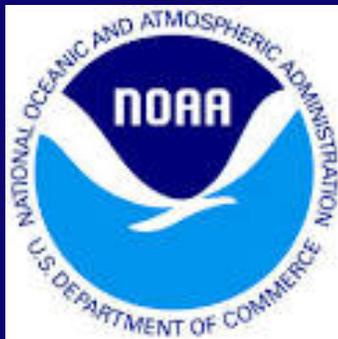


Council Process and Development of Fishery Management Plans



**Council Member Orientation
October 28, 2014
Silver Spring, MD**

Key Learning Objectives

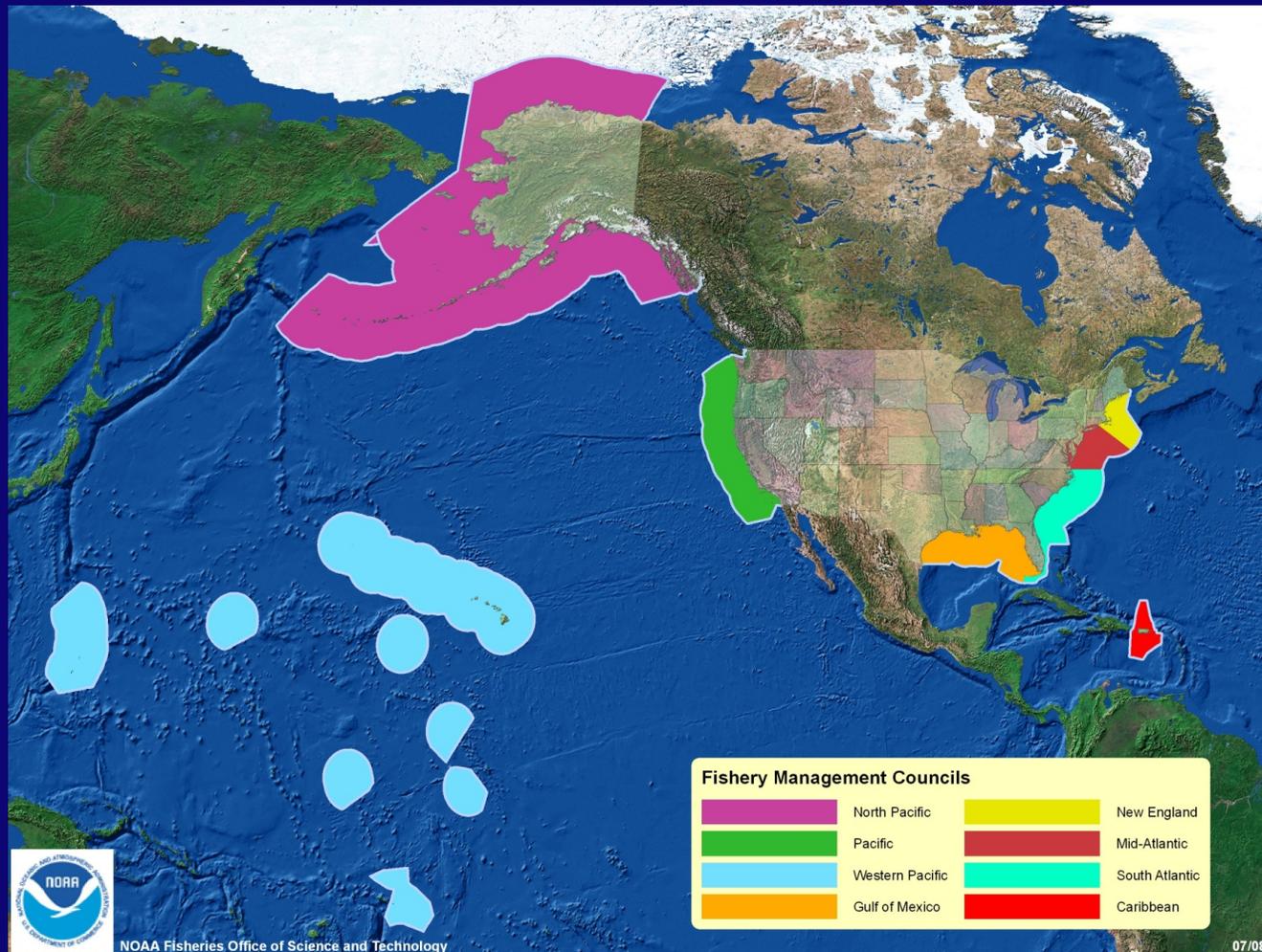
- **Explain the MSA mandate for Councils to manage fisheries**
- **Describe the Councils' responsibilities under MSA**
- **Identify similarities and differences among Councils**

US Fisheries Management

- **Department of the Interior**
 - **US Fish and Wildlife Service**
 - **Inland waters**
- **Fishery Commissions**
 - **State water management**
- **Department of Commerce**
 - **NOAA Fisheries**
 - **Marine Federal waters (>3mi)**



1976, Magnuson-Stevens Act (MSA) created 8 Regional Fishery Management Councils. Develop fishery management plans (FMPs) and measures for the fisheries within their EEZ. NOAA-NMFS approves and implements these plans.



**North Pacific
6 FMPs**

**Western Pacific
5 FMPs**

**Pacific
4 FMPs**

**Gulf of Mexico
7 FMPs**

**Mid-Atlantic
6 FMPs**

**New England
7 FMPs**

**South Atlantic
6 FMPs**

**Caribbean
4 FMPs**

MSA

National Standards (in brief!)

- **Prevent overfishing while achieving optimum yield**
- **Use best scientific information available**
- **Manage individual stocks throughout their range**
- **Allocation of privileges to fish must be fair and equitable**
- **No such measure shall have economic allocation as its sole purpose**
- **Allow for variation among the contingencies in fisheries, fishery resources, and catches**
- **Minimize costs, avoid duplication, where practicable**
- **Account for importance of fishery resources to fishing communities**
- **Minimize bycatch or mortality from bycatch**
- **Promote safety of human life at sea**

Council Membership

- **Voting members**
 - **NMFS Regional Administrator**
 - **State marine fishery management official**
 - **Individuals appointed by Secretary of Commerce**
- **Non-voting members**
 - **USFWS Regional Director**
 - **USCG Regional Commander**
 - **Executive Director of Marine Fisheries Commissions**
 - **US Department of State representative**

Voting Members

- **NPFMC – 11 members**
 - 4 officials
 - 7 appointed
- **WPFMC – 13 members**
 - 5 officials
 - 8 appointed
- **PFMC – 14 members**
 - 5 officials
 - 9 appointed
- **GMFMC – 17 members**
 - 6 officials
 - 11 appointed
- **CFMC – 7 members**
 - 3 officials
 - 4 appointed
- **SAFMC – 13 members**
 - 5 officials
 - 8 appointed
- **MAFMC – 21 members**
 - 8 officials
 - 13 appointed
- **NEFMC – 18 members**
 - 6 officials
 - 12 appointed

Conduits for Public Input

- **Council Membership Composition**
 - **Fishing Community (fishermen, processors, group reps.)**
 - **State Fisheries Officials (represent stakeholder interests in states)**
 - **Others (scientists, ENGOs, public/seafood consumers)**



Council Members

- **Statutory members serve as long as they hold their positions**
- **Appointed members serve 3-year terms**
 - **May serve for up to 3 consecutive terms**
 - **After served 3 terms, may be reappointed after 1 year off the Council**



Council Structure



Council Members

- Chair/Vice-Chair
- Executive committee
- Committee Structure (Species, FMP, Topic, etc.)

Council Staff

- Executive Director
- Technical staff
- Administrative staff
- Plan Development/Action/Monitoring Teams

Advisory Groups

- Advisory Panels
- Scientific and Statistical Committee
- Other groups?

Public Meetings - Public Process



- Public Meetings
- Noticed in FR and on web
- Public Record - recorded and/or transcribed
- Use "Roberts Rules of Order"

How does your Council hold public hearings?

Let's go around the room. . . .

Public Informational Meeting

**Maui Community
FADs**

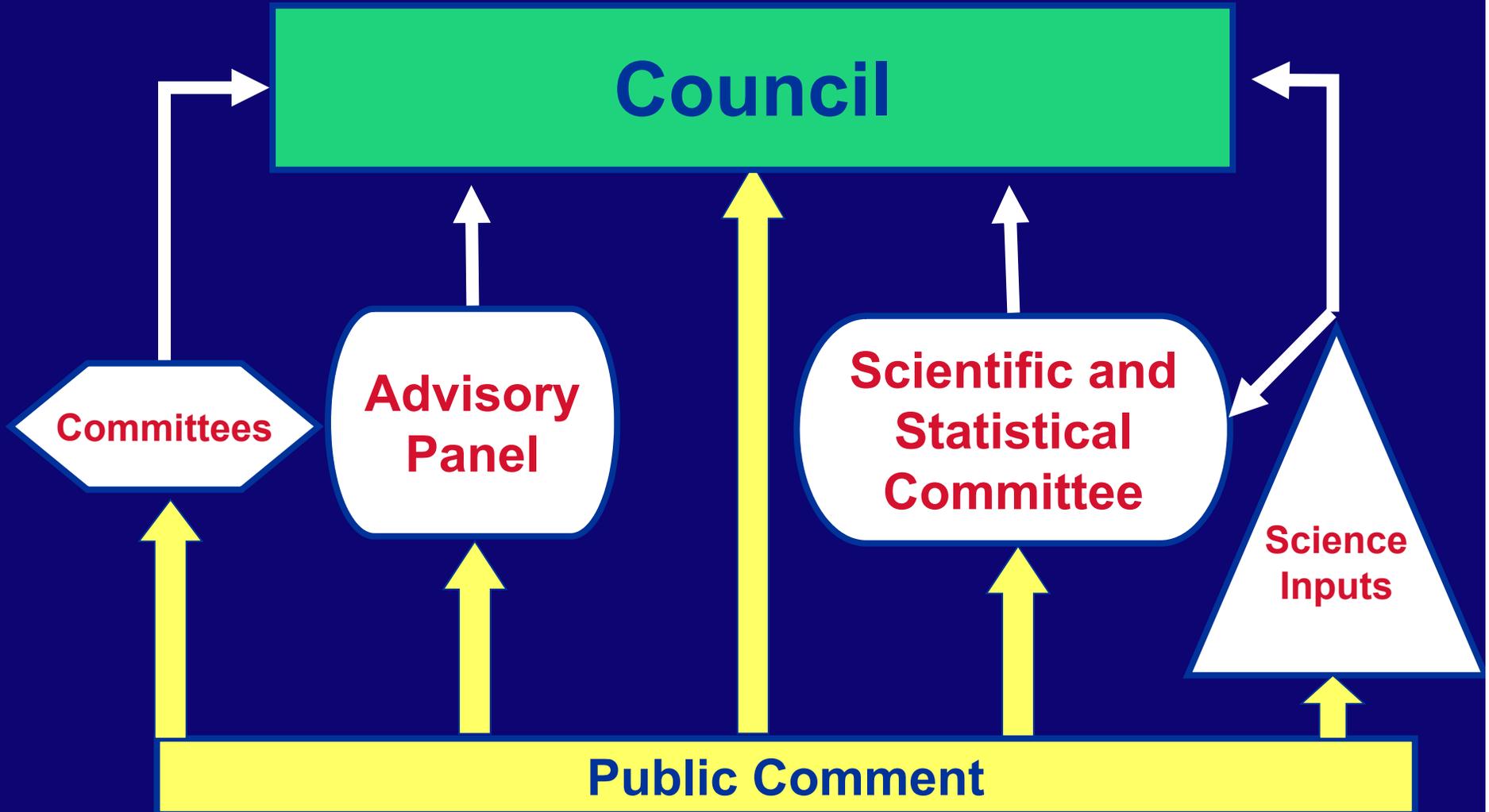
WHEN: November 6, 2010

4:30pm-7pm

**WHERE: Paia Community
Center**



Council Structure



Council Structure

- See handouts on Council structures (Fisheries Forum credit)



How does your Council use its Advisory Groups (AP and SSC)?

Let's go around the room



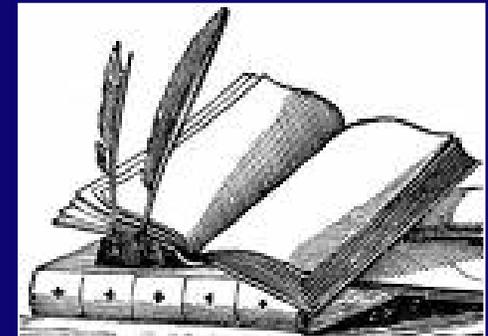
Magnuson-Stevens Act Mandate

Each Council shall:

for each fishery that requires conservation and management, prepare and submit to the Secretary

(A) a fishery management plan, and

(B) amendments to each such plan that are necessary



--MSA § 302(h)(1)

Council Functions

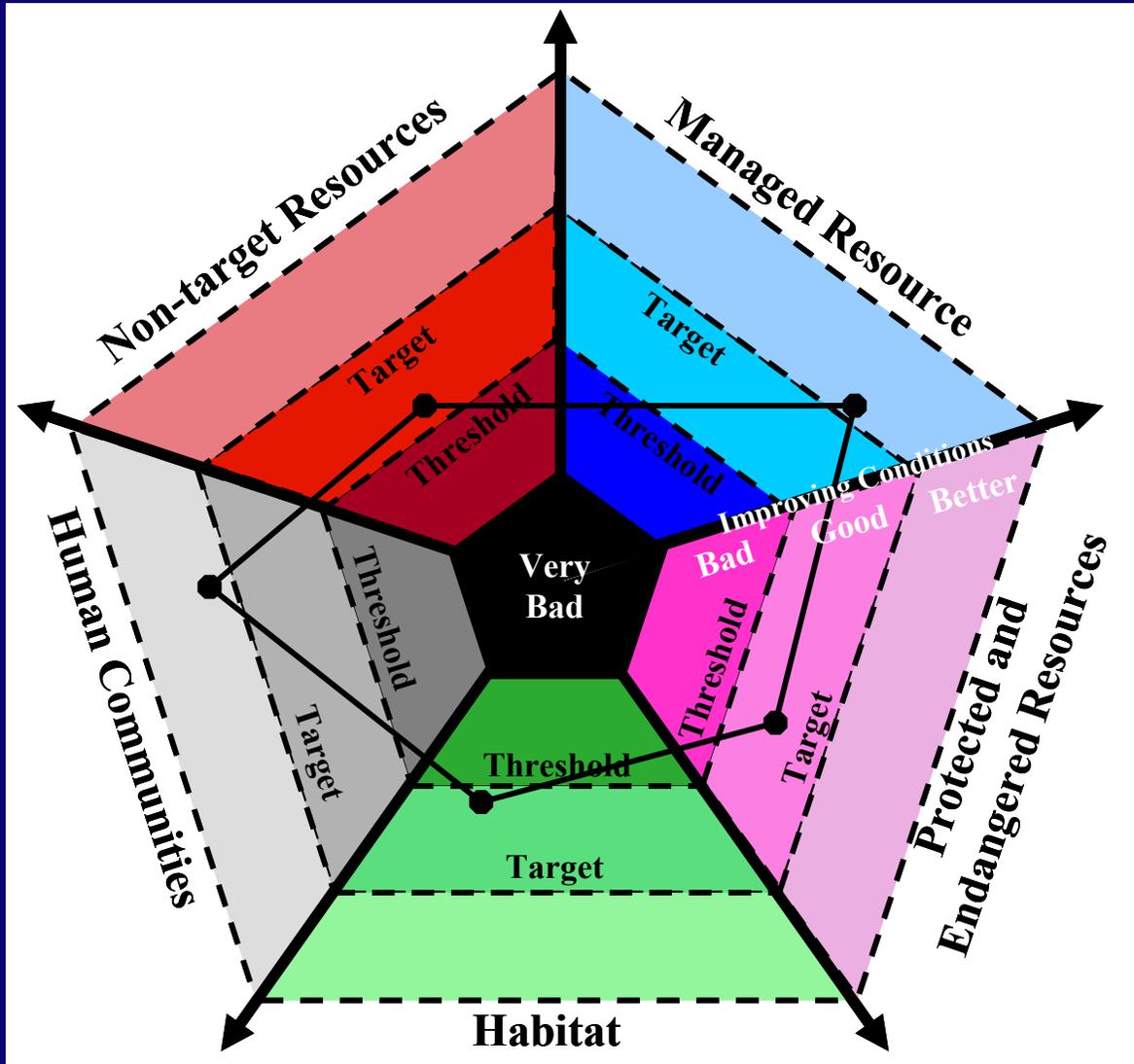
- Prepare and submit FMPs/amendments
 - “For each fishery under its authority that requires conservation and management”
- Convene committees and panels
 - SSC, AP, Stock Assessment/Plan Development/Action Teams, Committees
- Conduct public meetings
 - Allow all interested parties to be heard
- Submit periodic reports



Council Products - FMP-based

- **Amendments to the FMP** - new or novel measures proposed for a fishery
- **Frameworks to the FMP** - already contemplated in the FMP (not novel); tweak to existing measures
- **Specifications (aka "specs.", "quota-setting)** - sets/adjusts existing fishing measures for the upcoming fishing year(s)

Environmental Impacts Decision Document rel. to Valued Ecosystem Components



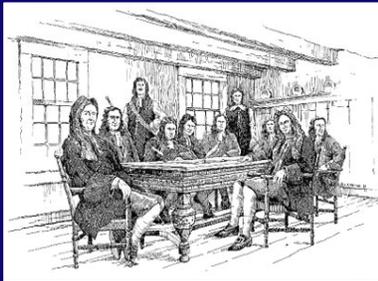
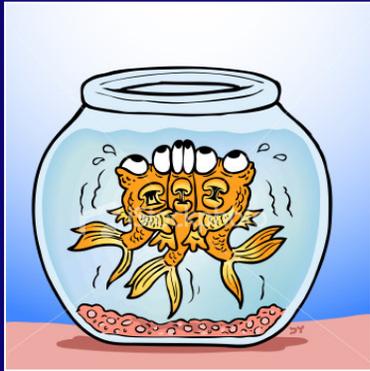
Inform Council, NMFS Regional Administrator and public of impacts to VECs and tradeoffs among policy choices – NEPA, and other laws

Council Action: Recommending a Management Measure

- **Conduct Public Meetings**
- **Consider Public Testimony**
- **Consider Required Analyses**
- **Vote**
- **Complete the amendment package and transmit to NMFS-Regional Office**



The Big Picture



1. Management
Need

2. Council idea

6. Ongoing Review
And public input

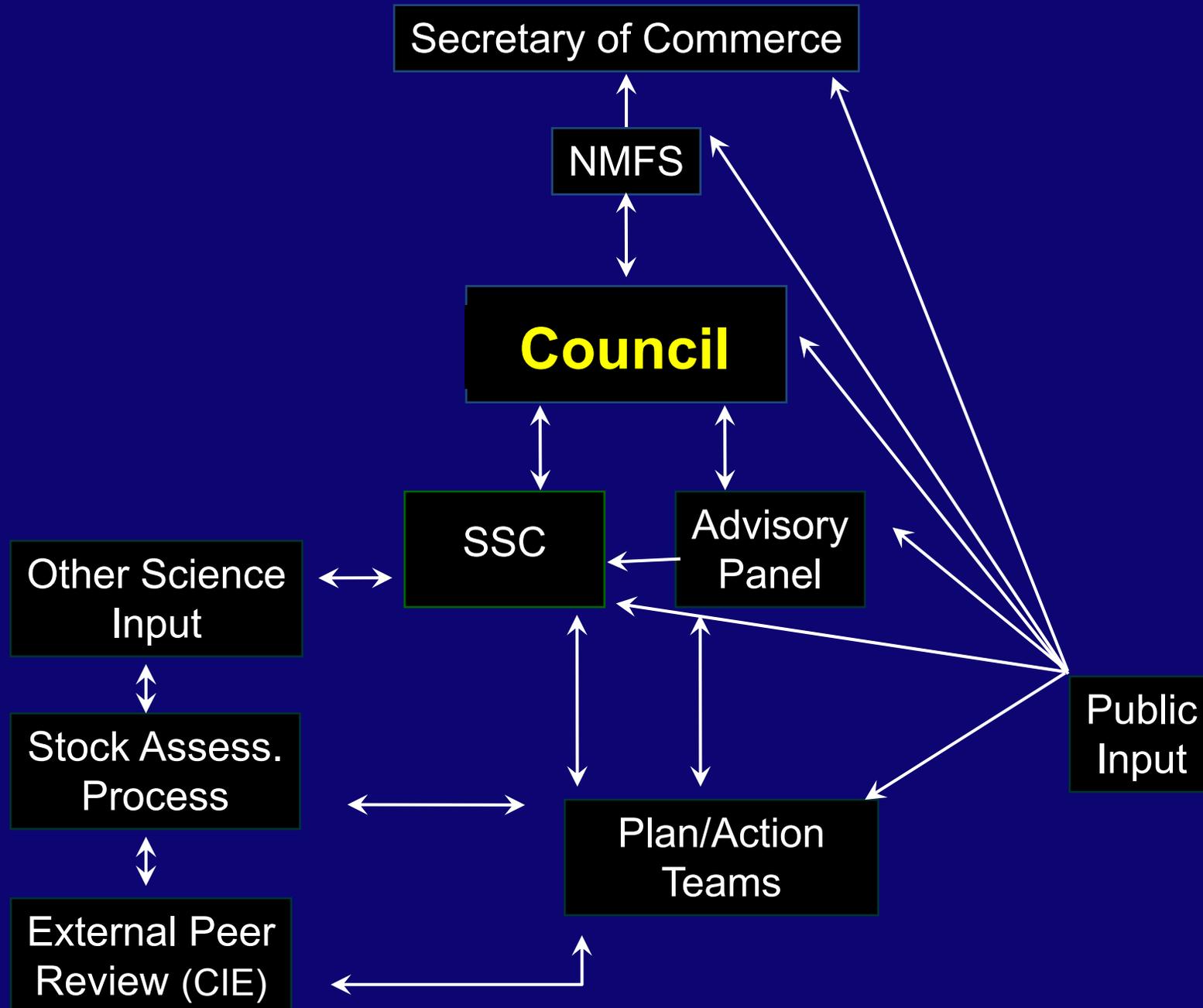
3. NMFS Review

5. Implementation

4. Compliance with
Applicable law



Council Relationships



MSA Provisions for Council Meetings

- **Committees and panels**
 - SSC; Fishing Industry Advisory Committee; Other advisory panels
- **Open public meetings**
- **23-day FR notice of action items**
- **Disclose financial interests/recusal**
- **FACA exemption**

Example: PFMC Meeting Schedule

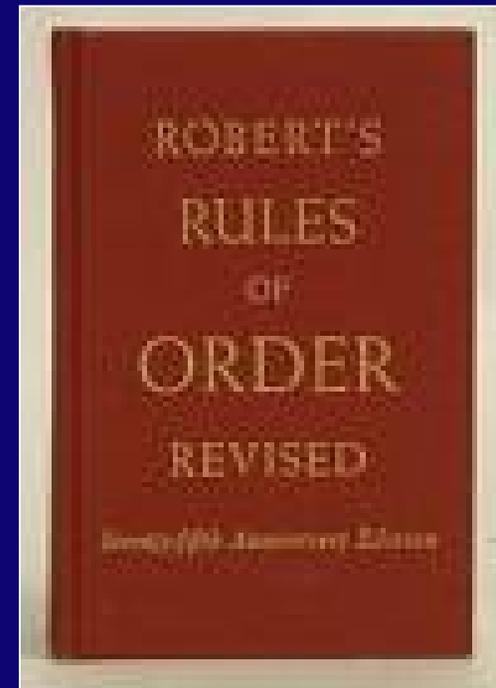
2013

WEEK OF	LOCATION
March 6-11	Hotel Murano Tacoma, WA
April 6-11	Sheraton Portland Airport Hotel Portland, OR
June 20-25	Hyatt Regency Orange County Garden Grove, CA
September 12-17	DoubleTree Riverside Hotel Boise, ID

Guidance Documents

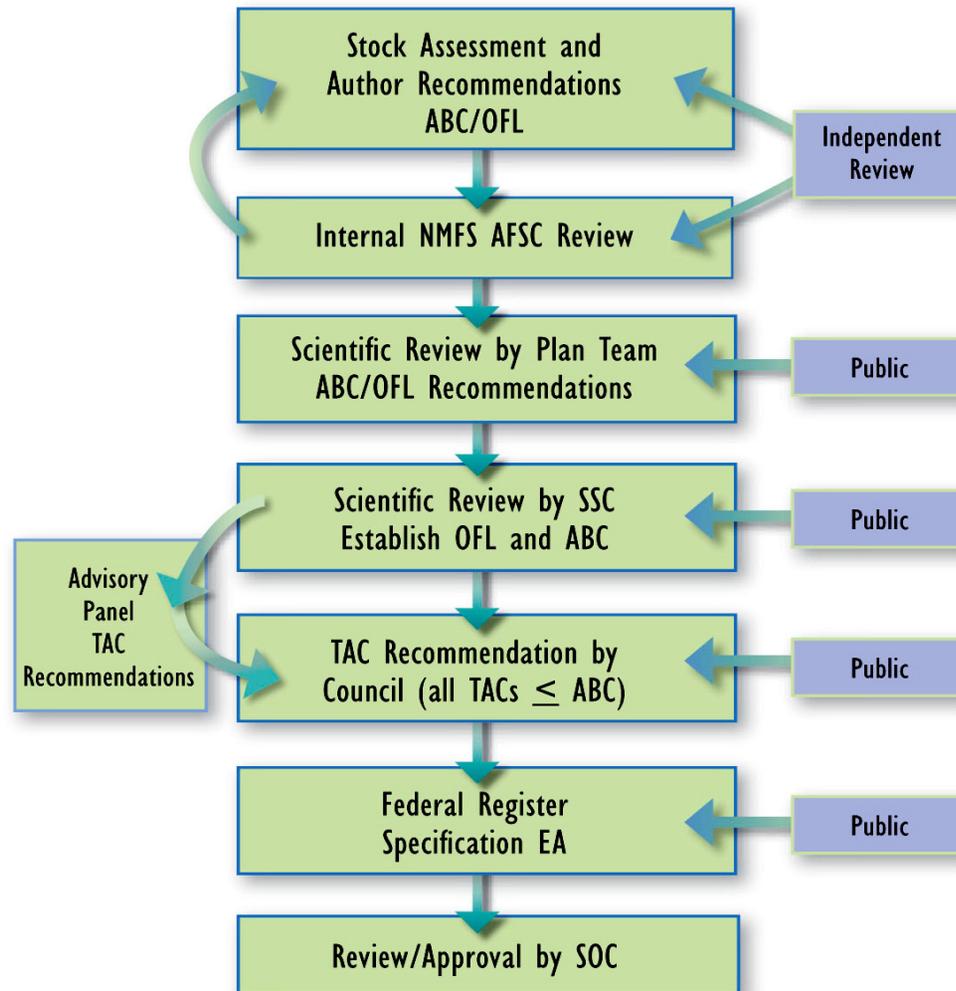
Additional guidance is available for how to run a Council meeting, how to publish a Notice, etc.

- Section 600 Regulations
- Statement of Organization, Practices, and Procedures
- Robert's Rules of Order



Ex.: NPFMC Quota Setting Process

Scientific Review Process for North Pacific Stock Assessments and Catch Specifications



Considering the Issues

- **How do issues come up at Council Meetings?**
- **How do you deal with them?**
- **How do they relate to your mandates?**



Don't forget the Other Applicable Laws

NEPA	<ul style="list-style-type: none">•Consider Reasonable Alternatives•EIS: analysis, public review, 45/90/30 days•FONSI: record-based determination
ESA	<ul style="list-style-type: none">•“No jeopardy” record-based determination•Timing: consultation = 135 days
RFA	<ul style="list-style-type: none">•Consider Economic Impacts and alternatives•Certification: record-based determination
EO 12866	<ul style="list-style-type: none">•Alternatives, Cost-benefit analysis
APA	<ul style="list-style-type: none">•Record shows compliance with all law;•Notice and Comment; 30-day delay
Others	CZMA, PRA, treaty rights, etc.

Statutory and Regulatory Timelines

Source	Start Date	Requirement
MSA (FMP)	Transmittal	Day 5, Publish NOA for 60 days comment; Day 65, CPE; Day 95, Decision Day
MSA (Regs)	Transmittal	Day 5, begin 15 day review; Day 20, publish Prop. Rule for 15-60 days comment; Publish Final Rule w/30 days CPE
NEPA	EPA publish DEIS	Minimum 45 days comment, Minimum 90 days before ROD
ESA	I.D. preferred action	Minimum 90 days to consult + 45 to write B.O. (135 days)
CZMA	Consistency Determ. to State	Day 60 – Infer concurrence if no state response Day 90 – earliest possible decision day
APA	Publish Final Rule	30 day delay in effectiveness (unless waived)
EO 12866	Submission of Reg. Text to OMB	90 day OMB review period