

Presentation for Tribal Consultation Meeting: Council Process

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Who Manages What Fisheries off Alaska?

	North Pacific Fishery Management Council	National Marine Fisheries Service	Alaska Board of Fisheries/ Alaska Dept. Fish & Game	International Pacific Halibut Commission
Groundfish (pollock, cod, flatfish, etc.)	Policy decisions: allocations & conservation	Implements Federal regulations	Some state fisheries (0-3)	
Crabs (king, snow, Tanner crabs)	Bering Sea fisheries – joint management	Bering Sea fisheries – implements regulations	State & Jointly managed fisheries	
Scallops	License limits	Implements License regulations	Fishery mgmt.	
Halibut	Allocation off AK	Implements regulations		Conservation; sets area catch limits
Herring			Fishery mgmt.	
Salmon			Fishery mgmt.	
Others (shrimp, urchins, etc.)			Fishery mgmt.	

Groundfish management means...

- Harvest limits
- Allocations
- Bycatch management (e.g., salmon, halibut, etc)
- Habitat protection (protecting the habitat from these fisheries)
- Protected species (protecting particular species from these fisheries, e.g., SSL)

Who does what?

- Propose changes - Public & stakeholders identify management or conservation issues and concerns to the Council; provide input for proposed change
- Policy Development —Council is guided by AP, SSC, public comment, NMFS, NOAA General Counsel. (Key phase to provide feedback.)
- Analyses—Council staff, NMFS, or contractor, depending on issues and work load.
- Regulations—NMFS Alaska Region staff in consultation with the Council, NOAA Enforcement, ADF&G, U.S. Coast Guard and NOAA General Counsel.
- Tribal consultation—NMFS, on behalf of Secretary of Commerce.

Council membership

Dictated by Magnuson-Stevens Act (15 members):

11 Voting members:

- Commissioner of ADF&G
- Director of WA Dept of Fish & Wildlife
- Director of OR Dept of Fish & Wildlife
- Regional Administrator of NMFS
- 7 private citizens familiar with fishing industry, marine conservation or both. 5 from AK and 2 from WA, nominated by Governors and appointed by SOC.

4 Non-voting members: PSFMC, USFWS, US
Dept of State, USCG

Council meeting schedule

5 meetings per year; 9 days each

Typically the first week of Feb, April, June, Oct, and Dec

Locations are typically:

- 3 in Anchorage
- 1 in AK fishing community (e.g., Dutch Harbor, Kodiak, Sitka)
- 1 in Portland, OR or Seattle, WA

2010 Council meeting schedule

- December 7 – 15, 2009: Anchorage
- February 8 – 16, 2010: Portland, OR
- April 6 – 14, 2010: Anchorage
- June 7 – 15, 2010: Sitka
- October 4 – 12, 2010: Anchorage
- December 6 – 14, 2010: Anchorage

Council Decision Process

- Proposal presented to Council from public or stakeholder group
- Council consideration for analysis based on need and competing workload priorities
- Council initiates analysis of alternatives and options

Council Decision Process (cont.)

Council analyses are reviewed by:

- Public

There are opportunities for public input into the process at each step, with several formal solicitations for public comment.

- Advisory Panel (AP)

- Science & Statistical Committee (SSC)

Recommendations from AP and SSC are provided to Council during its review.

Council Decision Process *(cont.)*

Stages of analysis:

- Initial review analysis (further refines alternatives if necessary)
- Public review draft analysis
- Final council decision (selection of preferred alternative)

At each stage of analysis, public input can be provided in writing prior to the meeting or in person during the meeting at which the Council reviews the issue.

Other ways to participate

- Submit a proposal to the Council (during staff tasking at any meeting)
- Sign up to receive Council newsletter (email or mail)
- Be aware of opportunities to serve on a Council committee
- Look for opportunity to serve on the AP
- Contact a Council member or staff
- Participate in rural community outreach committee

Rural Community Outreach: Background

- One of Council's programmatic workplan priorities is to improve community and AK Native outreach and communications
- Separate from NMFS tribal consultation responsibility under E.O. 13175
- Pilot outreach plans:
 - Arctic FMP
 - Bering Sea Chinook bycatch
- Council solicited membership for standing committee (Rural Community Outreach Committee) in spring 2009

Rural Community Outreach: Committee

- Committee first convened in August 2009
- Committee membership:
 - 5 public & 2 Council members
 - Members' experience & expertise is in outreach in rural AK.
- Purpose of committee is three-fold:
 - To advise Council on how to provide opportunities for better understanding & participation from AK Native & rural communities
 - To provide feedback on community impacts sections of analyses
 - To provide recommendations on which Council actions need targeted outreach plans, beyond that of the normal Council process

Rural Community Outreach: Next Steps

Council reviewed committee report in Oct 09, & approved committee recommendations related to:

- Improving outreach on three levels (statewide, regional, and project-specific)
- Audio streaming of Council meetings (tested during Oct meeting)
- Re-designing Council website & including rural community issues component
- Developing a targeted outreach plan for the proposed Bering Sea chum salmon bycatch action, likely to include outreach meetings in rural AK in early 2011

Rural Community Outreach: Next Steps cont'd...

- Developing a regional partnership approach in rural communities and an educational workshop on Council process and projects
- Developing calendar of regional meetings for Council & public use
- **Next committee meeting on November 20, by teleconference: (907) 271-2896. Agenda is posted on Council website.**

How to provide public input to the Council

- **Write a letter to the Council.** Send letters by mail or fax to:
North Pacific Fishery Management Council
605 W 4th Ave Suite 306
Anchorage, AK 99501
Fax: (907) 271-2817; Phone: (907) 271-2809
- **Testify at a Council meeting** when the Council will discuss a particular action. Each agenda is posted on the Council website the month before the Council meeting. You may send a letter by mail or fax to the address above. If sent at least a week prior to the meeting, your letter will be in the Council notebooks.
- Check the Council website below, or contact us to find out about upcoming agenda items in December 2009, and February, April, June, October, and December 2010.
Council website: <http://www.alaskafisheries.noaa.gov/npfmc>

Tribal Consultation Requirements

Sally Bibb,
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Tribal Consultation Requirements and Policies

- Memorandum from President (1994)
- Department of Commerce Policy (1995)
- Executive Order 13175 (November 2000)
- Additional requirements related to Alaska Native Corporations (2005)
- Memorandum from President (2009)

Memorandum from President (1994)

- Regarding government-to-government relations
- Each agency shall consult, to the greatest extent practicable...with tribal governments prior to taking actions that affect federally recognized tribal governments.
- All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.

Dept. of Commerce (1995)

- DOC's American Indian and Alaska Native Policy Statement
- Ten principles to be followed in all DOC interactions with American Indian and Alaska Native tribal governments
- DOC recognizes its trust responsibility and will consult and work with tribal governments before making decisions or implementing policy, regulations, or legislation that will affect tribal governments; their development efforts, and their lands and resources.

E.O. 13175 (2000)

- E.O. is a requirement for federal agencies
 - Supplemental to 1994 memorandum
 - Applies to policies that have tribal implications, including
 - Regulations, legislation, policy statements, or actions that have substantial direct effects on tribes
 - On relationship between Federal govt and tribes, or
 - On the distribution of power and responsibilities

E.O. 13175 (cont.)

■ Purpose

- To establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications,
- to strengthen government-to-government relations with tribes
- To reduce the imposition of unfunded mandates on the tribes

E.O. 13175 (cont)

- E.O. directs agencies to have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.

E.O. 13175 (cont)

- To the extent practicable, no agency shall promulgate any regulation that has tribal implications...unless...prior to publishing proposed rule the agency consulted with tribal officials early in the process of developing the proposed regulation.
 - *Policy recommendations about fishery regulations are developed by the Council, so consultation with NMFS is much more effective if it occurs while an issue is still under consideration by the Council.*

Alaska Native Corporations

- Required in the Consolidated Appropriations Acts of 2004 and 2005
- Extends consultation requirements of E.O. 13175 to Alaska Native corporations
- “All Federal agencies shall consult with Alaska Native corporations on the same basis as Indian tribes under E.O. 13175.”

Memorandum from President (2009)

- Issued November 5, 2009, at White House Tribal Nations Conference
- Reaffirms consultation requirements of E.O. 13175
- Within 90 days, each agency will prepare plan of actions it will take to implement E.O. 13175
- Must consult with tribes to develop action plan
- Progress reports must be submitted to OMB

NMFS Alaska Region Tribal Consultation

- Marine Mammals – consultation generally occurs as part of co-management agreements under the MMPA
- Halibut Subsistence – AK Native Subsistence Halibut Working Group
- Other fisheries management and habitat protection issues
 - *This last category is primarily where we are seeking recommendations for improvements*