

Navigating the Council Process

A Guide to the Gulf of Mexico Fishery Management Council



This document may be cited in the following manner:

Gulf of Mexico Fishery Management Council. 2018 (fourth edition).
Navigating the Council Process.

Gulf of Mexico Fishery Management Council
4107 West Spruce Street
Suite 200
Tampa, FL 33607

This document is published by the Gulf of Mexico Fishery Management Council pursuant to National Oceanic and Atmospheric Administration Award NA10NMF4410011.

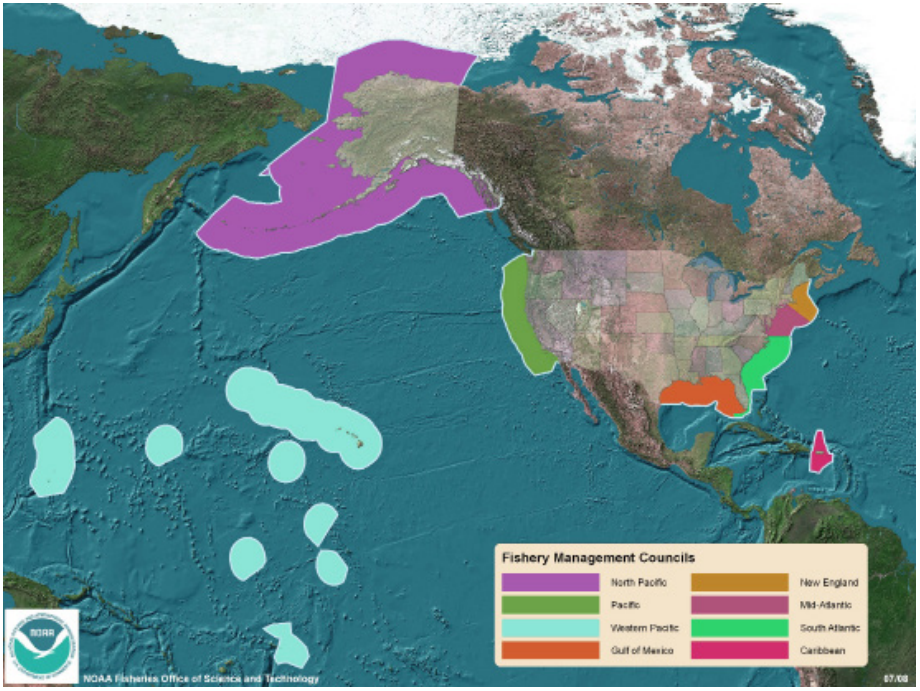
FOR MORE INFORMATION CALL: 888-833-1844 or 813-348-1630

Table of Contents

What is the Gulf of Mexico Fishery Management Council?	4
Laws Governing Fishery Management in the United States	6
National Standards of the Magnuson-Stevens Act	7
Who's in Charge?	8
The Process	11
Meeting Logistics	16
Get Involved	18
Reference Desk	22
Important Phone Numbers	23

What is the Gulf of Mexico Fishery Management Council?

The Gulf of Mexico Fishery Management Council is one of eight regional Fishery Management Councils in the United States that make fishery management recommendations to NOAA Fisheries Service.

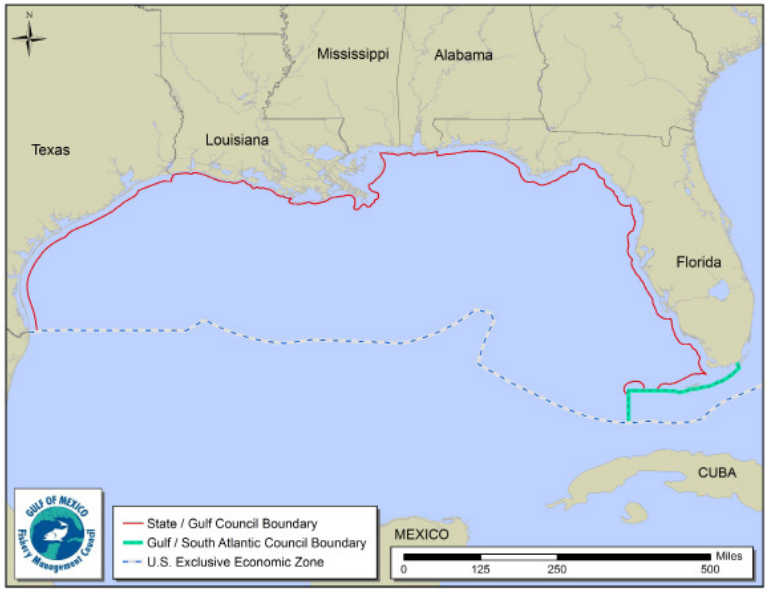


The Council balances competing interests to make fishery management recommendations using scientific advice from NOAA Fisheries Service and public opinion. The Council's recommendations aim to achieve the greatest overall benefit to the nation consistent with the ten national standards laid out by the Magnuson-Stevens Act.

The Gulf Council manages reef fish, shrimp, spiny lobster, coastal migratory pelagics, corals, essential fish habitat, and red drum.



The Council's jurisdiction (federal waters) extends from three to 200 miles off the coasts of Louisiana, Mississippi, and Alabama, and nine to 200 miles off Texas and the west coast of Florida.



Laws Governing Federal Fishery Management in the United States

The Magnuson-Stevens Act

The Magnuson-Stevens Act is the main federal law managing living marine resources in the United States. In addition to creating the National Standards of Fishery Management, the Act:

- Creates the regional fishery management Council system
- Extends control of U.S. waters to 200 miles offshore
- Prohibits foreign fishing
- Ensures that overfished stocks are rebuilt in a timely manner
- Protects essential fish habitat
- Mandates the use of annual catch limits and accountability measures to end overfishing
- Allows for market-based fishery management through limited access programs

Other National Laws Affecting Fishery Management:

- National Environmental Policy Act (NEPA)
- Marine Mammal Protection Act (MMPA)
- Endangered Species Act
- Coastal Zone Management Act
- National Marine Sanctuaries Act

International Agreements and Organizations Affecting Fishery Management:

- International Convention for the Conservation of Atlantic Tunas
- Inter-American Tropical Tuna Commission
- The United Nation's Code of Conduct for Responsible Fisheries

National Standards of the Magnuson-Stevens Act

Conservation and management measures shall:

(1) Prevent overfishing while achieving optimum yield on a continuing basis.

(2) Be based upon the best scientific information available.

(3) Manage individual stocks as a unit throughout its range, to the extent practicable; interrelated stocks shall be managed as a unit or in close coordination.

(4) Not discriminate between residents of different states; ensure allocation of privileges is fair and equitable; promote conservation; and be carried out in such a manner that no particular individual, corporation, or entity acquires an excessive share of such privileges.

(5) Where practicable, promote efficiency, except that no such measure shall have economic allocation as its sole purpose.

(6) Take into account and allow for variations among, and the contingencies in fisheries, fishery resources, and catches.

(7) Minimize costs and avoid duplications, where practicable.

(8) Take into account the importance of fishery resources to fishing communities to provide for the sustained participation of, and minimize adverse impacts to, such communities (consistent with conservation requirements).

(9) Minimize bycatch or mortality from bycatch.

(10) Promote safety of human life at sea.

Who's in Charge?

There are many different people and agencies involved in fishery management.

Congress oversees the Magnuson-Stevens Act and designates funding for the Councils, NOAA Fisheries Service, and the U.S. Coast Guard.

The **Secretary of Commerce** appoints Council members and decides whether a proposed fishery management plan is approved.

NOAA Fisheries Service provides scientific advice to the Councils and reviews fishery management plans developed by the Councils. NOAA Fisheries Service also implements and enforces fishery regulations recommended by the Council and approved by the Secretary of Commerce.



The **United States Coast Guard** aids in the enforcement of fishery regulations.

Each state boardering the Gulf of Mexico acts as a voting member of the Council. Additionally, **the governor of each state** nominates Council members for consideration by the Secretary of Commerce.

The **public** drives the decision-making process by actively participating and providing input at every stage of the fishery management process.

Components of the Gulf of Mexico Fishery Management Council
The Council must balance competing interests while making decisions for the public good. To do so, the Council is supported by Council staff and advised by various panels and scientific committees, the states, academia, NOAA Fisheries Service, and the public.

Council Members
Council members are trustees for the fisheries, which are common property of all U.S. Citizens.



The 17 voting members include:

- Eleven private citizens who are knowledgeable about conservation and management, or the commercial or recreational harvest of the Gulf resource.
- The directors (or their designees) of the state fish and wildlife departments from Texas, Louisiana, Mississippi, Alabama, and Florida.
- The Regional Administrator of NOAA Fisheries Service Southeast Regional Office, or a designee.

The four non-voting members include:

- The Gulf States Marine Fisheries Commission, which coordinates data and research for the Gulf States.
- The U.S. Fish and Wildlife Service, which serves an advisory role.
- The U.S. Department of State, which is concerned about management decisions that have international implications.
- The U.S. Coast Guard, which is concerned about enforcement and safety issues.



Advisory Bodies
To ensure a well-rounded understanding of each component of fishery management in the Gulf, the Council draws upon the expertise of knowledgeable people from other state and federal agencies, universities, and the public. Advisory bodies and science committees review fishery management issues and provide recommendations to the Council.



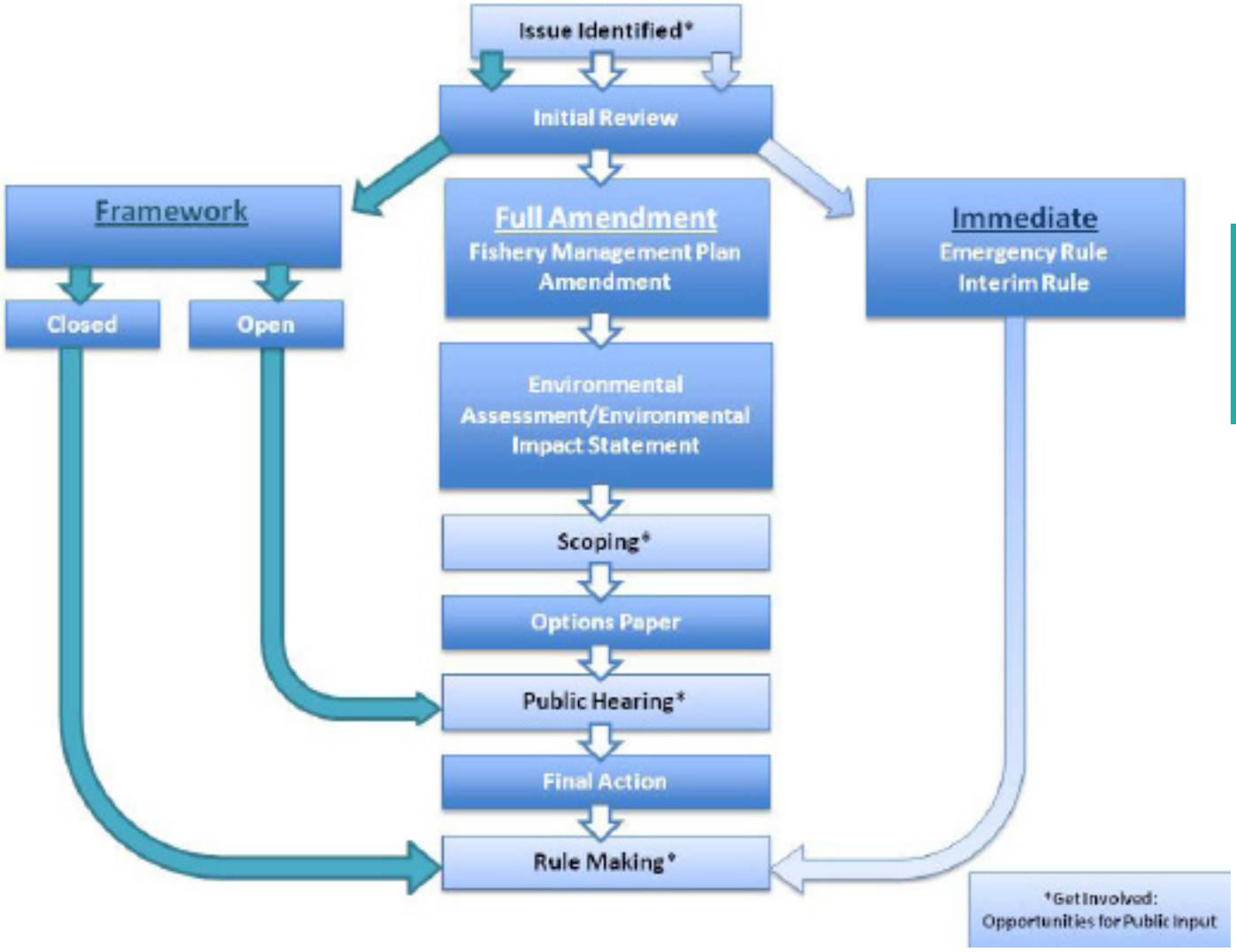
Scientific and Statistical Committees (SSC)
Economists, biologists, sociologists, and natural resource attorneys who review and advise the Council concerning the scientific, technical, social, and economic aspects of the fisheries in the Gulf.

Advisory Panels (AP)
Recreational and commercial fishermen, charter boat operators, buyers, sellers, and members of not-for-profit organizations who are knowledgeable about a particular fishery advise the Council on different topics. Separate panels exist for a variety of fishery issues. Temporary, or ad hoc, panels are convened to focus on specific, timely topics.

Technical Committees
Academic, agency, and industry personnel with expertise in a relevant subject mattter that advise and assist with Council by reviewing relevant subject matter and providing recommendations.

GET INVOLVED - To apply for a position on a specific panel or committee, contact the Council office at: gulfcouncil@gulfcouncil.org or call us at (813) 348-1630.

The Process


Issue Identified*
Initial Review
Framework
Closed
Open
Full Amendment
Fishery Management Plan
Amendment
Immediate
Emergency Rule
Interim Rule
Environmental
Assessment/Environmental
Impact Statement
Scoping*
Options Paper
Public Hearing*
Final Action
Rule Making*
*Get Involved:
Opportunities for Public Input

Issue Identified
All regulatory actions begin when a fishery issue is identified. Issues can be brought to the Council's attention through many different channels. The latest numbers produced by a stock assessment could trigger action; a fisherman may raise an issue; or a new national policy could mandate Council action.

GET INVOLVED - If you would like to bring a fishery issue to the attention of the Gulf Council, please send an email to the Council office at gulfcouncil@gulfcouncil.org or call (813) 348-1630.

Initial Review
The Council and NOAA Fisheries Service review new issues and policies and decide what type of regulatory action, if any, to take.

When action is necessary, one of three regulatory tracks is used to address the issue.

Full Amendment Track
The full amendment track is used to develop fishery management plans and amendments to fishery management plans. This track takes the most time and allows for the most public input.

Immediate Track
The immediate track is used to make changes to fishery regulations when urgent action is necessary. These immediate rule changes occur quickly, offering little time and opportunity for public comment before a proposed rule is developed.

- **Interim rule** - used to manage fish stocks that are overfished and/or experiencing overfishing, last for only 180 days, and can be extended for an additional 186 days following an open public comment period.
- **Emergency rule** - used under emergency situations to address unanticipated events or problems



GET INVOLVED - Sign up to receive updates by visiting www.gulfcouncil.org and clicking "Newsletter Sign-up" at the bottom of the page.

Framework Track
The framework track is a quick way to make changes to fishery management plans that are equipped with a framework procedure. Framework procedures are a standardized way to make management changes that are already included in a fishery management plan.

Closed framework actions are specifically described in the framework of a fishery management plan. The fishery management plan clearly defines the circumstances under which a particular management action is to be taken. An example of a closed framework action is the in-season closure of a fishery once the quota has been met. Public input is solicited during the development of the framework itself, and a comment period is opened by the Secretary of Commerce once a proposed rule is published.

Open framework actions are management changes that are included in the framework procedure of a fishery management plan, but cannot be described with the specificity of a closed framework action. In this case, the Council retains control over choosing the necessary management measure in response to an issue. Open framework actions include, but are not limited to, the use of certain gear; permitting requirements; and minor changes to size limit, fishing season, or quota. The Council typically hosts at least one public comment session on proposed open framework actions before taking final action.



Environmental Assessment/Environmental Impact Statement
NOAA Fisheries Service determines whether the management plan would significantly affect the environment. If so, an Environmental Impact Statement, which thoroughly evaluates the impacts of the proposed actions, is required.

If an Environmental Impact Statement is required, the Council must initiate the scoping process. If no Environmental Impact Statement is required, the Council may choose to skip the scoping process.

Scoping
Scoping is the process of identifying issues, potential impacts, and reasonable alternatives associated with the issue at hand. Through this process, the Council holds workshops to gather suggestions and ideas from stakeholders. Scoping documents are made available on the Council's website, and written input is also

welcome. Comments provided during the scoping process are reported to the Council and included in the development of management options.

GET INVOLVED - Scoping workshops are the first and best opportunity for the public to make suggestions or raise issues and concerns before the Council begins developing an amendment.

Options Paper

The Council develops a list of management options and alternatives based on input received during scoping, and from advisory panels and science committees. The Council reviews the proposed options, begins choosing preferred alternatives, and may suggest new alternatives for consideration.



Public Hearing

A draft public hearing document is developed after management options have been identified through scoping or as a part of a framework. The draft contains a list of management options and alternatives, along with analysis of each possible management measure.

Public hearings are held to solicit public input and people are encouraged to send in written comments regarding the proposed actions and alternatives.

At the end of the comment period the Council reviews public input and input from its advisory bodies, and either goes back to the drawing board or takes action.

Final Action

Final action occurs once the Council decides that a fishery management strategy is appropriate. The Council votes to approve and submit the fishery management plan or amendment to the Secretary of Commerce for approval and implementation.

GET INVOLVED - Visit the "Amendments Under Development" page at www.gulfcouncil.org to see a list of issues the Council is currently considering. While you're there, watch the videos and send us a comment.



Rule Making
Once the Council submits a proposed rule, the Secretary of Commerce opens a final public comment period. The proposed regulations are published in the Federal Register along with information on how to submit comments.

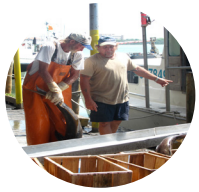
After the final comment period ends, the Secretary of Commerce decides whether to approve, partially approve, or disapprove the proposed measures. Final regulations are then published in the Federal Register.

GET INVOLVED - The Federal Register can be found at: https://www.federalregister.gov
Search "Gulf Fisheries" for a list of related items.



Meeting Logistics





Meeting Notice
Council meetings are open to the public. Notices are published in the Federal Register, posted on the Council website, and sent out via press release.

GET INVOLVED - Sign up to receive Council press releases at https://tinyurl.com/gulffishmailinglist

Meeting Materials
Meeting materials are available for download from the Council's website at www.gulfcouncil.org, and a limited number of printed copies are available at the meetings.

Robert's Rules of Order
Official proceedings of the Gulf Council are conducted using rules for parliamentary procedure. *Robert's Rules of Order* require that a formal motion is passed by a majority vote for an issue or recommendation to move forward.

Council Meetings
The Gulf Council usually meets five times each year; a meeting is held in each of the five Gulf States. Most Council meetings last four to five days and are open to the public.

GET INVOLVED - Submit public comment by the close of business on the Tuesday prior to the Council meeting, to ensure your comments are summarized and reported to the Council.

Public Comment

Public comment sessions are a chance for the public to address the Council in person. These sessions are held at Council meetings, public hearings, and scoping workshops. Comments made at meetings are recorded and considered public record.

Anyone wishing to speak during a comment period must sign in before the beginning of the comment period. The meeting chair will call your name when it is your turn to speak.

Once your name is called, approach the podium, introduce yourself, and give your statement. Public comment is at the discretion of the Chair and is typically limited to two to three minutes. The Council may ask questions regarding your testimony once you finish speaking.

If for any reason you are unable to deliver testimony in person, written comment is always accepted. Written statements sent to the Council office will be posted on the Council website for review by the Council and other interested parties.

Written testimony should be submitted:

Online at www.gulfcouncil.org
Emailed to gulfcouncil@gulfcouncil.org
Mailed to: Gulf Council - Public Comment
4107 West Spruce Street
Suite 200
Tampa, FL 33607



Public Hearings and Scoping Workshops

Public hearings and scoping workshops are typically held in coastal areas across the Gulf. Meetings are sometimes limited to those areas in the Gulf that are affected by proposed regulatory actions.

Typically, a member of the Gulf Council attends each meeting, along with a staff member. The meeting will begin with a brief presentation, followed by a question period to clarify any topic that may be unclear, and then public comment will be heard.

Get Involved

Why Get Involved?
Commercial fishermen, recreational anglers, environmentalists, consumers, scientists, the tourism industry, and local communities are all involved in fishery management. Whatever background or motivation, these groups share a common desire to ensure the health of fish populations and the marine ecosystems on which they depend.

The management of the Gulf of Mexico fisheries could effect your livelihood, your leisure time, or your dinner plate. Getting involved in the Council process gives you a voice in the decisions that affect your life.

Your influence on Council decisions is relative to the amount of energy you put into being involved. Involvement can range from writing a letter to serving on a panel, or even serving as a member of the Council.

No matter what your level of involvement, your views will have more weight and influence if you learn about the context of the decisions being made, the timeline for the decision-making process, and the best way to communicate with Council members.

Ways to Get Involved
Effective participation in the fishery management process may take some commitment and hard work on your part. It may require reading documents, talking to people you do not know, attending meetings, speaking in public, writing letters or emails, joining or forming an association, or serving on an advisory panel or science committee.



Many people do not have the time or resources to attend Council meetings. Fortunately, there are other ways to get involved without leaving home. Many of the following suggestions come from the publication *Fish or Cut Bait*, a guide to fishery management written by anthropologists Bonnie McCay and Carolyn Creed (1999).

Learn the Facts

The first step to getting involved in the Council process is to learn about it. Knowing how the Council system works, the background of the issues that interest you, and the terminology used to describe fisheries biology and management will make your input more effective. Knowledge is power, and it will allow you to make more informed, relevant, and effective contributions to fishery management decisions.

Some suggestions for learning the ropes:

- Explore the Gulf Council website at www.gulfcoucil.org
- Subscribe to the Council mailing list by visiting: https://tinyurl.com/GulfFishMailingList.
- Contact the Council office at (813) 348-1630 or (888) 833-1844.
- Read other resources about how fishery management works:
    - *Understanding Fisheries Management* (Wallace and Fletcher. Mississippi-Alabama Sea Grant Consortium)
    - *Fish or Cut Bait* (McCay and Creed. New Jersey Marine Sciences Consortium)
    - A Guide to Fisheries Stock Assessment from Data to Recommendations (Pew Charitable Trust. Cooper., A. Department of Natural Resources, University of New Hampshire)
    - US Regional Fishery Management Councils





Join a Group

There are many groups organized around different interests in the fishery. Join a group (or start one) that represents your interests so that you are a part of a unified voice and have a larger pool of knowledge from which to draw.

Build Relationships

Get to know someone on the Council, staff, science committees, or advisory panels who is involved with the fishery in which you are interested. Discuss the issues that concern and interest you. Build relationships with the people who have direct access to the management system.

Attend Meetings

All regular Council meetings, science committee meetings, advisory panel meetings, public hearings, and scoping workshops are open to the public and most include opportunities for public comment.

GET INVOLVED - Visit www.gulfcouncil.org to find out the dates and location of the next meeting.

Comment

The public are encouraged to share ideas and opinions at Council meetings, scoping workshops, and public hearings.

Write

Letters and emails should be submitted to the Council office no less than one week before the Council meeting. Written comments received by the Council office are posted on the Council website for review by the Council and other interested parties.

Generally, letters are addressed to the Council. However, depending on the situation and the stage of the decision-making process, you may write letters to a specific Council member, the Regional Administrator of NOAA Fisheries Service, or others. Letters submitted directly to Council members are not posted on the Council website unless the correspondence is copied to the Council office.

GET INVOLVED - Public comment letters can be submitted to gulfcouncil@gulfcouncil.org or:
Gulf Council – Public Comment
4107 West Spruce Street, Suite 200
Tampa, FL 33607



Or visit www.gulfcouncil.org and click on the thermometer icon to submit comments online.

Some suggestions for writing an effective comment letter:

- ***Keep it short and simple -*** A one-page letter is best. If your letter is too long you run the risk of key points being overlooked.

- ***Stick to the subject*** **-** If you are writing about a specific issue or grouping of issues, stay on topic. If you have multiple topics to discuss, it's best to write separate letters.
- ***Identify yourself*** **-** Are you a marine scientist, recreational fisherman, commercial fisherman? If you are representing a group, give the name of the group and the size of its membership.
- ***State your opinion*** **-** State the reasons for your opinion. Be explicit and directly refer to the actions and alternatives being considered.

Serve

Interested citizens may serve on panels or committees. If you are interested in serving, talk to Council members, the Executive Director, and the key staff person for the fishery in which you are interested. A list of panels and committees can be found at http://gulfcouncil.org/committee-panel-membership/



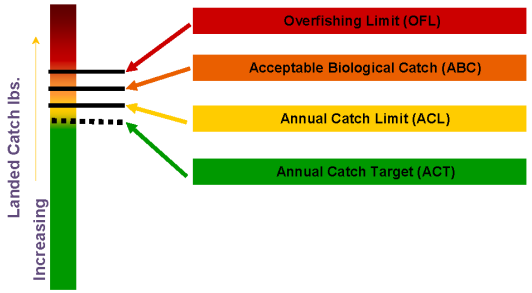
Reference Desk

Common Terms and Definitions

***Fishery Management Plan* (FMP)** - A set of management objectives and strategies for achieving those objectives. The Gulf of Mexico Fishery Management Council currently has fishery management plans for reef fish, shrimp, spiny lobster, coastal migratory pelagics, corals, red drum, and aquaculture.

***Overfishing Limit* (OFL)** - The threshold that allows for the greatest possible harvest of fish, and above which the size of the stock is no longer large enough to sustain itself.

***Acceptable Biological Catch* (ABC)** - Determined by the Council's scientific and statistical committee. It is the amount of fish that can be removed from a stock. It is set lower than the overfishing limit to account for scientific uncertainty and natural fluctuations in stock size.



***Total Allowable Catch* (TAC)** - A term usually synonymous with annual catch limit.

***Annual Catch Limit* (ACL)** - The amount of fish that can be harvested from the stock each year. ACL must be set by the Council at a level that is less than or equal to the acceptable biological catch. If the annual catch limit is exceeded, accountability measures are triggered.

***Annual Catch Target* (ACT)** - Set by the Council if deemed necessary. Annual Catch Target is set at a level lower than the annual catch limit to account for any management uncertainty that may occur. It creates a buffer so that harvest does not exceed annual catch limit and trigger accountability measures.

***Accountability Measure* (AM)** - Actions taken to prevent fish harvest from exceeding annual catch limits, and if exceeded, can mitigate or correct the overage. There are two types of accountability measures: in-season measures, designed to reduce the likelihood annual catch limits will be exceeded within a fishing year; and post-season measures, which address overages after they have occurred.

Important Phone Numbers

NOAA Fisheries Operations Branch	727-824-5301
NOAA Fisheries Permits and Regulations Branch	877-376-4877
To apply for permits online: https://fisheriespermits.noaa.gov	
NOAA Fisheries nationwide federal fishing violations hotline	800-853-1964
NOAA Fisheries 24-hour Atlantic tuna information	978-281-9260
NOAA Fisheries Atlantic tuna/Highly Migratory Species vessel permits	888-872-8862
NOAA Fisheries Highly Migratory Species Division - St. Petersburg, Florida office	727-824-5399
NOAA Fisheries Swordfish/Billfish Recreational Reporting	800-894-5528
Flower Garden Banks National Marine Sanctuary	409-621-5151
Florida Keys National Marine Sanctuary	305-809-4700
South Atlantic Fishery Management Council	843-571-4366
Gulf States Marine Fisheries Commission	228-875-5912
U.S. Coast Guard, 7th District (Florida east of St. Marks)	305-415-6683
U.S. Coast Guard, 8th District (St. Marks, Florida to Texas)	504-671-2020
NOAA Fisheries Regional Office for Law Enforcement	727-824-5344
NOAA Fisheries Enforcement Field Offices:	
St. Petersburg, FL	727-824-5344
Marathon, FL	305-743-3110
Niceville, FL	850-729-8628
Slidell, LA	985-643-6232
Galveston, TX	409-770-0812
Harlingen, TX	956-423-3450

Important Phone Numbers

State Agencies:

Alabama Department of Conservation and Natural Resources	
Marine Resources Division Fisheries Section	251-861-2882
24-hour contact line to report state fishing violations	251-476-1256
Florida Fish and Wildlife Conservation Commission	850-488-4676
Marine Fisheries Management	850-487-0554
To report state fishing violations	888-404-3922
Louisiana Department of Wildlife and Fisheries	800-256-2749
To report state fishing violations	800-442-2511
Mississippi Department of Marine Resources	228-374-5000
To report state fishing violations - DMR Marine Patrol	844-WE-R-MDMR
Texas Parks and Wildlife Department	800-792-1112
To report state fishing violations	800-792-4263

Notes

Notes

Photos courtesy of:

iStock
Florida SeaGrant
Kathy Hoak
Troy Frady
Mark Miller
NOAA Fisheries
G.P. Schmahl
Tim Sheerman
Colin Vasey



GULF OF MEXICO
Fishery Management Council

4107 West Spurce Street
Suite 200
813-348-1630
888-833-1844
Fax: 813-348-1711
Email: gulfcouncil@gulfcouncil.org