishery habitat;

(ii) A determination of the condition of the habitat and factors threatening its productivity;

(iii) An estimate of any restoration or improvement measures necessary to ensure a habitat suitable to sustain the fishery resource;

(iv) A description of any existing programs directed to the protection of habitats and species from destruction factors; and

(v) A reference to any existing applicable Coastal Zone Management plans.
and the relationship of such plans to the fishery management plans.

(4) An assessment of the annual U.S. harvest of optimum yield of the fishery. An evaluation and specification of the capacity of U.S. commercial and recreational fisheries to harvest the optimum yield of the given fishery, and the portion of this optimum yield that will not be so harvested and can be made available to non-U.S. fisheries. Included should be a description of present user groups and anticipated future domestic production.

(5) Statistics. A specification of the pertinent statistics and data that may be submitted by fisherman-processors and others to the Secretary as provided in the Act with respect to the fishery, including information as to gear, by species, fishing areas, and fishing effort. The data requirements section of a plan shall also specify all socio-economic data necessary for optimum yield management. A requirement for data plants apply to both the domestic and foreign sectors of a fishery and to both the recreational and commercial segments of domestic fisheries. Requirements for data collection and the effort necessary to collect such data, and the effort shall be minimized through careful selection of data elements, that is, collection of the accuracy required so as not to unduly burden those who must supply such data. Whenever possible, the units of data measurement should be specified in order to allow for data reduction and analysis. Regulations with regard to the confidentiality of these statistics are set forth in Part 603. [Reserved]

(b) Discretionary provisions. In addition to the above elements that a management plan is required to contain, the plan may, with respect to any fishery, include the following items:

(1) Permits and fees for domestic fisher use. In preparing a fishery management plan a Council shall:

(a) Plans prepared by the Councils. In preparing a fishery management plan a Council shall:

(1) Identify fisheries to be managed. The Council shall assess the fisheries within its geographical area of jurisdiction, and identify all fisheries (fishery management units) requiring plan development. It will be the Council's responsibility, in collaboration with the Secretary, to delineate fishery management units and to develop objectives and activities for plan development for these units.

(2) Develop management options. The Council shall assemble and analyze all relevant information (e.g., biological, economic, sociological, ecological, user, and constituency) with regard to a particular fishery management unit and develop the management options. The Secretary and the Secretary of Commerce of State shall furnish the Councils with information concerning foreign fishery and international fishery agreements. Scientific and technical information is available to the Councils from a variety of sources, including the National Marine Fisheries Service's Regional Offices and Research Centers, the States, private institutions, other Councils, and any interested persons.

(3) Select preferred management options; complete final plan. (1) Consideration of the management options shall be made by the Council, its advisory panels and its Scientific and Statistical Committee. The Council shall select the preferred management options that are to be the basis of the final plan, and shall prepare a final plan for submission to the Secretary.

(ii) The Council's decision to approve a plan prior to submission to the Secretary must be made by a vote of the majority of the voting members, present and voting. When a plan has been prepared by more than one Council, at the direction of the Secretary, it must be approved by a majority of the voting members, present and voting, of each Council prior to submission to the Secretary.

(ii) Consult with other councils. A Council shall consult with appropriate Councils when the Secretary has designated a single Council to prepare a plan that includes waters within the geographic area of authority of other Councils or when the Secretary has designated more than one Council to prepare a plan jointly. (See §601.11(o) (2)).

(5) Receive and consider public comment. The Council shall solicit, through hearings and any other appropriate means, the advice and recommendations from all interested persons during the development of fishery management plans and amendments to such plans. Such persons include the fishing industry (recreational and commercial), consumer and environmental organizations and others.

(6) Comply with requirements of the National Oceanic Policy Act (as set forth in §602.2).

(7) Coordinate fishery management plans with coastal zone planning. A Council shall prepare a fishery management plan consistent with the National Standards (see §602.2), the guidelines contained herein, other provisions of the Act, and any other applicable law.

(7) Submission to the Secretary of Commerce. Once a plan is prepared and approved by a Council, it shall be submitted, along with any dissenting opinions, and with appropriate copies, directly to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, by the most expeditious means available that are commensurate with safeguards against loss enroute.
(c) Council action on plans prepared by the Secretary.—(1) General. The Secretary of Commerce may prepare a fishery management with respect to any fishery, or any amendment to any such plan, if:

(i) A Council fails to develop and submit to the Secretary, after a reasonable period of time, a plan for such fishery, or any necessary amendment to such a plan, if the fishery requires conservation and management or;

(ii) If the Secretary disapproves or partially disapproves any such plan or amendment submitted by a Council and the Council fails to make the necessary changes within 45 days after the date on which the Council receives notification by the Secretary.

(2) Comments of council. Whenever the Secretary prepares a fishery management plan or amendment, the Secretary shall promptly transmit such plan or amendment to the appropriate Council for consideration and comment. Within 45 days after the date of receipt of such plan or amendment, the Council may recommend to the Secretary changes in such plan or amendments consistent with the National Standards. A Council may conduct public hearings to allow interested persons to comment on such a plan, and may incorporate such public comment in the Council recommendations to the Secretary for changes in the plan or amendment.

(3) Failure of council to comment. If the Council does not propose changes within 45 days after it receives the submission from the Secretary, the Secretary may proceed to adopt and implement the plan or amendment.

(d) Amendments to fishery management plans.—(1) Council review. The Act directs each Council to review on a continuing basis, and revises as needed, the assessments and specifications made regarding the optimum yield from, and the total allowable level of foreign fishing, in each fishery within its geographical area of authority.

(2) Scope of review. This review of each plan should also include reexamination of the management objectives and the effectiveness of conservation and management measures and implementing regulations. Each Council must at least assess the accuracy of the estimates of maximum sustainable yield, and optimum yield, and total allowable level of foreign fishing once a year for each plan that is implemented, regardless of whether the plan is prepared by a Council or by the Secretary.

(3) Amending the plan. Based on this review, or for other reasons, a Council may propose changes in a plan by means of an amendment to the plan. The procedures for Council approval of an amendment (e.g., majority vote) and transmission to the Secretary are the same as those that apply to a management plan. The same procedures also apply when an amendment is disapproved or partially disapproved by the Secretary and returned to the Council for modification.

(e) Proposed regulations. A Council may recommend to the Secretary any proposed regulations which it deems necessary and appropriate to carry out any fishery management plan, or any amendment to any fishery management plan. Proposed regulations shall be submitted as a separate document, together with such plan or amendment, to the Secretary. The Secretary has the final responsibility to determine whether to adopt any proposed regulations recommended by a Council.

PART 603—CONFIDENTIALITY OF STATISTICS [RESERVED]

[FR Doc.76-27049 Filed 9-14-76;8:45 am]