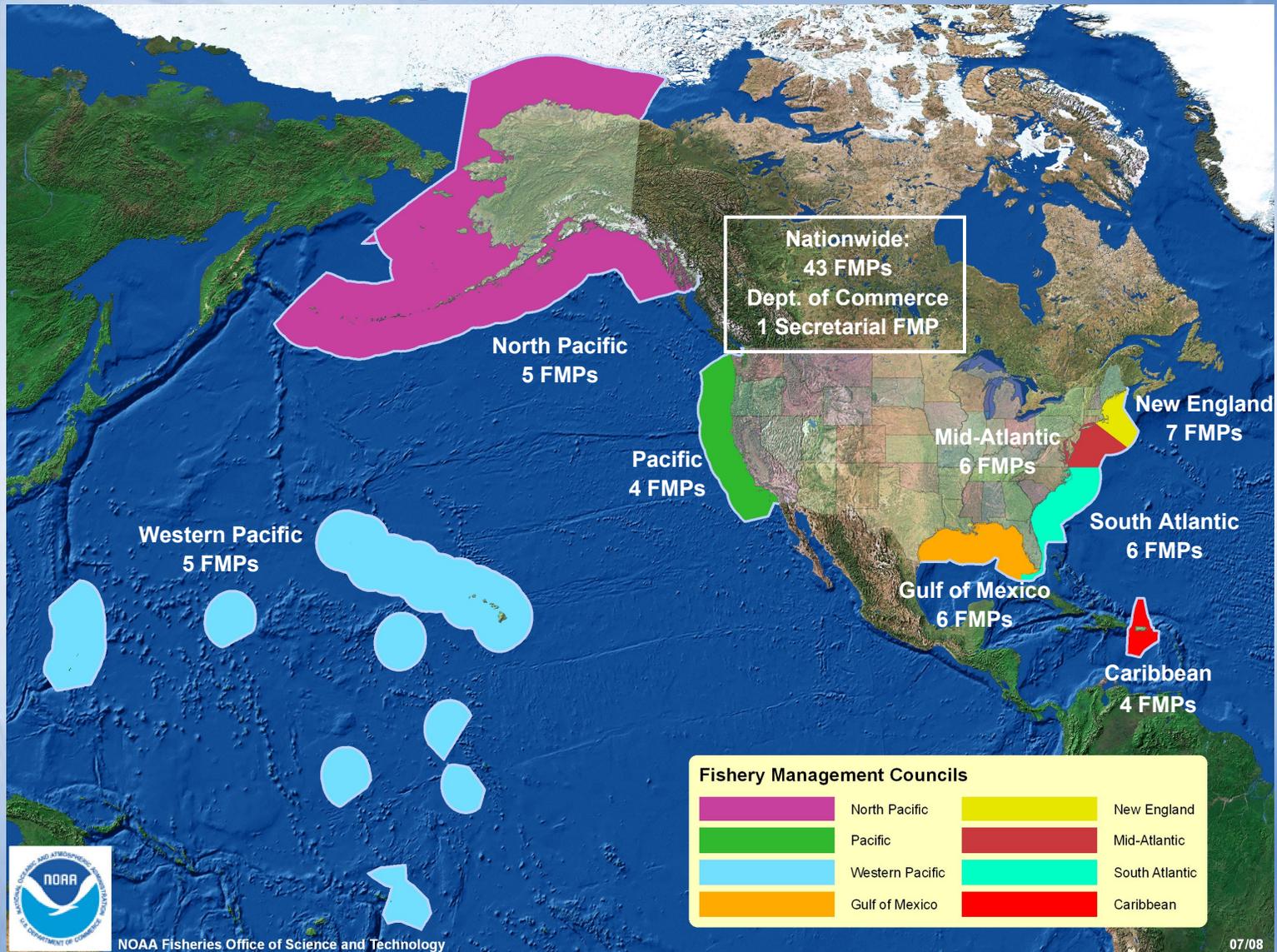


Council Process and Development of Fishery Management Plans



**Council Member Orientation
October 27 - 29, 2009
Silver Spring, Maryland**

8 Regional Councils



Council Membership

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

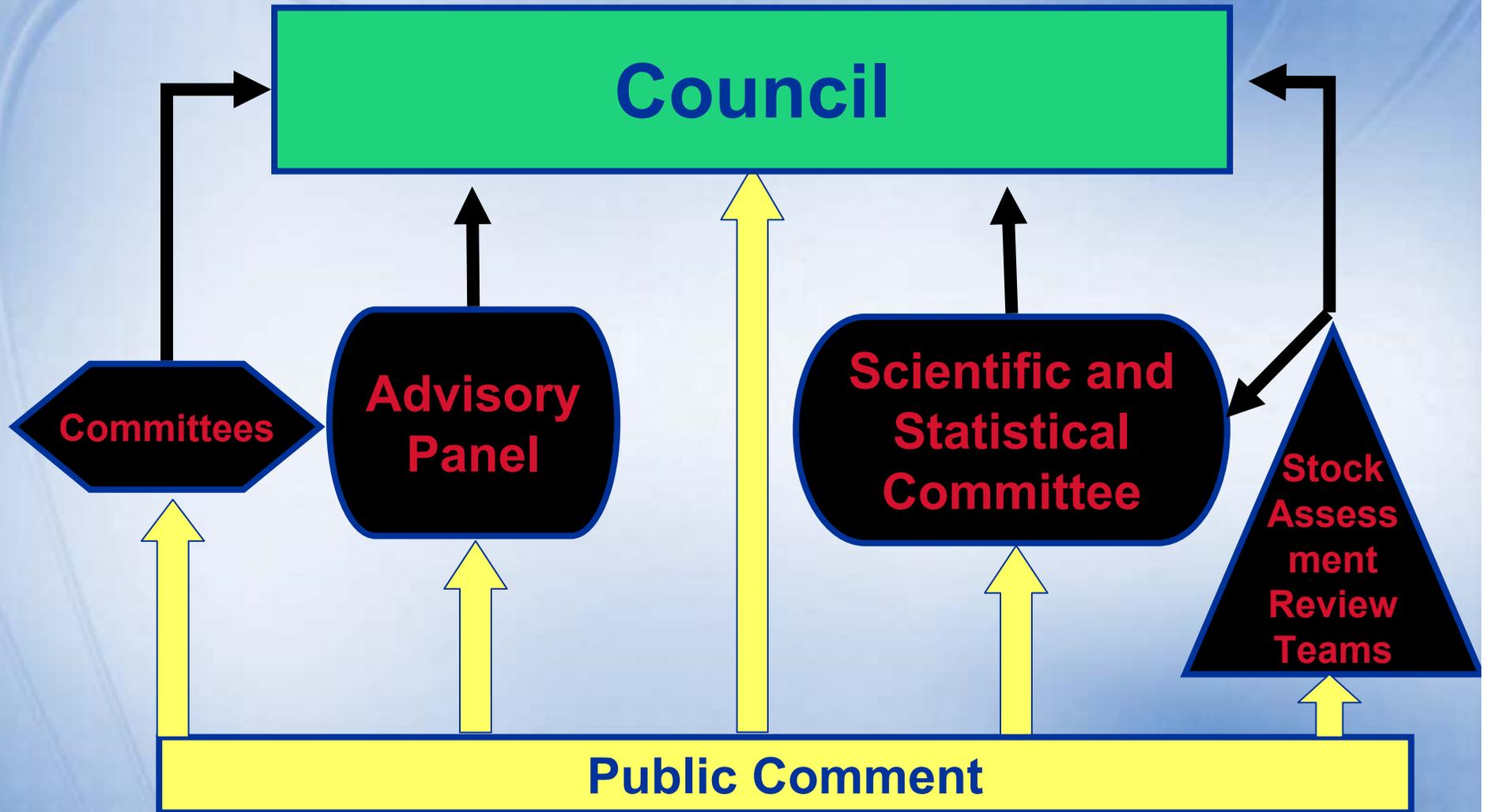
Council Members

- 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
 - Oversight committees (topical or functional)
 - Executive committee
- Council Staff
 - Executive Director
 - Technical staff
 - Administrative staff
 - Plan Development/Writing/Monitoring Teams
- Advisory Groups
 - Advisory Panels
 - Stock Assessment Review Teams
 - Science and Statistical Committee

Council Structure



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 Review Teams, Committees
- Conduct public meetings
 - Allow all interested parties to be heard
- Submit periodic reports



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

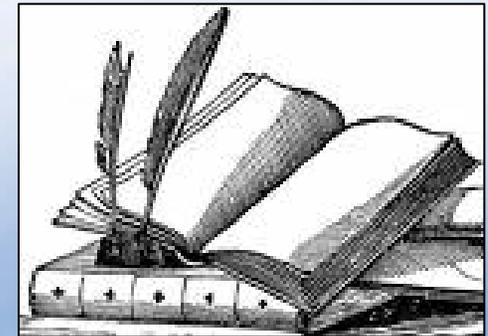
Magnuson-Stevens Act Mandate

Each Council shall:

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

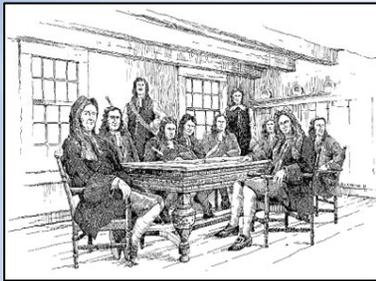
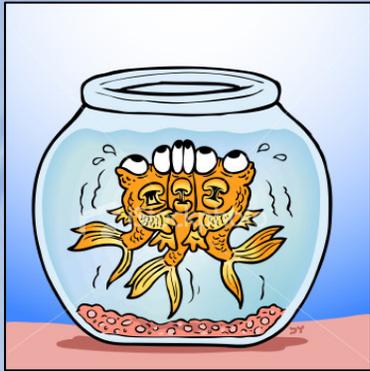
(A) a fishery management plan, and

(B) amendments to each such plan that are necessary

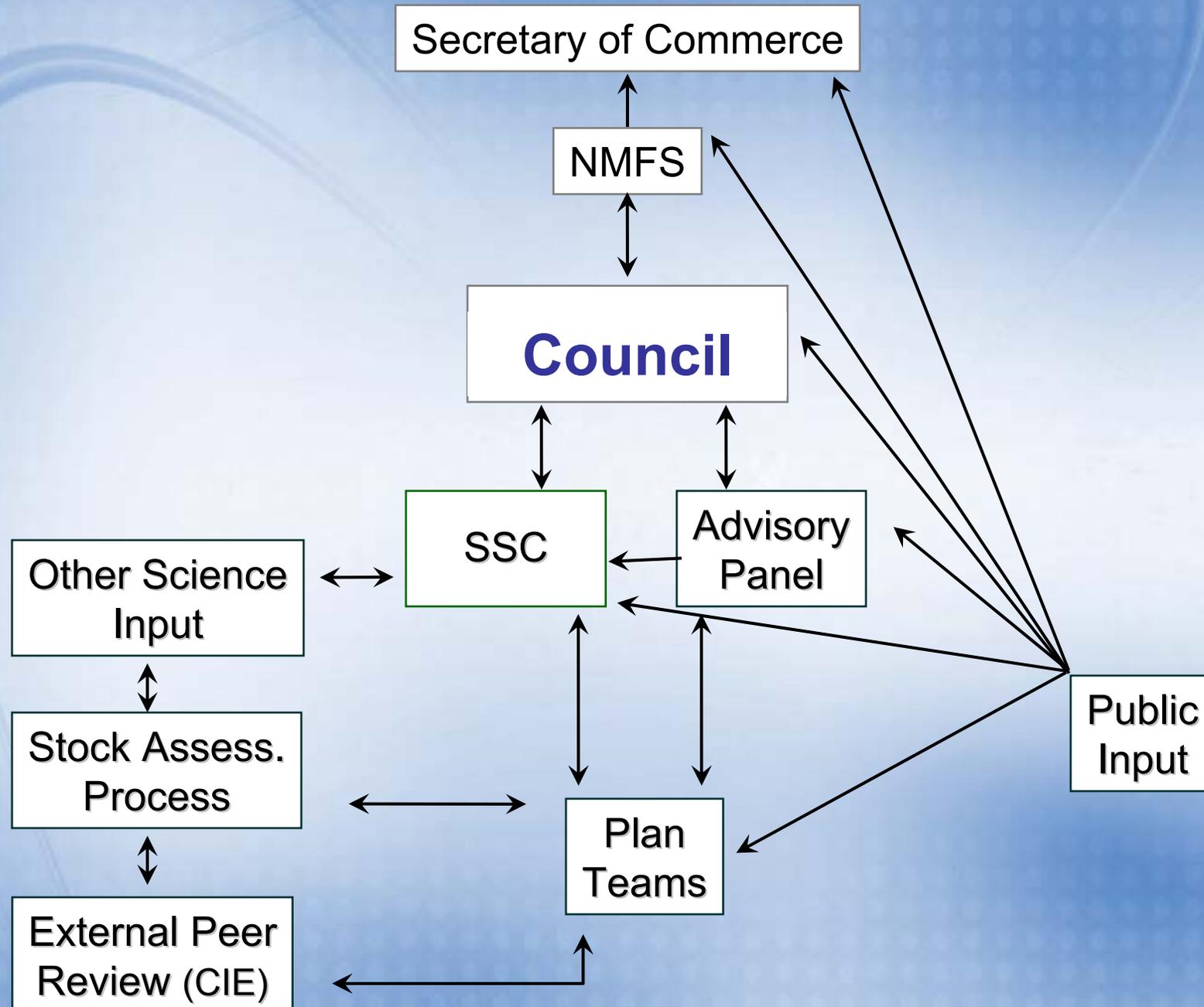


--MSA § 302(h)(1)

The Big Picture



Council Relationships



Pieces of the Puzzle

- **Council Meetings**
 - Committees
 - Public Input
 - Special Procedures
- **Recommending Measures**



MSA Provisions for Council Meetings

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

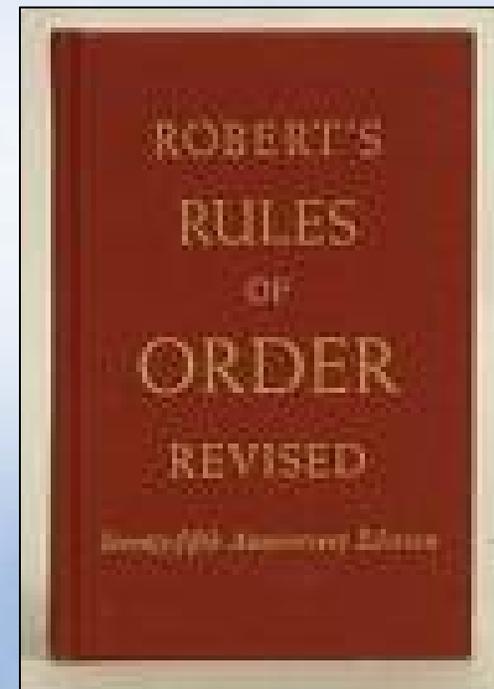
New provisions in the Magnuson-Stevens Reauthorization Act

- 1. Heightened Role for SSCs**
- 2. Annual Catch Limits**
- 3. Multi-year research priorities**

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



Example: SAFMC Meeting Schedule

2010

WEEK OF

LOCATION

March 1-5

Jekyll Island Club Hotel
Jekyll Island, GA

June 6 - 11

Renaissance Orlando Hotel Airport
Orlando, Florida

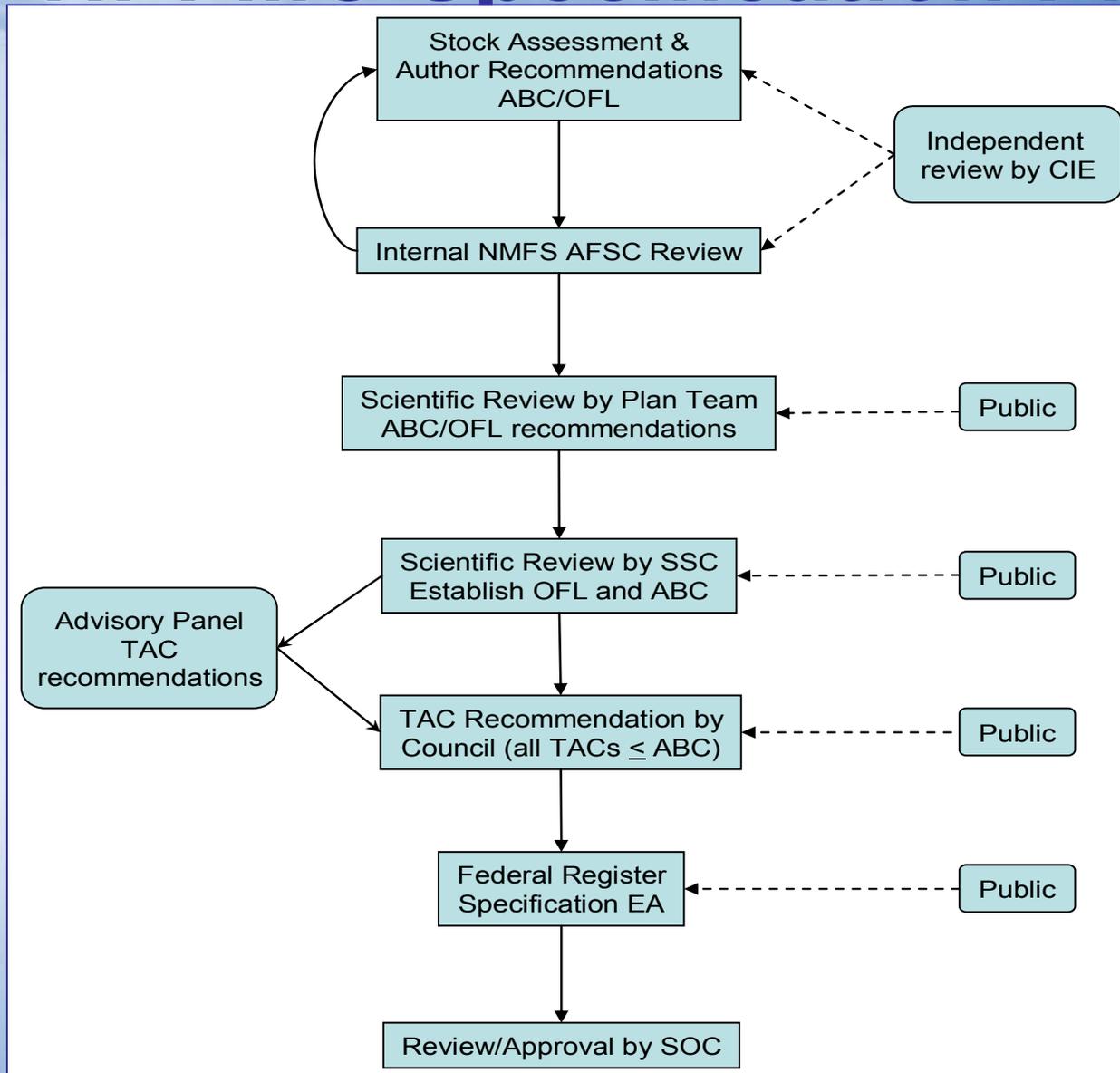
September 13 - 17

The Charleston Marriott Hotel
Charleston, SC

December 5 - 10

Sheraton New Bern
New Bern, NC 28562

Ex.: NPFMC Specification Process



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

Council Action: Recommending a Management Measure

- Conduct Public Meetings
- Consider Public Testimony
- Consider Required Analyses
- Vote
- Complete the amendment package and transmit to HQ



Recap

- **MSA Mandate to manage**
- **Required public procedures**
- **Variations among Councils**
- **Don't forget the O.A.L.s**
- **Recommend and Transmit**
- **Starts MSA Clock**