

## OFFICE OF THE INSPECTOR GENERAL ACTION PLAN

At the 2013 Interim CCC (CCC) meeting, the National Marine Fisheries Service (NMFS) provided a briefing (<http://tinyurl.com/ckmt6wm>) about the first Office of the Inspector General (OIG) report on Magnuson-Stevens Act (MSA) Rulemaking released, January 16, 2013 (Agenda Item J, Attachment 1). While no written description of an Action Plan in response to the report could be provided at that meeting, the briefing included some verbal description of proposals under consideration.

The Council Coordination Committee (CCC) formed an OIG Report Subcommittee to interact with NMFS to more fully understand and discuss NMFS proposals for an Action Plan response to the six recommendations in the Phase I OIG Report:

1. *Strengthen policy guidance on financial disclosure by Regional Fishery Management Council (RFMC) voting members, with emphasis on how NOAA intends to handle specific consequences for conflicts or potential conflicts it identifies;*
2. *Strengthen processes for formal reviews of financial interest disclosures, considering the time period that the disclosure covers, how financial interest amounts relate to voting restrictions, and when affiliations with outside organizations should be reported;*
3. *Strengthen criteria for identifying conflicts of interest and processes to follow up on any conflicts that are identified;*
4. *Finalize draft Operational Guidelines and provide them to NMFS regional offices;*
5. *Finalize regional operating agreements between NMFS regional offices and RFMCs; and*
6. *Develop uniform procedures for the collection, management, and maintenance of documents supporting decisions and administrative records associated with fishery regulations.*

The CCC's OIG Report Subcommittee is scheduled to meet with NMFS on Monday, May 6, 2013 at 4 p.m. A briefing from the Subcommittee is scheduled to occur under this Agenda Item.

Since the 2013 Interim CCC Meeting, NMFS submitted an Action Plan through the National Oceanic and Atmospheric Administration (NOAA) to the OIG for each of the six items above, which has been accepted by the OIG (Agenda Item J, Attachment 2). All six narratives of action planned or taken include references to Council activities; two of these reference working with Councils in achieving action finality—action plans for OIG recommendations 4 and 5.

Recommendation 4 from the OIG was for NMFS to finalize their Operational Guidelines for fishery management actions. Attachment 3 is an overview document providing a summary of the 1997 Operational Guidelines and the 2005 draft Operational Guidelines. Attachments 4 and 5 are the full versions of the 1997 and draft 2005 documents.

The CCC should consider the results of the OIG Report Subcommittee, discuss all six recommendations from the Phase I OIG Report, and develop recommendations for changes that could improve streamlining and transparency of the fishery management process to address the OIG's recommendations. It is unclear how modifications of the NOAA Action Plan might be

accomplished, if necessary. The CCC should also consider specifically the details of the two action plans calling for NMFS to work closely with the Councils to complete, and develop recommendations to optimize the process and ultimate results.

**CCC Action:**

- 1. Consider report from the CCC Subcommittee and NMFS meeting.**
- 2. Develop recommendations for changes to the NOAA Action Plan on Operational Guidelines.**
- 3. Consider further activity on the January 16, 2013 or future OIG reports.**

**Advance Reference Materials:**

1. Agenda Item J, Attachment 1: NOAA Needs to Continue Streamlining the Rulemaking Process and Improve Transparency and Consistency in Fisheries Management; Final Report No. OIG-13-011-I.
2. Agenda Item J, Attachment 2: NOAA Action Plan and OIG response letter.
3. Agenda Item J, Attachment 3: Overview of 1997 and 2005 NMFS Operational Guidelines for Fishery Management Actions.
4. Agenda Item J, Attachment 4: 1997 Operational Guidelines.
5. Agenda Item J, Attachment 5: 2005 Draft Operational Guidelines.

**Agenda Order:**

1. OIG Subcommittee Report
2. NMFS Reactions
3. Discussion and Action

Subcommittee Chair  
Sam Rauch  
CCC

PFMC  
04/26/13