

2006 Council Training Session

Introduction

Background Training Book

Welcome to the 2006 Training/Orientation Session for new Council Members. The purpose of this Training Session is to provide you with the understanding and tools you will need to execute your responsibilities. Marine fisheries are common property resources; they are a resource belonging to the public. Because marine fisheries are a common property resource, they are managed by elected officials. The States have managed fisheries in their internal waters and the territorial sea (usually 3 nautical miles beyond the coast) for many years. The Federal government's role in fisheries management was established in 1976 with the passage of the Magnuson-Stevens Fishery Management and Conservation Act (P.L. 94-265); The Act established the eight Regional Fishery Management Councils, which you are now a part of, and the roles and responsibilities of the Council and the Secretary of Commerce. The Fishery Management Councils are responsible for developing Fishery Management Plans. These Plans are approved by the Secretary of Commerce. The ultimate responsibility resides with the Secretary who has delegated it to the National Marine Fisheries Service. Council members are responsible for providing Fishery Management Plans that meet not only the standards and requirements of the Magnuson Stevens Act but also other relevant statutes. Your goal is to prepare Fishery Management Plans which meets all necessary requirements and balance conservation and use. This is an awesome responsibility requiring your time, devotion and expertise. The orientation Session will provide you with an overview of the governance process for federally managed fisheries. We will

cover such topics as your roles and responsibilities, expectations, requirements for preparing an FMP, the importance of the need to understanding stock assessments, other relevant statutes and other topics. The information you absorb over the next several days will be reinforced as you execute your responsibilities as a Council Member.

This background book will serve as a reference manual during your tenure. This book contains information and materials not found in any other single source. It contains information on diverse topics as roles and responsibilities of Council Members to the steps involved in preparing an FMPS to the basics of stock assessments. The materials contained herein provide you with the tools you need, personalize and make it your very own reference manual for the execution of Council Members responsibilities.

The remainder of this document will provide a brief description of the contents in each of the Tabs starting with Tab B. Please note that the Tabs follow the Agenda which appears in Tab A along with the participants list.

Tab B contains organizational charts for the National Oceanic and Atmospheric Administration as well as the National Marine Fisheries Service. These charts can guide you to the appropriate offices. In addition, there is a listing of the NOAA Regional Offices and Science Centers with their addresses and telephone numbers. This will be useful information for you to maintain during your tenure. You may want to add materials in this tab such as a listing of the staff and members in your Council.

Tab C contains this introduction which provides a roadmap for the materials herein.

Tab D contains information regarding the conduct and expectations of Council Members. In this tab you will find information on the rules and responsibilities of

Council Members and their Advisory Committees. There is also information on Conflict of Interest and the need for disclosure. Each of you was selected because of your experience and expertise in your region's fisheries. As a Council Member, you do not represent any sector of fisheries. You are entrusted to sustainably manage our Nation's marine fisheries for the benefit of the public. You are the stewards of our nation's marine fisheries.

Tab E contains a summary of the provisions of the Magnuson-Stevens Fishery Conservation and Management Act. The entire Act is located in the back of this notebook (behind Tab T). This Act, signed into law almost 30 years ago, established the power-sharing, participatory, management system for marine fisheries. The Act also established the eight regional fishery management councils and outlines the responsibilities of the Councils. This Act also authorizes the Secretary of Commerce to have the ultimate responsibility for the management of marine fisheries.

Tab F contains information on Ecosystem approaches to fishery management. Along with other information, in this section you will be provided with information on the objectives of an ecosystem approach to fisheries and to what extent they are now addressed by councils.

Tab G contains an abbreviated summary of the other relevant statutes and executive orders that must be considered in the fishery management process. Several of the statutes mentioned in the summary will be discussed in more details such as the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the Marine Protected Areas Executive Order to mention a few. Please note that the National Marine Fisheries Service is responsible over 100 statutes and regulations. This section

also contains an overview of the statutory timelines in the fishery management plan process. The information found here will be an excellent resource in understanding the regulations, at times conflicting, which govern fishery management.

Tab H contains information on fishery science including models for stock assessment, data requirements, monitoring and data management. In this section, there is also information on stock assessments. As a Council Member you are required to use the best available science for of manage the fish stocks in your region. Stock assessments provide you with the information about the status of the stock and its habitat that you need to know. The stock assessment reports will contain recommendations for rebuilding or maintaining the stock status. No one expects that all fishery management council members are scientists but there is the expectation that council members will become familiar with the science. The materials in this section, therefore, are of great interest.

Tab I contains information relevant to the FMP process. You will find excerpts from MSA, regional office checklists, sample timelines for development of FMPs and information on regulatory streamlining in the FMP process. Later in this book, behind Tab R, you will find information regarding the draft operational guidelines for development and implementation of FMPs.

Tab J contains information on the ten National Standards with emphasis on National Standard 1. National Standard 1 requires that the management of fish stocks must prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery. Herein you will find information including excerpts from the MSA listing the ten National Standards as well as materials explaining why National Standard 1 is considered to be more important than any of the other standards individually. The court

ruling which made national standard 1, the most important of the standards, is included. The presentation on the ten national standards (including National Standard 1) will provide you with a clearer understanding of the standards. This agenda item and the materials in this Tab will be of utmost importance to you.

Tab K contains material relevant to Marine Protected Areas. This tab contains information regarding the Executive Order which established Marine Protected Areas, a definition for marine protected areas, and reference materials which will be useful.

Tab L: The Endangered Species Act (ESA) and Tab M: Marine Mammal Protection Act (MMPA), are two more key pieces of legislation in fisheries management and are the focus of Tab M. Here you will find information on which sections of the ESA and MMPA are pertinent to the MSA, and therefore will be essential to you in your role as a council member specifically.

Tab N contains information regarding enforcement of fishery management regulations. Enforcement is a shared responsibility between the National Marine Fisheries Service Enforcement Division and the United States Coast Guard. In addition, NOAA Fisheries has negotiated agreements with most states. For enforcement to be effective, the regulations must be clear and enforceable. This is an important responsibility and should be taken seriously.

Tab O contains information regarding international treaties, agreements, and organizations. It is important to understand our international commitments and how international fishery issues impact domestic actions. This is the first time we have included a discussion on the international aspects of fishery management in our Orientation Sessions.

Tab P contains information on Social Impact Assessments (SIA) are an essential part of the fishery management process as you will discover through your time serving as a council member. Without a SIA, an FMP or FMP amendment will not be considered complete. Behind Tab N, you will find information on what exactly a SIA entails and how they are vital to the FMP process.

The materials in Tab Q give information on the guidelines for economic analysis of Fishery Management Actions. You will find materials on the legal mandates that require Federal agencies conduct cost-benefit and other economic analyses as an essential part of the rule making and regulatory process.

Tab R contains more information on the National Environmental Policy Act. As mentioned earlier, there are many statutes that must be taken into account when preparing an FMP. NEPA is one of those statutes. NEPA requires the consideration of various alternatives before making a decision. During the presentation on NEPA, you will learn about the need to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) found in Tab Q. The requirements of NEPA must be followed in the preparation of a FMP.

In Tab S, you will find the draft Operational Guidance for Developing and Implementing a Fishery Management Plan. This document provides a wealth of information on how to prepare an FMP. If you follow the guidance provided in this document, you will be assured of drafting an FMP which meets all the requirements, standards, and criteria. This document also provides mechanisms for better coordination and collaboration between the Regional Offices, the Science Centers and the Regional

Fishery Management Councils.

Tab T contains a copy of the entire Magnuson-Stevens Fishery Conservation and Management Act as previously mentioned. The Act is in the process of reauthorization. Once a revised reauthorized version is available, you will receive a copy to replace this one.

Tab U, the final Tab, contains a copy of a Glossary prepared by NOAA Fisheries to assist not only Council Members but the general public with the terminology used in fisheries.

Let me reiterate, the materials and information found in this background book are not available in any other one source document. You should keep this book, refer to it, add to it and share the contents with other individuals interested in the federal marine management process. This book will serve as a valuable tool during your tenure as a Regional Fishery Management Council Member.

In closing, this background book is the effort of many individuals. Each presenter provided their input for their specific Tab. I thank the presenters. My sincere gratitude is to William Chappell and Linda Moon. Without their dedication to this Orientation Session and the preparation of this background book, this document would not be available. So I thank both Bill and Linda for a job very well done.