

## REGIONAL OPERATING AGREEMENT

In January 2013, the Department of Commerce, Office of Inspector General (OIG), issued a final report addressing streamlining the rulemaking process for fisheries management and improving the transparency and consistency in fisheries management. The report included a recommendation that National Marine Fisheries Service (NMFS) finalize regional operating agreements (ROAs) between NMFS regional offices and Councils. The primary purpose of an ROA is to provide a clear understanding of roles, responsibilities, and obligations between Councils and NMFS regional offices.

The NMFS Action Plan developed in response to the OIG's report committed to submitting approved ROAs that identify the current roles and responsibilities of NMFS and the Council, communication protocols, and process for working together during the development of fishery management plans, amendments, and regulations, including discussion of how roles, responsibilities, and milestones are set and communicated for specific actions. The intent of the Action Plan response was to allow each Region-Council pair to continue using the existing systems and protocols that they had developed to coordinate their work, but to document those existing mechanisms to ensure that the various roles and responsibilities, communication protocols, and processes for working together were clearly understood and communicated. Where appropriate, the documentation should also explain how these systems operate in context of the open, public Council process.

The Action Plan committed NMFS to working with each Council to prepare draft ROAs for Council review and signature by December 31, 2013.

At its September 2013 meeting, the Council received a draft ROA documenting NMFS roles and responsibilities, but without concomitant sections for the Council. Since that time, Council staff has added a description of Council roles and responsibilities documenting current processes and procedures (Agenda Item I.1.a, Attachment 1) and made other miscellaneous edits to the document. At the time of the advance briefing book deadline, NMFS had not had the opportunity to review these draft changes due to the Federal employee furlough.

### **Council Action:**

- 1. Review and provide guidance on Draft ROA.**
- 2. Consider approval of Draft ROA.**

### **Reference Materials:**

1. Agenda Item I.1.a, Attachment 1: Draft Operating Agreement Among the Pacific Fishery Management Council; NOAA Fisheries Service West Coast Regional Office; NOAA Fisheries Service Northwest Fisheries Science Center; NOAA Fisheries Service Southwest Fisheries Science Center; NOAA Fisheries Service Office of Law Enforcement, Northwest; NOAA Fisheries Service Office of Law Enforcement, Southwest; NOAA General Counsel, Northwest Section; and NOAA General Counsel, Southwest Section

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt Regional Operating Agreement between Pacific Council and National Marine Fisheries Service

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PFMC

10/10/13