

The Council Process Across Regions: Similarity and Diversity

The purpose of this document is to identify and describe the range of operational attributes and characteristics of the eight regional fishery management councils as described in their responses to the workshop trigger questionnaire. In contrast to other workshop briefing documents, this synthesis does not reflect a “council-by-council” approach and instead focuses on process components without assigning “ownership” to one or another council. The National Operational Guidelines and Best Practices Workshop was hosted by NMFS in 2014.

Public Input, Engagement, and Information

What is the nomenclature of public input? – The channels for public input include general public testimony, and regional and/or topic-focused opportunities including scoping meetings, scoping workshops, public hearings, public comment, and outreach meetings.

The process for soliciting and receiving public input is generally guided and supported by the councils with the exception of formal scoping following a Notice of Intent to draft an EIS, which is more the responsibility of the Agency.

What are the channels and formats for public outreach and input? – Opportunities for in-person input may include council meetings, local hearings and workshops, and advisory body and committee meetings. Councils also solicit and collect input through other media including pamphlets, videos, press releases, direct mail, *Federal Register*, telephone call-in, websites, social media (Facebook and Twitter), webinars, advisory bodies and committees, web-streaming, newsletters, and tablet apps.

Innovation

GMFMC - Amendment Guides are designed in a pamphlet format to provide stakeholders with a brief description of the issue, potential solutions, and a request for input. Online videos are used to reach those who may be unable to attend an in-person scoping workshop or public hearing.

Innovation

WPRFMC - Meetings of the Council and its advisory bodies have been held on weekends and evenings to accommodate fishermen's schedules.

What is the timing of public engagement? – Public engagement may occur only at set points in the process, such as at council meetings, semi-annual hearings, and advisory body and committee meetings; and/or it may occur throughout the process.

What sorts of documents serve as briefing materials? – Councils utilize a wide variety of materials that may

Innovation

SAFMC – We conduct a two-part process. In one room the Council staff makes a presentation on the specific proposed action and then answers any and all questions from the public. Individuals then proceed to the “public hearing” room where they can provide their input in a formal setting chaired by a Council member.

include white papers, discussion papers, advisory body meeting reports, fishery performance reports, agendas, staff memos, published literature, action memos, situation analyses, and public comment summaries.

Innovation

PFMC - We have been taking increasing advantage of webinar technology to allow more and better remote access to advisory body meetings by stakeholders and the public.

In some instances, public comments are summarized by staff. Those summaries are provided to the council, its advisory bodies and committees, and the public.

Council Operations

What is the nomenclature of council operations? – Councils use a variety of processes and resources to support council operations. Examples:

- Processes: Action Schedule, Staff Tasking
- Documents: “Follow-Up” document, Action Memorandum
- Planning bodies: Interdisciplinary Planning Team, Northeast Regional Coordinating Council, Fishery Management Action Team

What triggers council action? – Actions can be triggered by new stock assessments, requests from council members or through public comment, advisory panel recommendations, council staff input, annual review of priorities, NMFS policies and guidelines, and international RFMO developments.

Innovation

GMFMC - The Gulf Council uses the Action Schedule to communicate to the public and Council members when items are anticipated to be completed and when they are finalized. The Action Schedule is a timeline spreadsheet which includes the date of each action’s initiation, and the document version taken to each Council meeting, as well as the timing of public hearings, advisory panel meetings, and scoping workshops.

Innovation

SAFMC - We hold a one-day new council member orientation program in August prior to their first council meeting. Individual staff members make short presentations on the amendments/actions they are working on. This provides an opportunity for the new council members to be “brought up to speed” and for them to meet the staff.

What is the schedule for initiating new actions or analyses? Examples:

- Meeting-by-meeting review
- No set schedule
- Annual prioritization

How are issues prioritized? Examples:

- Council discussion and recommendation
- Council staff’s recommendations to Chair and/or Executive committee
- Annual prioritization with ongoing adjustment

Who reviews the draft agenda prior to publication? - The agenda review process varies by region and may include the Council and Regional office, council Chair and Vice-Chair, council members, Executive Committee, advisory bodies, and the public.

What are the rules for public testimony at council meetings? – The timing of public testimony varies.

Examples:

- 5 minutes at the end of each meeting day
- 4 hours set aside at each meeting
- During most agenda items
- After each motion

Innovation

NPFMC - On a few occasions, when there has been some jockeying to be the last testifier on the list, the chairman has simply started from the bottom of the list and that resolved the problem.

The amount of time allocated to public testimony also varies.

- 3 minutes
- 3 minutes for individuals and 6 minutes for organizations
- 5 minutes for individuals and 10 minutes for organizations

Council Bodies and Organization

What is the nomenclature for council bodies and their organization?

Examples:

- Scientific and Statistical Committees
- Executive and administrative committees
- Advisory panels
- Council committees
- Plan teams, plan development teams, technical/management teams, and other similar groups that vary in name

There is broad diversity in the size, membership, meeting cycles, roles, and responsibilities of advisory bodies across the eight regional councils. A council's organization of advisory bodies is largely reflective of its strategies for engagement of management, scientific, and stakeholder communities, scope of FMPs, geographical attributes of the region, and overall decision-making process.

Innovation

CFMC - We will have special advisory panels that will set priorities and work on Island-Based FMPs for each assigned geographical area. These panels will have representatives from commercial and recreational sectors, NGOs, SERO and CFMC staff, and in coordination with CFMC and SERO staff will prepare the Island-Based FMPs.

Innovation

MAFMC -The Council's advisory panels develop Fishery Performance Reports each year to provide the Council and SSC with an annual description of the factors that influenced fishing effort and catch within each of the Council's fisheries. These reports are intended to summarize fishermen's "on-the-water" perspectives, including information about fishing effort, market trends, and environmental changes, and other factors that may not be fully accounted for in the stock assessment process.

How do advisory bodies provide input to the council? Examples:

- Attendance and participation by advisory panel chairs at council meetings
- Meeting summaries and recommendations provided by council staff
- Advisory body comments and presentations on each agenda item
- Attendance by council members at

advisory body meetings when possible

The amount of direct interaction between councils and their advisory bodies appears to be largely dependent upon the extent to which the council and the advisory bodies meet simultaneously.

Documents

What is the nomenclature of council documents? – Council documents can vary in name, structure, and purpose; including white papers, discussion papers, scoping documents, options papers, purpose and need statements, problem statements, preliminary analyses, and alternatives.

What informs the development of a new action? - New actions may be informed by a variety of sources. Examples:

- Documents: discussion papers, white papers, problem statements
- Input: council and committee input, advisory panel recommendations, ad-hoc committee recommendations

Who develops a statement of purpose and need for an action? Examples:

- Council
- Council staff in coordination with NMFS and NOAA GC
- Action co-leads

The purpose and need statement may be drafted and/or finalized well into the development of an action and as late as at the time of council final action.

Who is responsible for developing the analysis and/or “decision document?” - The name, composition, and responsibilities of these entities may vary. Examples:

- Task Team
- Fishery Management Action Team
- Plan Development Team
- Action Team
- Interdisciplinary Planning Team

In each region, the planning teams are identified and organized by some combination of council leadership (Chair, Executive and Deputy Director), Regional Administrator or Branch Chief, and council and Agency staff.

Who develops the management alternatives? Examples:

- Council staff and/or task team
- Council staff with guidance from the council
- Council with guidance from council and Agency staff

- Council staff in coordination with the Action Team
- IPT
- Multiple input sources

Each of the councils identifies “frontloading the NEPA process” as one of their process objectives.

Innovation

GMFMC – At various stages of review, amendments, framework actions, and fishery management plans are summarized into a guide in order to explain the issues at hand. The issues are also summarized in our online videos and staff presentations during scoping workshops and public hearings. Technical staff at the Gulf Council have been trained in the use of plain language and strive to convey complex information in a clear and easily understandable manner to the Council and public.

Innovation

NPFMC – We use an analytical template that streamlines the preparation of analysis by staff, ensures a comprehensive evaluation of impacts, improves readability by public and decision makers, and may potentially speed review by NOAA GC.

What dynamics of the development and revision of the management alternatives impact the timing and process of decision-making? - Timing and process may be impacted by data availability, addition of new alternatives, significant modification of existing alternatives, expansion of the scope of the action, SSC determination that analysis is inadequate, and the complex or controversial nature of an action.

The use of NEPA, EO 12866, RFA, etc. documents as the basis for council decision-making ranges from full integration of these analyses in the “decision document” to no reliance on these documents for council decision-making.

Most councils use standard templates for many of their decision documents, but very few use a standard template for their executive summaries.

Innovation

SAFMC - We don't call it an “Executive Summary”. We usually use a “reader friendly” template for the Summary. The intent is for the Summary to be written in more public friendly language but timing and workload make this difficult. The Summary forms the base of our Decision Document and the public hearing document.

Through use of their website and other tools, all councils make significant efforts to achieve transparency by making all decision documents available to the public.

Council – NMFS Coordination

Council – Agency coordination and front-loading the process is achieved largely through the processes described for the development of analyses and decision documents.

Who is responsible for council interfacing with outside agencies?

Examples:

- Council Executive Director
- Council Chair
- Lead council and/or NMFS staff

- Regional Office
- Management teams
- Topic-specific advisory panels

Councils generally find that there are very few actions that do not require close coordination with the Agency.

Innovation

MAFMC and NEFMC - The Northeast Region Coordinating Council is unique to the Northeast region. The NRCC is composed of the Chairs and Executive Directors of the Mid-Atlantic and New England Fishery Management Councils, the NERO Regional Administrator, the NEFSC Science and Research Director, the SSC Chairs of the two Councils, and the Executive Director of the ASMFC. The NERO Regional Administrator and the NEFSC Science Director chair the meetings. The NRCC reviews proposed priority actions of the Mid-Atlantic and New England Fishery Management Councils and the ASMFC for the coming year, schedules stock assessments, and helps assess and balance the resources (especially staff resources) needed to complete the actions of both Councils. The NRCC reviews Council Action Plans during priority setting.

What improvements to the council process emerged from the development of regional operating agreements? Examples:

- Improved front-loading, timing, and quality of deliverables
- The IPT process
- Transparency
- Conflict resolution
- Identification of council staff as leads in drafting analyses
- Highlighting of important points of Agency engagement in the council process
- Inclusion of council staff in determining NEPA requirements
- Integration of ESA consultations in the council process
- Consultation with council and staff on issues under legal challenge

Innovation

NPFMC - Joint staff meetings with all Council staff and all staff from the NMFS regional office of sustainable fisheries. These joint staff meetings provide an opportunity to realize that both agencies have the same mission ("produce high quality analyses and regulations in a timely manner"), collaborate and build personal relationships, reduce frustration and build respect, and do some strategic planning to increase efficiencies.

What interactions between the council and the Regional Office support the completion of post-decision documents? Examples:

- Follow-up by the task team
- Input from legal advisor and NEPA coordinator on the IPT
- Coordination between lead council staff and RO plan coordinator
- Feedback from RO to executive director
- Unofficial transmission of document to RO for review
- "Deeming"

What factors require councils to extend the time needed to complete an action for submittal to NMFS? - Factors may include the introduction of new data or legal issues, NEPA requirements for comment periods, delay in availability of data or analyses, prioritization of another issue, indication that council action may not receive secretarial approval, and NEPA document requirements.

Strategic Planning

Innovation

SAFMC - The recent use of informal "port meetings" during the Council's visioning process proved to be very valuable in gathering input and feedback from fishery stakeholders.

Do councils rely on a vision statement or strategic plan to guide long-term goals and work plans? - Councils' reliance on a vision statement and/or strategic plan ranges from very direct and deliberate reliance to none at all.

How does the use of strategic planning impact the timing and substance of the councils' work? How are urgent issues integrated into the process? Examples:

- Strategic plan enables council to incorporate long-term projects into annual plan but is flexible enough to allow response to urgent problems
- Impact of long-term planning is difficult to measure
- Tension between long-term planning and shifting council priorities can result in inefficiency and unresolved issues
- Five-year plan is broad in scope and accommodates a balance of long- and short-term priorities

Innovation

MAFMC - The Council used an innovative approach during the development of its strategic plan. The first phase of planning involved a large-scale stakeholder outreach initiative in which more than 1,500 stakeholders provided input for the plan. While many organizations would have carried out the remainder of planning internally, the Council formed a working group comprised of Council members, regional leadership, and fishery stakeholders to develop the plan in a public, transparent process. This was a more challenging process than it would have been if the plan had been developed internally, but the process ultimately resulted in a strategic plan that reflected the interests and concerns of the Council's stakeholders.