

Council Process and Development of Fishery Management Plans

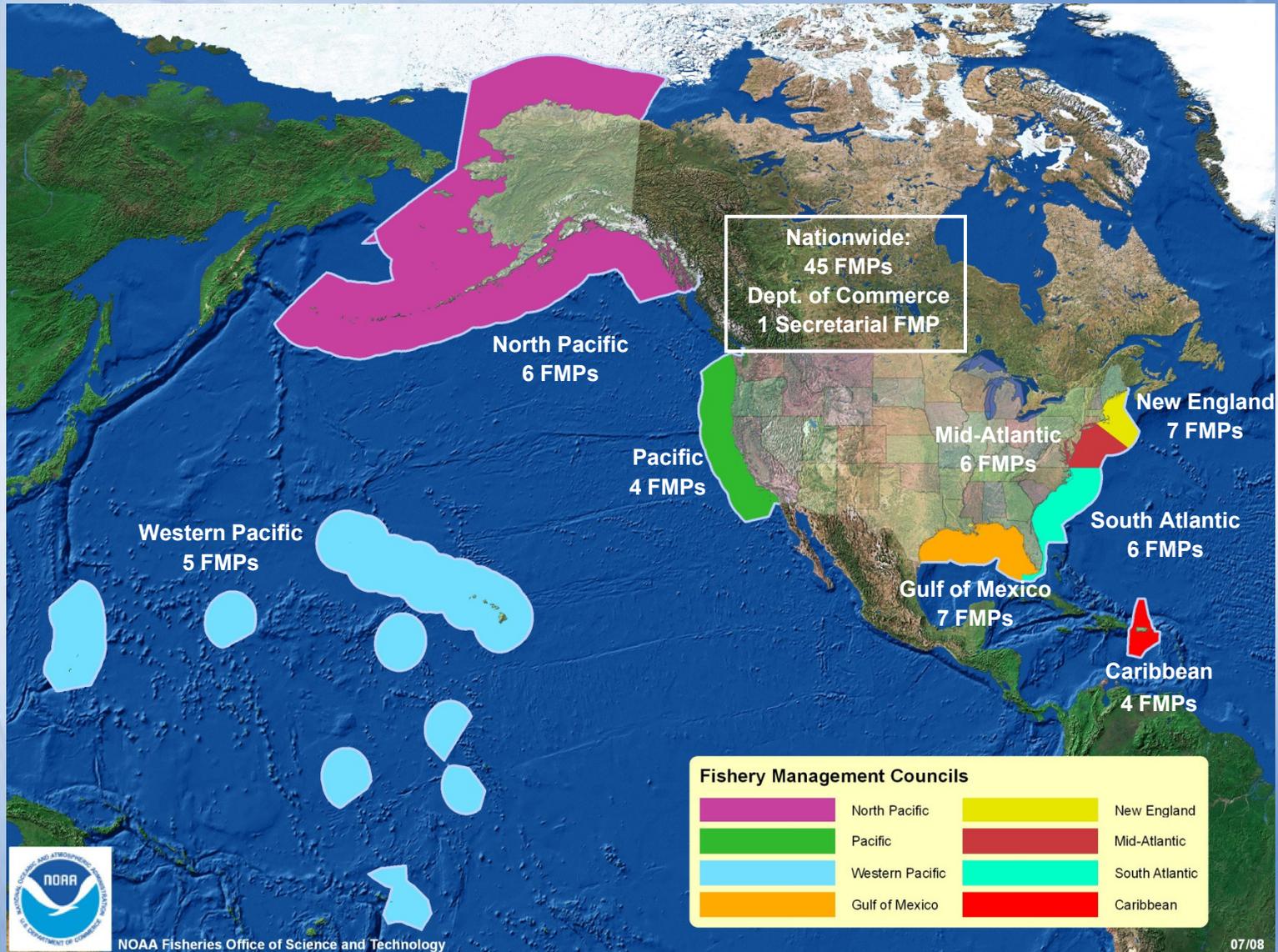


Council Member Orientation
Nov. 29 – Dec. 1, 2011
Silver Spring, MD

Key Learning Objectives

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

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/Monitoring Teams

Advisory Groups

- Advisory Panels
- Stock Assessment Review Teams
- Scientific and Statistical Committee

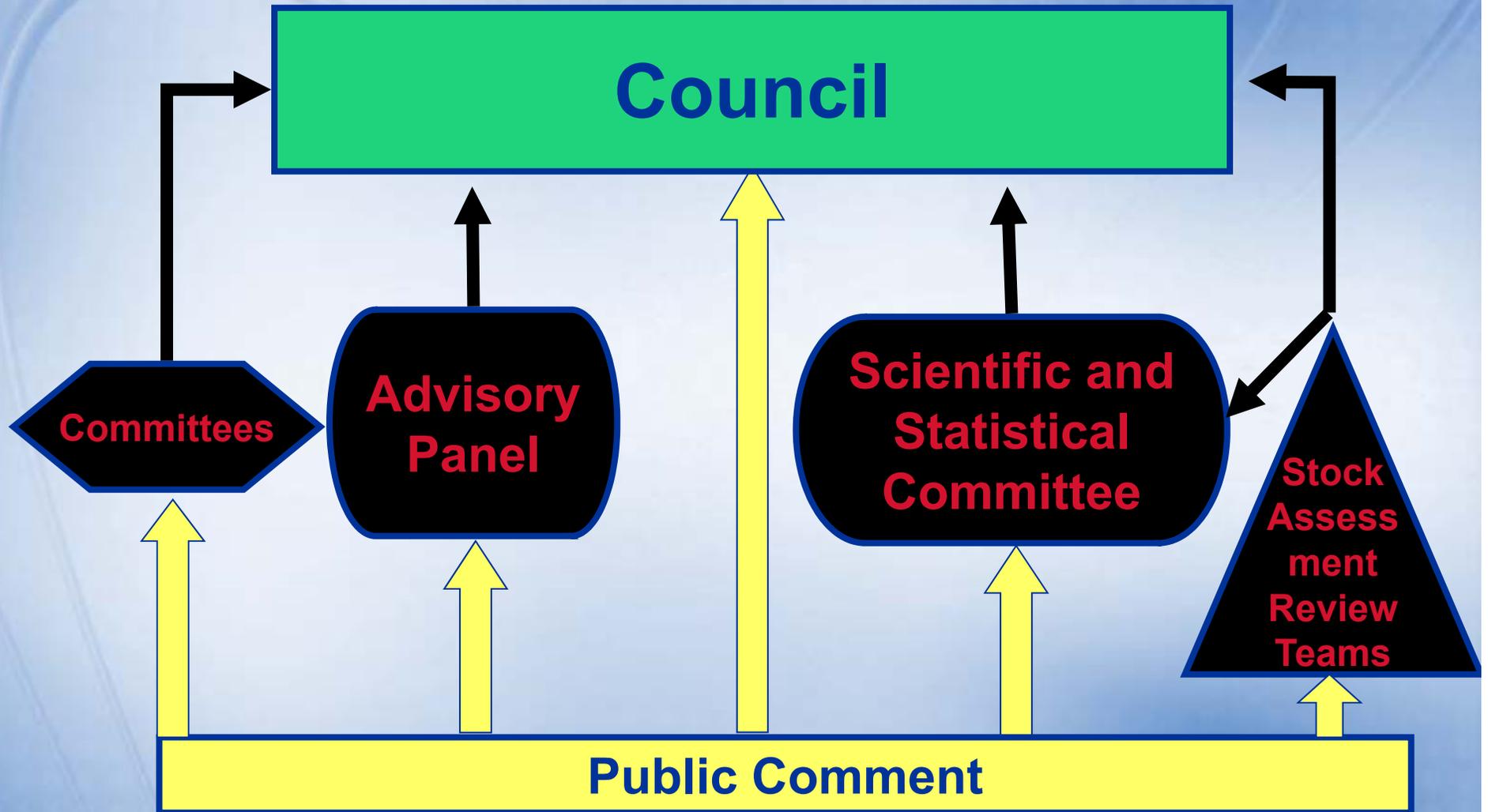


How does your Council use its AP and SSC?

Let's go around the room



Council Structure



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 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



Council Action: Recommending a Management Measure

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



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

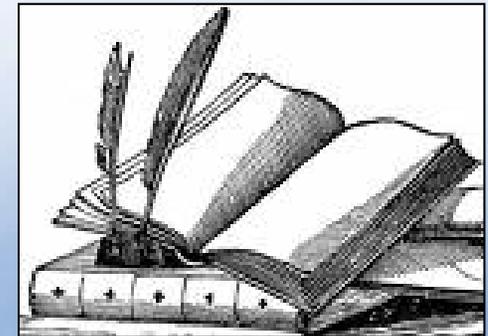
Magnuson-Stevens Act Mandate

Each Council shall:

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

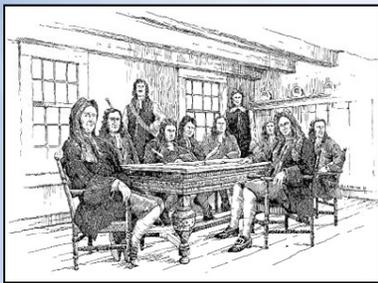
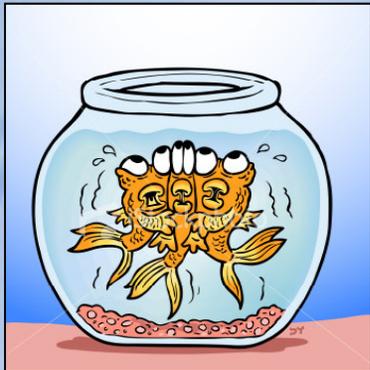
(A) a fishery management plan, and

(B) amendments to each such plan that are necessary

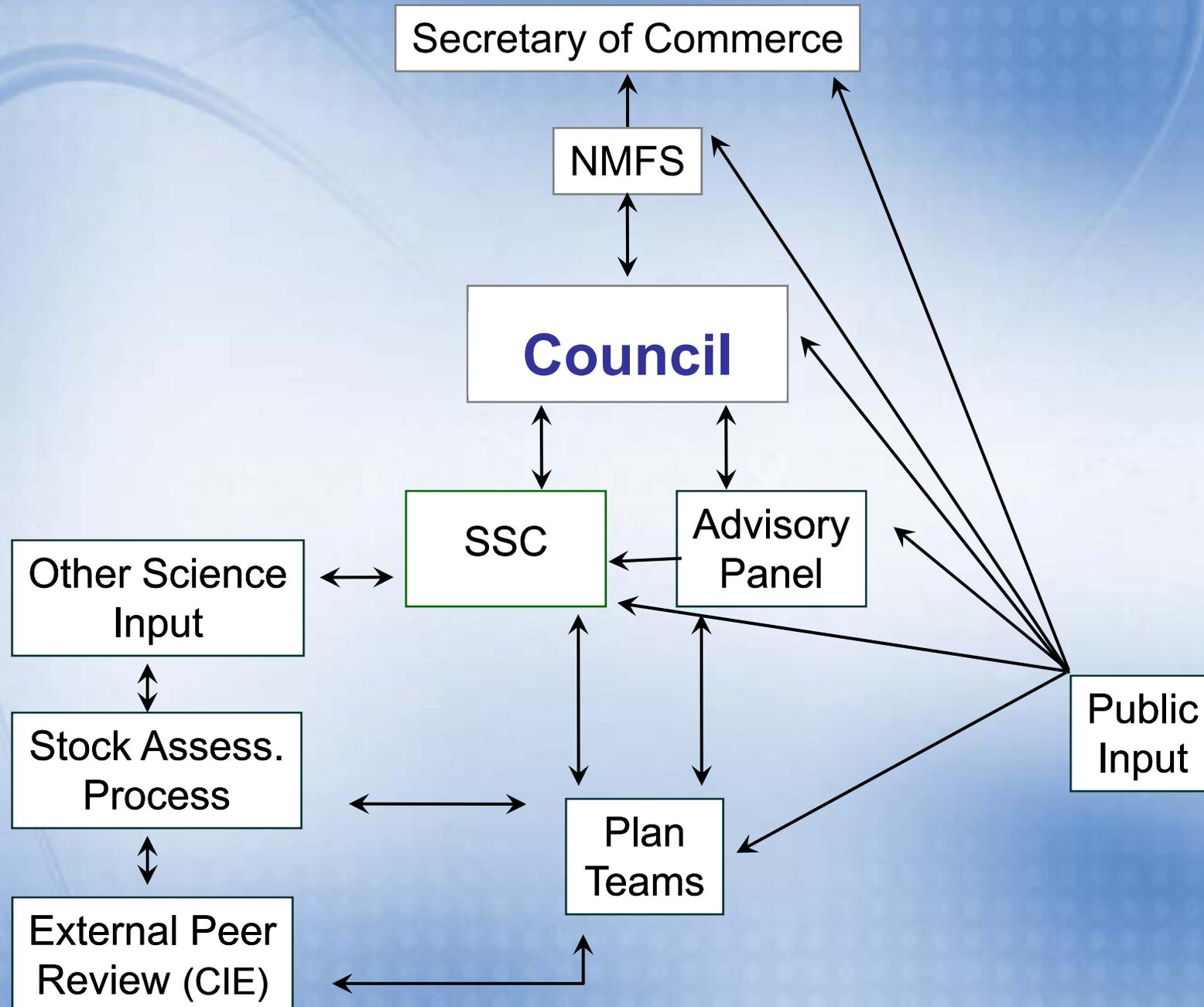


--MSA § 302(h)(1)

The Big Picture



Council Relationships



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**

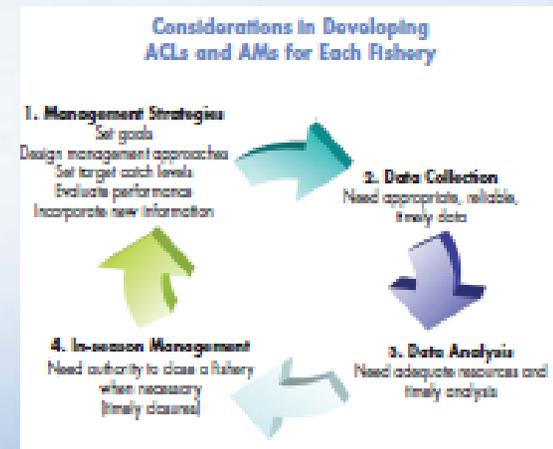
Provisions in the Magnuson-Stevens Reauthorization Act (2006)

1. Heightened Role for SSCs

Definition Framework
 $OFL \geq ABC = ACL \geq TAC$

2. Annual Catch Limits

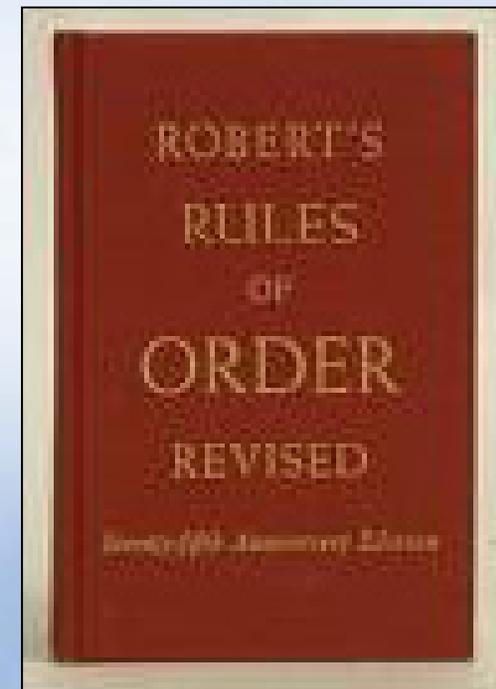
3. Multi-year research priorities



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

2011

WEEK OF

LOCATION

March 7-11

Sea Palms Resort
St. Simons Island, GA

June 13 - 17

Key West Marriott Beachside
Key West, FL

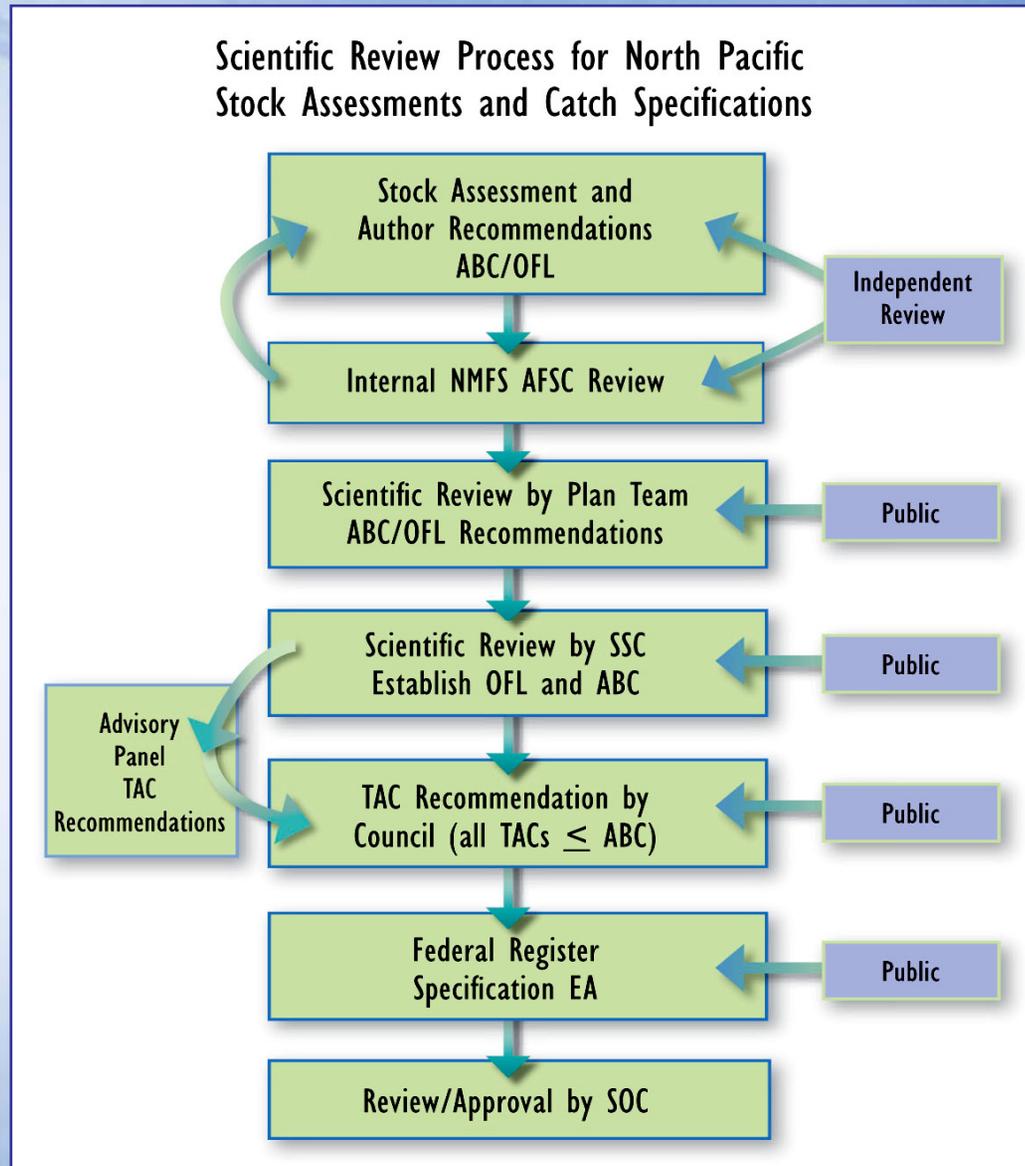
September 12 - 16

The Charleston Marriott Hotel
Charleston, SC

December 5 - 9

Holiday Inn Brownstone Hotel
Raleigh, NC

Ex.: NPFMC Quota Setting 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