

COUNCIL OPERATING PROCEDURES (COP)

In order to change a COP, the Council should observe the following procedures as indicated in the COP introduction:

“...revisions to a COP may occur through Council review (including advisory body and public input) and adoption. This may occur with proper notice before a Council meeting, or may occur over the course of two Council meetings, with preliminary action at the first meeting and final action at the second. After final Council action the revised COP would enter into effect.”

COP 7 lists membership in the Groundfish Allocation Committee (GAC) as the Council Chair, and one representative each from the state management agencies, National Marine Fisheries Service, and Pacific States Marine Fisheries Commission, with NOAA General Counsel providing legal advice. The Council also established and filled six non-voting seats to advise the GAC on intersector allocation issues relating to development of a trawl individual quota program. The non-voting seats were appointed on an ad hoc basis prior to establishing the GAC as a permanent committee, and the advisors were expected to serve as needed without specified appointment terms. However, when COP 7 was adopted in March 2005 establishing the GAC as a permanent committee, the non-voting advisors were not listed in the GAC membership.

At its September 2005 meeting, the Council proposed to modify COP 7 to give the non-voting members formal membership in the GAC, and to add another non-voting seat representing the whiting trawl sector. Council Staff has developed the following draft language to modify COP 7 for Council consideration:

COMPOSITION

The Groundfish Allocation Committee will be composed of voting members and non-voting members. Voting members will include the Council Chair, and one representative each from Washington, Oregon, and California ~~the state~~ management agencies, National Marine Fisheries Service, and Pacific States Marine Fisheries Commission. Non-voting members will include one advisor representing each of the following fishery sectors: non-whiting trawl, whiting trawl, open access, fixed gear, recreational, processor, and conservation. NOAA General Counsel will provide legal advice.

These changes would have non-voting members as well as voting members serve indefinite terms.

The Council is scheduled to fill the non-voting advisor representing the whiting sector at this meeting, pending approval of the proposed COP changes.

At the March 2005 Council meeting modifications or replacements for most COPs were adopted. One exception was COP 14, Documentation of Outside Agreements (Agenda Item B.1.a, Attachment 1). The Council requested more time to review the COP, in particular points 3 and 4 under the Required Documentation section.

Council Action:

1. Consider proposed changes to COP 7.
2. Consider changes to COP 14

Reference Materials:

1. Agenda Item B.1.a, Attachment 1: COP 14 Documentation of Outside Agreements.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Changes to COP 7 (Groundfish Allocation Committee) and COP 14 (Documentation of Outside Agreements)

Don McIsaac

PFMC
10/17/05

COUNCIL OPERATING PROCEDURE

Documentation of Outside Agreements

Approved by Council: 01/14/88

Revised: 04/06/95, **09/17/04**

14

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, **reverse shaded** text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

Some ~~harvest~~ management recommendations adopted by the Council are the result of joint recommendations or agreements among stakeholders ~~users~~ and managers developed outside the direct Council process (e.g., Klamath Fishery Management Council and north of Cape Falcon ~~stakeholder~~~~users~~ and agency meetings). The results of these meetings and specific agreements need to be clearly documented to guide the Council in its preseason deliberations, to assure management intent is not subverted by inseason action, and to allow for participation and understanding by interested or affected persons. Guidelines presented below are provided to assure a clear and sound basis for the Council's management recommendations and to allow for an accurate assessment of the effectiveness of the Council in meeting management objectives.

REQUIRED DOCUMENTATION

The Council requests documentation of all management recommendations brought before it which represent positions or agreements arrived at in joint agency and ~~stakeholders~~~~users~~ meetings outside the Council's scheduled advisor meetings or public hearings. The Council suggests that one participating agency act as lead agency to document the meeting. Where possible, Council staff will be available to assist the lead agency in this task. The following information should be documented:

1. Date, location, and purpose of the meeting.
2. Meeting participants (indicate designated agency and user group representatives).
3. Identify any affected parties not represented at the meeting.
4. Summarize any consensus or agreement reached at the meeting and/or indicate majority and minority opinions. List specific recommendations to the Council which result from this meeting and the rationale for the recommendations, including compliance with approved management plans and agreements previously available for Council review.
5. Provide a copy of any signed or draft agreement resulting from this meeting that affects Council management.

6. Identify pertinent technical modeling used to arrive at decisions in this meeting and describe coordination with or review by the pertinent Council advisory body ~~Salmon Technical Team~~. Only technical data or models previously recognized by the appropriate entities of the Council, ~~or~~ Pacific Salmon Commission or similar management authority should be utilized.

This information should be available to the Council in writing before the time it is discussed at a Council meeting and will be incorporated in the Council meeting record.

Management recommendations from outside meetings and agreements which become part of the Council's recommended ocean salmon management are evaluated by the Salmon Technical Team in its annual post season review.