

## PROPOSED RULE ON COUNCIL OPERATIONS

The reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in 2007 made several changes which affect operations and procedures of the Regional Fishery Management Councils (RFMCs). The National Marine Fisheries Service (NMFS) issued a proposed rule near the end of March which puts these changes into regulatory guidelines for the RFMCs (50 CFR Part 600). The Council should review the proposed changes and provide any comments to NMFS by the deadline of July 6, 2009 (we expect the deadline to be extended to near the end of July).

Council staff has reviewed the proposed regulations and provided a brief summary of the actions and proposed comments where appropriate (Attachment 1). The full body of the proposed regulations is contained in 74 FR 13386, March 27, 2009 (Attachment 2). Most of the proposed regulations simply codify the MSA requirements and closely follow the language in the MSA. Some of the changes update previous regulations.

In addition to the proposed regulations, NMFS has also requested input on the payment of stipends to the Scientific and Statistical Committees (SSC) and advisory panels. The reauthorized MSA contains language authorizing such payments to SSC and advisory panel members who are not employed by the Federal Government or a State marine fisheries agency, subject to availability of appropriations. NMFS seeks input on the amount and frequency of payments, what criteria must be satisfied for one to qualify for the stipend, and what priority should be given to the payment of stipends relative to the Council's other financial obligations (Attachment 2, page 13387). Until NMFS reviews this input and proposes further regulations, there is no standard guidance on how to administer stipends.

A proposed draft response letter for Council review and approval will be provided in Supplemental Attachment 3 at the meeting.

### **Council Action:**

- 1. Review the proposed changes to the regulations that address the operations and administration of regional fishery management councils and the request for input on the issue of paying stipends to SSCs and advisory panels.**
- 2. Review the staff comments and proposed draft response.**
- 3. Approve a final response to NMFS.**

### **Reference Materials:**

1. Agenda Item G.3.a, Attachment 1: Staff Comments on Proposed Changes to Regulations that Address the Operations and Administration of Regional Fishery Management Councils.
2. Agenda Item G.3.a, Attachment 2: Federal Register Notice Proposing Changes in Council Operations and Administration (74 FR 13386, March 27, 2009).
3. Agenda Item G.3.a, Supplemental Attachment 3: Proposed Draft Response Letter to NMFS Regarding Council Operations.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Provide Comments on the Proposed Rule

John Coon

PFMC  
05/29/09