

Council Process and Development of Fishery Management Plans

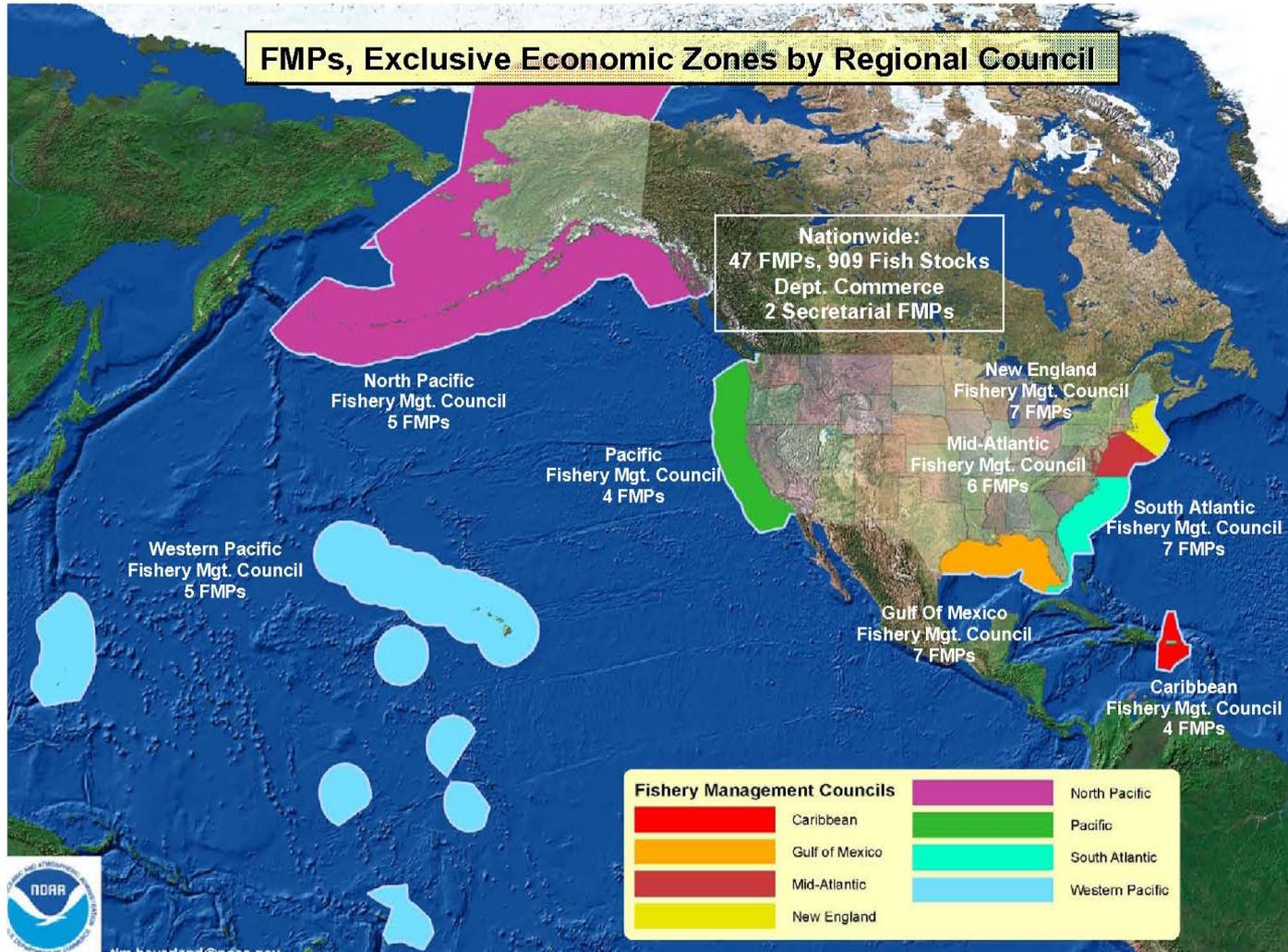


**Council Member
Orientation**

10/21-10/23, 2008

Washington, D.C.

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

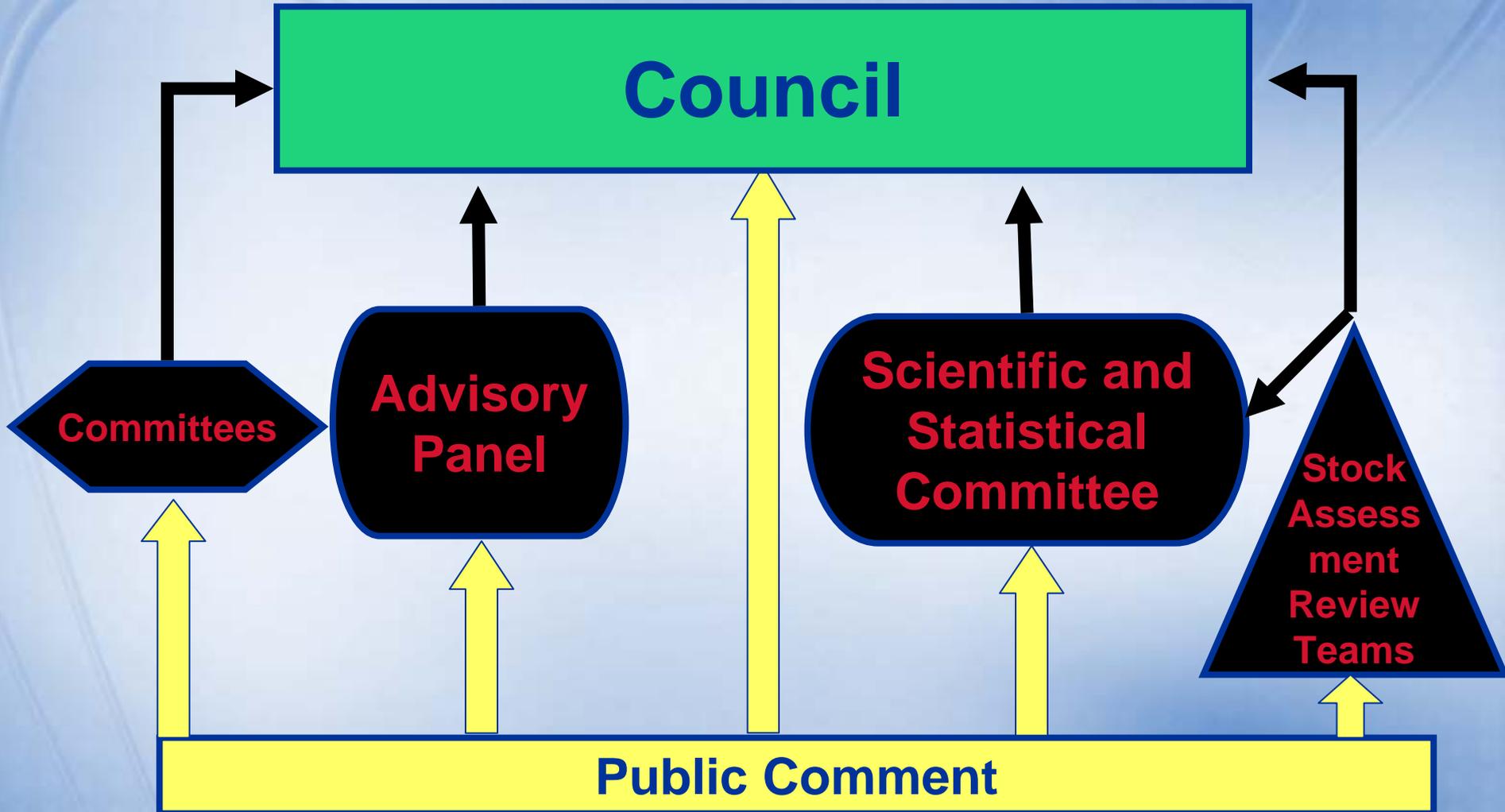
Council Members

- 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 – 17 members
 - 8 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

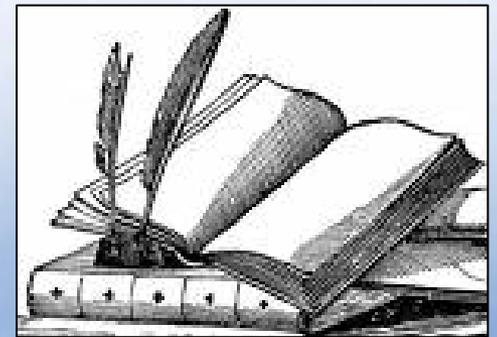
Magnuson-Stevens Act Mandate

Each Council shall:

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

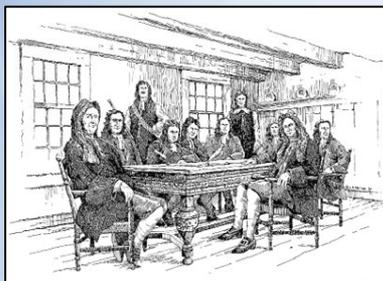
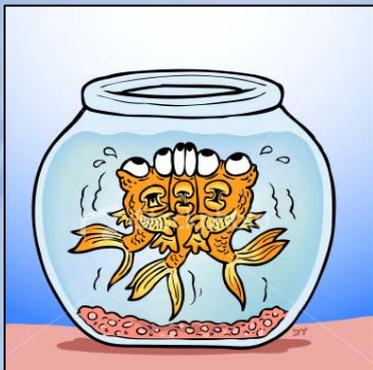
(A) a fishery management plan, and

(B) amendments to each such plan that are necessary

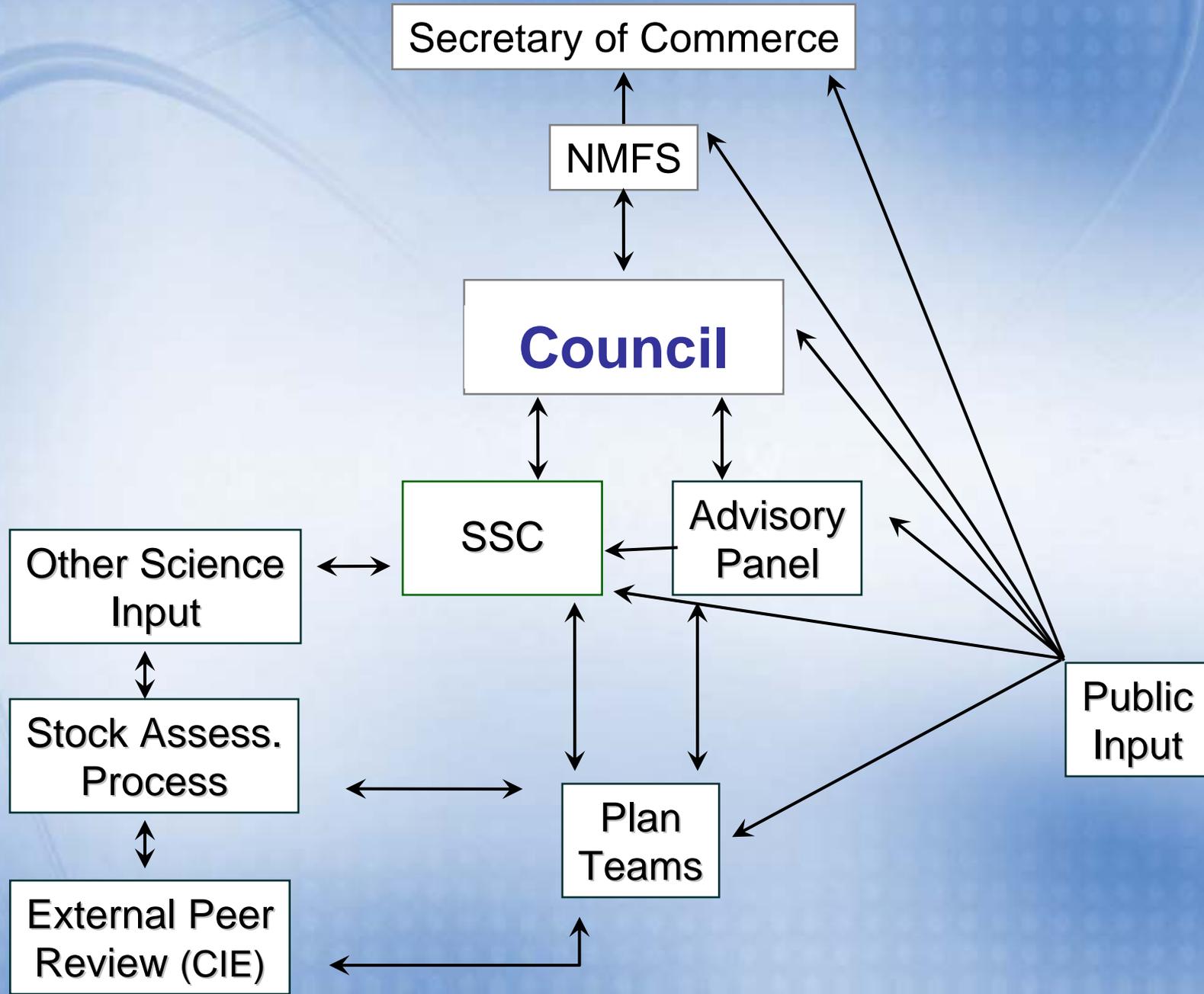


--MSA § 302(h)(1)

The Big Picture

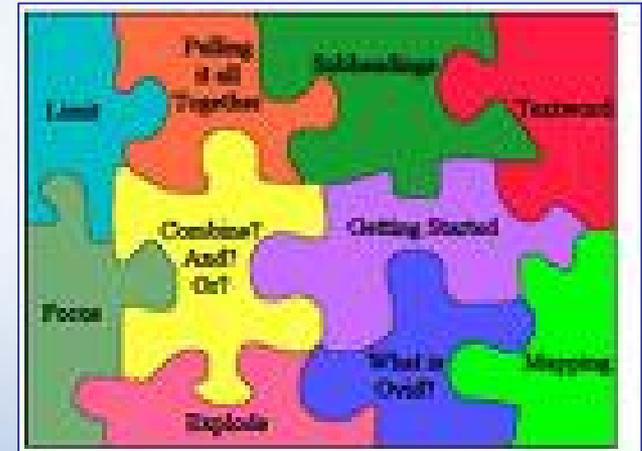


Council Relationships



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**

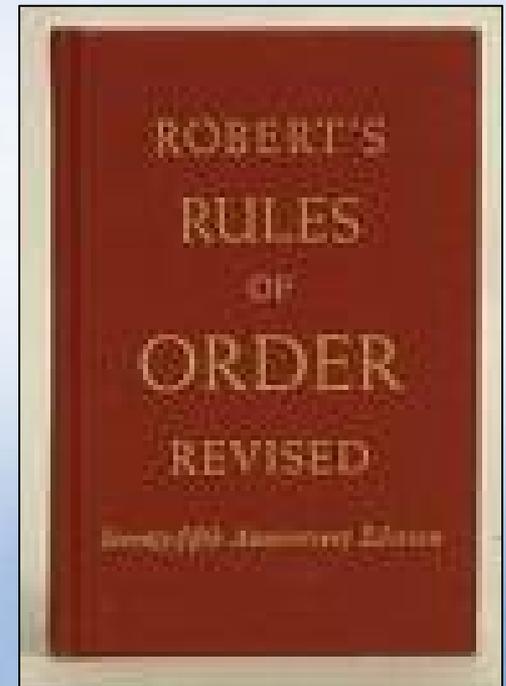
New provisions in the Magnuson-Stevens Reauthorization Act

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

Statement of Organization, Practices, and Procedures

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

- Section 600 Regulations
- Standard Operating Processes and Procedures
- Robert's Rules of Order



Example: PFMC Meeting Schedule

2009

WEEK OF

LOCATION

March 8-13

Seattle Airport Marriott
Seattle, Washington 98188

April 4-9

The Westin San Francisco Airport
Millbrae, CA 94030

June 13-18

Washington, or Oregon

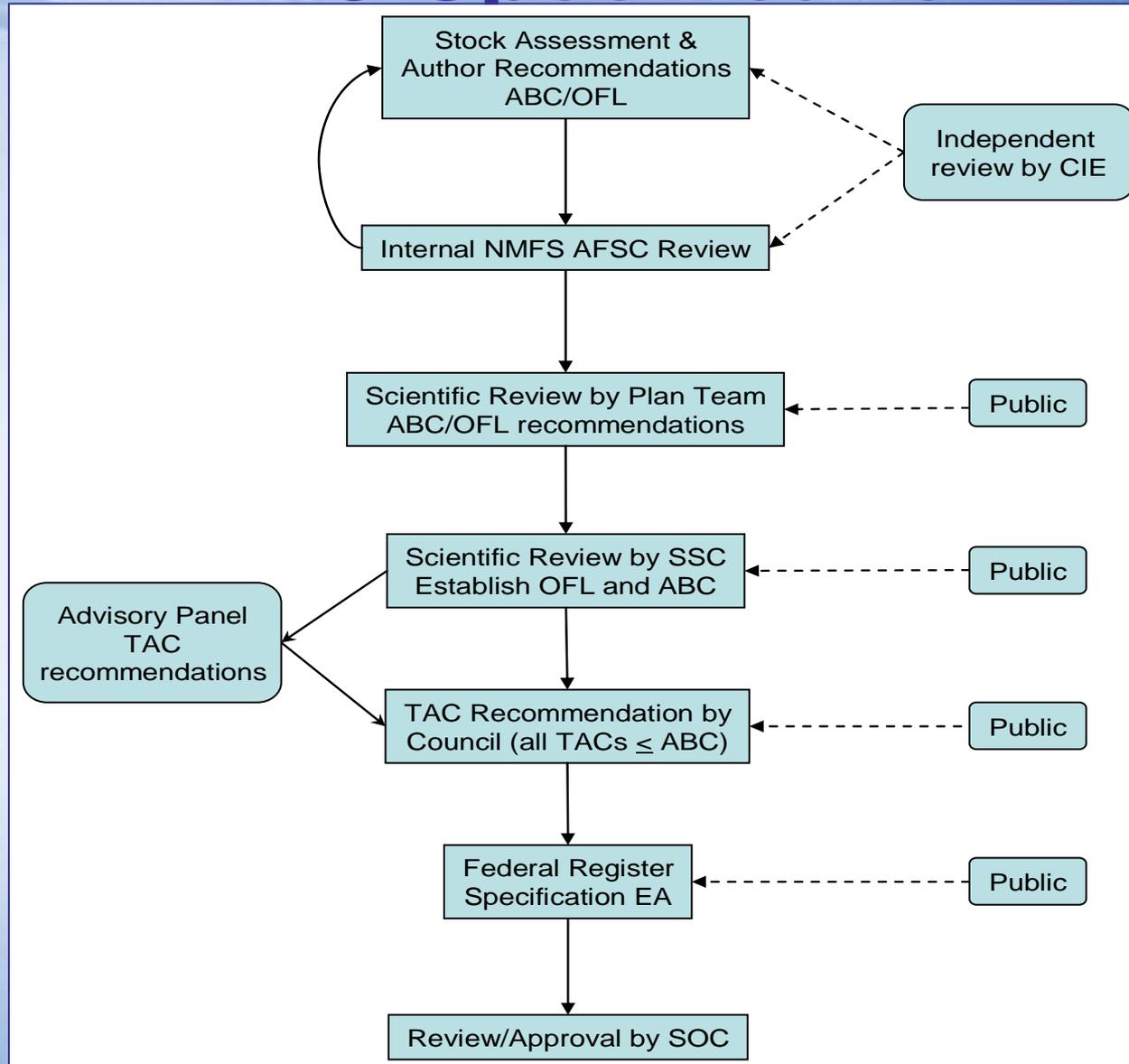
September 12-17

Idaho, California, Oregon, or
Washington

October 31-November 5

Hilton Orange County/Costa Mesa
Costa Mesa, CA 92626

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

- Consider Reasonable Alternatives
- EIS: analysis, public review, 45/90/30 days
- FONSI: record-based determination

ESA

- “No jeopardy” record-based determination
- Timing: consultation = 135 days

RFA

- Consider Economic Impacts and alternatives
- Certification: record-based determination

EO 12866

- Alternatives, Cost-benefit analysis

APA

- 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**