

STATUS REPORT ON DRAFT REGIONAL OPERATING AGREEMENTS FOR REGULATORY STREAMLINING

At their November 2005 meeting the Council was briefed on the draft Operational Guidelines for Development and Implementation of Fishery Management Actions. In a cover memo, William Hogarth, Assistant Administrator for Fisheries, requested Regional Fishery Management Councils (RFMCs) and National Marine Fisheries Service (NMFS) Regions to develop written Regional Operating Agreements (ROAs) that specify agency and Council responsibilities and steps that will be taken to prepare documentation for fisheries conservation and management decisions. He also requested RFMCs and NMFS Regions apply the model process described in the August 23, 2005, draft Operational Guidelines (Agenda Item B.3.a, Attachment 1) to fishery management actions on a test basis. In response, the Council tasked staff with developing a draft ROA with NMFS Southwest and Northwest Regions. They also discussed two future actions as potential “test case” candidates for applying the Operational Guidelines model process: (1) Amendment 15 to the Salmon FMP (Klamath fall Chinook escapement objective) and (2) establishing a limited access (license) program for the groundfish open access sector, and tasked Council staff with further development of the two test cases.

Over the winter the Pacific Fishery Management Council (Council) Executive Director, Northwest Region and Southwest Region Southwest Fisheries Division Assistant Administrators, and associated staffs have discussed initial development of a draft ROA and two fishery management actions that would provide information key to finalizing a functional ROA. However, of the two test case actions identified by the Council, the workgroup recommended replacing the Salmon FMP amendment process, which has already been initiated, with Council decision making on the Pacific mackerel harvest guideline. This would provide for two divergent cases: a minor regulatory action (Pacific mackerel harvest guideline) and a major amendment to an FMP (a limitation program for the open access groundfish fishery).

Attachment 2 is a draft conceptual document that could be used to develop an ROA between the Council and relevant components of NMFS. Based on staff discussions, the intention is to develop a draft ROA (which would more fully specify the roles and responsibilities of all parties to the agreement) for review at the June Council meeting. For comparison, Agenda Item B.3.a, Attachment 3 is a completed ROA between the South Atlantic Fishery Management Council, the Southeast Regional Office, Southeast Fisheries Science Center, and Southeast Region General Counsel.

The concept paper (Agenda Item B.3.a, Attachment 2) distinguishes between minor fishery management actions and major fishery management actions and describes processes related to each. Council action on the Pacific mackerel harvest guideline would be considered a minor fishery management action based on the criteria in the concept paper; Agenda Item B.3.a, Attachment 4 describes the current and proposed process for adopting the harvest guideline in the context of regulatory streamlining. Further detail for the groundfish license limitation action, including a draft Action Plan, would be provided in June 2006 for Council review and discussion, since initial action is planned for that meeting.

Council Task:

1. Provide Guidance on Elements to be Included in a Regional Operating Agreement.

Reference Materials:

1. Agenda Item B.3.a, Attachment 1: Draft Operational Guidelines for Development and Implementation of Fishery Management Actions
2. Agenda Item B.3.a, Attachment 2: Concepts for an Operating Agreement between the Pacific Fishery Management Council and NOAA Fisheries
3. Agenda Item B.3.a, Attachment 3: Operating Agreement Between the South Atlantic Fishery Management Council, NOAA National Marine Fisheries Service Southeast Regional Office, NOAA National Marine Fisheries Service Southeast Fisheries Science Center, and NOAA General Counsel, Southeast Region
4. Agenda Item B.3.a, Attachment 4: Description of the Process for Adopting the Pacific Mackerel Pacific Mackerel Harvest Guideline

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion

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