STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES

Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201-4934
(503) 326-6352

http://www.pcouncil.org

ADOPTED ON June 25, 1999
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>COUNCIL ORGANIZATION</td>
<td>1</td>
</tr>
<tr>
<td>Officers and Terms of Office</td>
<td>1</td>
</tr>
<tr>
<td>Statement of Financial Interest</td>
<td>1</td>
</tr>
<tr>
<td>Designees</td>
<td>1</td>
</tr>
<tr>
<td>Designation of Regional Administrators</td>
<td>1</td>
</tr>
<tr>
<td>Advisory Groups</td>
<td>2</td>
</tr>
<tr>
<td>Scientific and Statistical Committee</td>
<td>2</td>
</tr>
<tr>
<td>Advisory Panel</td>
<td>2</td>
</tr>
<tr>
<td>Enforcement Consultants</td>
<td>2</td>
</tr>
<tr>
<td>Habitat Committee</td>
<td>3</td>
</tr>
<tr>
<td>WORKING GROUPS</td>
<td>3</td>
</tr>
<tr>
<td>Plan Development, Technical, and Management Teams</td>
<td>3</td>
</tr>
<tr>
<td>COMMITTEES</td>
<td>3</td>
</tr>
<tr>
<td>Budget Committee</td>
<td>3</td>
</tr>
<tr>
<td>Foreign Fishing Committee</td>
<td>4</td>
</tr>
<tr>
<td>Legislative Committee</td>
<td>4</td>
</tr>
<tr>
<td>COUNCIL MEETINGS AND HEARINGS</td>
<td>4</td>
</tr>
<tr>
<td>Meetings</td>
<td>4</td>
</tr>
<tr>
<td>Notice</td>
<td>4</td>
</tr>
<tr>
<td>Conduct of Meetings</td>
<td>4</td>
</tr>
<tr>
<td>Record</td>
<td>5</td>
</tr>
<tr>
<td>Closed Meetings</td>
<td>5</td>
</tr>
<tr>
<td>Frequency</td>
<td>6</td>
</tr>
<tr>
<td>Location</td>
<td>6</td>
</tr>
<tr>
<td>Hearings</td>
<td>6</td>
</tr>
<tr>
<td>Notice</td>
<td>6</td>
</tr>
<tr>
<td>Conduct</td>
<td>6</td>
</tr>
<tr>
<td>Record</td>
<td>6</td>
</tr>
<tr>
<td>EMPLOYMENT PRACTICES</td>
<td>6</td>
</tr>
<tr>
<td>Staffing</td>
<td>6</td>
</tr>
<tr>
<td>Experts and Consultants</td>
<td>7</td>
</tr>
<tr>
<td>Details of Government Employees</td>
<td>7</td>
</tr>
<tr>
<td>Personnel Actions</td>
<td>7</td>
</tr>
<tr>
<td>Salary and Wage Administration</td>
<td>7</td>
</tr>
<tr>
<td>Recruitment</td>
<td>7</td>
</tr>
<tr>
<td>Leave</td>
<td>8</td>
</tr>
<tr>
<td>Annual</td>
<td>8</td>
</tr>
<tr>
<td>Sick</td>
<td>8</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>8</td>
</tr>
<tr>
<td>Travel Reimbursement</td>
<td>8</td>
</tr>
<tr>
<td>Foreign Travel</td>
<td>9</td>
</tr>
<tr>
<td>FINANCIAL MANAGEMENT</td>
<td>9</td>
</tr>
<tr>
<td>Cooperative Agreements</td>
<td>9</td>
</tr>
<tr>
<td>Application</td>
<td>9</td>
</tr>
<tr>
<td>Budgetary Control</td>
<td>9</td>
</tr>
<tr>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Advance of Funds</td>
<td>9</td>
</tr>
<tr>
<td>Procurement</td>
<td>9</td>
</tr>
<tr>
<td>Property Management System</td>
<td>10</td>
</tr>
<tr>
<td>Space Management</td>
<td>10</td>
</tr>
<tr>
<td>Accounting System</td>
<td>10</td>
</tr>
<tr>
<td>Audits</td>
<td>10</td>
</tr>
<tr>
<td>Financial Reports</td>
<td>10</td>
</tr>
<tr>
<td>RECORDKEEPING</td>
<td>10</td>
</tr>
<tr>
<td>Administrative Records for Fishery Management Plans</td>
<td>10</td>
</tr>
<tr>
<td>Disposition of Records</td>
<td>11</td>
</tr>
<tr>
<td>Permanent Records</td>
<td>11</td>
</tr>
<tr>
<td>Privacy Act Records</td>
<td>11</td>
</tr>
<tr>
<td>Freedom of Information Act</td>
<td>11</td>
</tr>
<tr>
<td>Confidentiality of Statistics</td>
<td>11</td>
</tr>
<tr>
<td>AVAILABILITY OF ADDITIONAL DETAILS CONCERNING COUNCIL OPERATIONS</td>
<td>12</td>
</tr>
</tbody>
</table>
INTRODUCTION

This Statement of Organization, Practices and Procedures (SOPP) explains how the Pacific Fishery Management Council (Council) shall operate under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Council was created by Section 302(a) of the Magnuson-Stevens Act, and hereby publishes a revised SOPP as required by Section 302(f)(6) of the Magnuson-Stevens Act. This revised SOPP was adopted by the Council during its public meeting held on June 25, 1999. Copies may be obtained by writing the Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, Oregon 97201.

COUNCIL ORGANIZATION

The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Council shall have 14 voting members, including eight appointed by the U.S. Secretary of Commerce (Secretary) in accordance with subsection (b)(2) of the Magnuson-Stevens Act (at least one of whom shall be appointed from each such State), and including one appointed from an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho in accordance with subsection (b)(5) of the Magnuson-Stevens Act.

Officers and Terms of Office

The Council officers shall be a chairperson, vice-chairperson, and parliamentarian. The chairperson and vice-chairperson will be elected from among the voting members by a majority vote of the voting members present and voting. The term of office for the chairperson and vice-chairperson is one year beginning on January 1, and the chairperson and vice-chairperson may serve no more than two consecutive terms. The parliamentarian is appointed by the Council chairperson for annual terms beginning on January 1 of each year.

Statement of Financial Interest

In accordance with Section 302 (j)(1 through 6) of the Magnuson-Stevens Act all Council members required to do so, shall file appropriate Statement of Financial Interest forms within 45 days of taking office, or, shall update the statement within 30 days of acquiring or substantially changing a financial interest, or, annually by February 1.

Designees

The Magnuson-Stevens Act authorizes only the principal state officials, the Regional Administrators and the non-voting members to designate individuals to attend Council meetings in their absence. The chairperson of the Council must be notified in writing, in advance of any meeting at which a designee will initially represent the Council member, the name, address, and position of the individual designated. Such officials may submit to the chairperson, in advance, a list of several individuals who may act as designee. The designees of state officials are not required to be full time state employees.

Reimbursement of travel expenses to any meeting must be limited to the member, or, in the case of the absence of the member, one designee (in any case, one person).

Designation of Regional Administrators

The Regional Administrators of the Northwest and Southwest Regions serve as the voting members for National Marine Fisheries Service (NMFS). The Southwest Regional Administrator is the NMFS spokesperson on the Council and votes on fishery matters primarily or exclusively off California. The Northwest Regional Administrator is the spokesperson and votes on fishery matters primarily or exclusively off Oregon and Washington.
Advisory Groups

Scientific and Statistical Committee

The Council shall have a Scientific and Statistical Committee (SSC) composed of scientists of national reputation from state and federal agencies, academic institutions and other sources. Members shall represent a wide range of disciplines required for preparation and review of management plans. The SSC shall:

- Identify scientific resources required for the development of fishery management plans (FMPs) and amendments.
- Provide the multidisciplinary review of FMPs or amendments and advise the Council on their scientific content.
- Assist the Council in the evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's activities, and recommend methods and means for the development and collection of such information.
- Recommend to the Council the composition of and the individuals to serve on the plan development, technical and management teams.

Members of the SSC shall be selected by the majority of voting Council members and shall serve for two-year terms. The procedure for selecting members is as follows. (1) The Executive Director shall advertise through the news media for qualified nominees, (2) announcements will be distributed widely and be specific about the duties and responsibilities, (3) nominations must be accompanied by adequate information on the amount and kinds of experience which qualify the nominee for the particular position, and (4) nominations must be received on or before a deadline published by the Council.

Advisory Panel

The Council shall establish an advisory panel that also constitutes the Fishing Industry Advisory Committee required in Section 302(g)(3)(A) of the Magnuson-Stevens Act. The advisory panel shall consist of advisory subpanels, one for each FMP being developed or monitored. Members of the subpanels shall be selected by the majority of voting Council members and shall serve for two-year terms. The Council chairperson shall appoint a chairperson for each advisory subpanel. Advisory subpanels are accountable to and report to the Council, and shall meet with the approval of the Council chairperson or Executive Director.

Advisory subpanels shall have representation from user groups and interests concerned with management of the fishery for which an FMP is being prepared or reviewed. The functions of the subpanels shall be to advise the Council as to fishery management problems, to provide input into fishery management planning efforts, and to advise the Council on the content and effects of FMPs, amendments, and preseason and inseason management measures.

The procedure for selecting members is as follows. (1) The Executive Director shall advertise through the news media for qualified nominees, (2) announcements will be distributed widely and be specific about the duties and responsibilities, (3) nominations must be accompanied by adequate information on the amount and kinds of experience which qualify the nominee for the particular position, and (4) nominations must be received on or before a deadline published by the Council.

Enforcement Consultants

The Council shall have an Enforcement Consultants group composed of one voting member from each of the following agencies: Oregon State Police, Washington Department of Fish and Wildlife, California Department of Fish and Game, and Northwest and Southwest Regions of NMFS. In addition, there are two voting members from the U.S. Coast Guard. The Enforcement Consultants shall provide advice to
the Council concerning the feasibility of proposed management measures from an enforcement standpoint. Members of the Enforcement Consultants are appointed by their respective agencies.

Habitat Committee

The Habitat Committee, consisting of a steering group and northern and southern regional panels, functions to elicit, facilitate, and coordinate discussion and Council response to habitat issues that affect Council-managed fisheries. The steering group is composed of members appointed by the Council chairperson. The regional panels consist of identified representatives of agencies or public organizations with expertise or concern in some particular area of habitat management. They serve as advisors to the steering group and may join in appropriate steering group meetings.

The Council chairperson will request nominees from the various entities from which he/she will appoint the Habitat Committee members. The steering group members representing NMFS, U.S. Fish and Wildlife Service and Pacific States Marine Fisheries Commission will be appointed for indefinite terms and replaced only as needed or at the pleasure of the Council chairperson. The other steering group members will be appointed for two-year terms. The procedure for selecting members is as follows. (1) The Executive Director shall advertise through the news media for qualified nominees, (2) announcements will be distributed widely and be specific about the duties and responsibilities, (3) nominations must be accompanied by adequate information on the amount and kinds of experience which qualify the nominee for the particular position, and (4) nominations must be received on or before a deadline published by the Council.

Members of the regional panels will be appointed by the Council chairperson from among those persons expressing a desire to participate in the Council's habitat actions. Panelists will serve indefinite terms and be replaced only as needed to maintain a viable network and advisory body.

Operating procedures for the Habitat Committee may be obtained from the Council office.

WORKING GROUPS

Plan Development, Technical, and Management Teams

A team shall be established by the Council for each management unit which will be the subject of a planning effort. Plan development, technical, and management teams shall be working teams of state, federal and nongovernment specialists. The teams will report to the Council through the Executive Director.

Members of the teams shall be selected by the majority of voting Council members and shall serve indefinite terms at the Council's discretion. The procedure for selecting members is as follows. Upon receipt of a letter of resignation or following Council action to remove a member, the Executive Director shall (1) contact the agency which the former member represented for a nominee or (2) with a nongovernmental specialist, request the SSC develop a list of qualified individuals for the Council's consideration.

COMMITTEES

The Council has established three standing committees of Council members. Committee members are appointed by the Council chairperson for annual terms beginning January 1 of each year. Members may be reappointed. The names and functions of the standing committees are outlined below.

Budget Committee

The Budget Committee, comprised of no more than seven members, shall meet at least once a year to review the Council's budget proposal. Other meetings of the Budget Committee will be scheduled at the request of the Council chairperson or the majority of voting Council members to discuss such subjects as personnel matters, programmatic contracts, etc.
Foreign Fishing Committee

The Foreign Fishing Committee, comprised of five members, shall meet as required to review foreign fishing permit applications. Meetings of the Foreign Fishing Committee will be scheduled at the request of the Council chairperson or the majority of voting Council members to discuss such ancillary subjects as conditions for joint venture or foreign fishing permits, criteria for recommending rejection of such applications, etc.

Legislative Committee

The Legislative Committee, comprised of five members, shall monitor Federal legislation on Council operations and Pacific Coast fisheries, and will develop a position and course of action on relevant legislation for Council consideration in response to Congressional or Administration requests.

COUNCIL MEETINGS AND HEARINGS

Meetings

The Council meets in plenary session at the call of the chairperson or upon request of a majority of the voting members. The chairperson, or vice-chairperson in the absence of the chairperson, shall convene and preside over Council meetings. Advisory groups, working groups, and committees may meet with the approval of the chairperson. Emergency meetings may be held at the call of the chairperson or equivalent presiding officer.

Notice

Notice of Council, advisory group, work group, and committee meetings will be received by NMFS for publication in the Federal Register at least 23 calendar days prior to the meeting. The Council will also issue meeting notices to announce the time, location, and agenda for each meeting. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under section 305(c) of the Magnuson-Stevens Act, in which case public notice shall be given immediately.

All meeting announcements and Federal Register notices of meetings of the Council and its associated bodies should include the following statement: "This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to (name) at (telephone number) at least five days prior to the meeting date."

Conduct of Meetings

All meetings of the Council, advisory groups, work groups, and committees are open to the public unless closed for reasons described on page 5. Council meetings shall be conducted according to Robert's Rules of Order and in a manner to permit the greatest possible participation by all members of the Council and public. Decisions by consensus are permitted except when the action (1) requires approval or amendment of a FMP (including any proposed regulations), (2) requests an amendment to regulations implementing a plan, or (3) is a recommendation for responding to an emergency. The motion must be recorded in written form visible to each Council member present and the public, and a vote is required. In the case of a telephonic vote, the chairperson or the maker of the motion must clearly read the motion aloud immediately prior to the vote, such that everyone on the call understands the wording of the motion. The motion would then become part of the written record of the call/vote, which would also include the exact vote of the Council members. At the request of any voting member of the Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate records of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote. All other votes shall be by verbal indication. Council members/designees who are not in attendance may not vote by telephone.
A. A majority of the voting members of the Council shall constitute a quorum for Council meetings, but one or more such members designated by the Council chairperson may hold hearings.

B. When there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted. An abstention is not counted as a vote and does not affect the unanimity of a vote.

C. Voting members of the Council who dissent on any issue to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary. If any Council member elects to file a minority report, it will be submitted, to the extent practicable, at the same time as that of the majority. If the Regional Administrator of NMFS serving on the Council, or the Regional Administrator's designee, disagrees with the Council on any matter to be submitted to the Secretary, the Regional Administrator shall submit a statement to the Council explaining the reason(s) for the vote within ten working days after adjournment of the Council meeting. This statement shall be made available to the public upon request.

D. If any new information from a state or federal agency, or from a Council advisory entity, is considered by the Council, the chairperson shall ensure the Council gives comparable consideration to new information offered at that time by the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation or management measures. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

E. Per Section 302 (j)(7) of the Magnuson-Stevens Act a voting member of the Council may not vote on any Council matter that would have a significant and predictable effect on a financial interest of that Council member. A designated official will determine whether a Council decision would have a significant and predictable effect on a financial interest of a member. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

Record

Each Council meeting shall be recorded. Detailed minutes of each meeting of the Council, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chairman shall certify the accuracy of the minutes of each such meeting and submit a copy, thereof, to the Secretary. The minutes shall be made available to any court of competent jurisdiction. The minutes, along with records or other documents which were made available to or prepared for or by the Council, SSC, or advisory panel incident to the meeting, will be made available to the public. In addition to the minutes, the Council shall widely distribute a newsletter summarizing Council action taken during each Council meeting.

In the case where a motion must be in written form, as described above, the written motion will be preserved as part of the record or minutes of the meeting. For a vote on a Council finding that an emergency exists in a fishery, the exact number of votes (for, against, and abstaining) will be preserved as part of the record of the meeting.

Closed Meetings

The Council, SSC or Advisory Panel may close a portion of any meeting to discuss international negotiations, litigation, or personnel matters. If any Council meeting or portion thereof is closed, the time and place of the closed meeting will be included in the notice of the Council meeting sent to local newspapers in the major fishing ports within its region. A brief closure of a portion of a meeting in order to discuss personnel or other administrative matters does not require such notification.
Frequency

The Council shall meet as often as is necessary to discharge its duties, but shall meet at least once every six months. Council advisory groups, work groups, and committees may meet as frequently as necessary, with the approval of the Council chairperson.

Location

Council meetings shall occur throughout the area of the Council's jurisdiction, except when interregional resources are concerned. Criteria for selection of meeting locations shall include ease of transportation for both Council members and the public and the cost of holding such meetings. The Council shall endeavor to meet in the area where people reside who might be immediately affected by actions taken by the Council at that particular meeting.

Meetings of the Council and its associated bodies must be scheduled and conducted at locations physically accessible to disabled persons. On request, the Council will provide professional sign language interpreters and other auxiliary aids.

Hearings

The Council shall hold public hearings in order to provide the opportunity for all interested individuals to be heard with respect to the development of FMPS or amendments, and with respect to the administration and implementation of the Magnuson-Stevens Act. The Council may use its judgment regarding when and where such hearings should be held, provided they are held in the particular geographic area concerned.

Notice

Notice of each hearing will be received by NMFS for publication in the Federal Register at least 28 calendar days prior to the hearing. The Council will also issue notices to announce the time, location, and agenda for each hearing. Publicity should be sufficient to assure that all interested parties are aware of the opportunity to make their views known.

Conduct

When it is determined that a hearing is appropriate, the Council chairperson will designate at least one voting member of the Council to officiate. Conduct of the hearing, beyond the stipulation that everyone be afforded an opportunity to present their views and be given a chance for expression, is within the discretion of the hearing official under whatever instructions the Council may wish to provide.

Record

An accurate record of the participants and their views, obtained by use of a tape recording, typewritten transcript, or detailed minutes, shall be available to the Council and maintained as part of the Council's administrative record.

EMPLOYMENT PRACTICES

The Council members, except for federal government officials, and staff are not federal employees subject to Office of Personnel Management regulations.

Staffing

The staff of the Council shall comprise an Executive Director, Administrative Officer, technical staff, clerical staff, and such other staff as are necessary to carry out Council activities. The staff is responsible for administration and execution of Council operations. The Executive Director is responsible to the Council, and the staff is responsible to the Executive Director. Each of the aforementioned positions must
be justified during the budget process described in Office of Management and Budget (OMB) Circular A-110, or prior to filing a new position established during the course of the cooperative agreement year. Functions include participation in FMP development; preparation of Council reports, statements and correspondence; financial management, budget preparation and procurement; recordkeeping; meeting logistics; and other administrative activities.

The Council is an equal opportunity employer in full compliance with federal requirements for non-discrimination. Council staff positions are filled solely on the basis of merit, fitness, competence and qualifications. No employee of the Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Magnuson-Stevens Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliations. In conducting official Council business, Council members and staff generally have the same protection from individual tort liability as federal employees on official actions, and are protected by the federal workmen’s compensation statute, by the minimum wage/maximum hour provisions of the Fair Labor Standards Act, and by the rights of access and confidentiality provisions of the Privacy Act. Additionally, Council staff are eligible for unemployment compensation in the same manner as federal employees.

Experts and Consultants

As long as funding is available in the budget, the Council may contract with experts and consultants, as needed, to provide technical assistance not available from National Oceanic and Atmospheric Administration (NOAA). This includes legal assistance in clarifying legal issues, but the Council must notify the NOAA Office of General Counsel before seeking outside legal advice. The Council may not contract for the provision of legal services on a continuing basis.

Details of Government Employees

All federal agencies are authorized by the Magnuson-Stevens Act to detail personnel to the Council on a reimbursable basis to assist the Council in the performance of its functions. Nonreimbursable details are not precluded. Council requests to the heads of such agencies must contain the purpose of the detail, length of time, compensation to be paid; if any, and the stipulation that the assistant administrator be consulted prior to granting the request. Copies of this correspondence will be transmitted to the assistant administrator through the servicing regional office. Federal employees so detailed retain all benefits, rights, and status as they are entitled to in their regular employment. The Council may negotiate arrangement with state or local governments to utilize employees of those governments. Assistance in arranging these details may be obtained through the servicing regional office.

Personnel Actions

The Executive Director may establish positions, recruit, hire, compensate, promote, demote and dismiss personnel. Dismissal will be made for misconduct, unsatisfactory performance, and/or lack of funds, with reasonable notice to the employee.

Salary and Wage Administration

In setting rates of pay for Council staff, the principle of equal pay for equal work must be followed. Variations in rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed. The Council will consider locality, as well as cost of living differentials, in establishing pay rates for the staff.

Recruitment

All personnel vacancies should be filled on a competitive basis, unless unusual circumstances clearly dictate otherwise. For this purpose, the Council may avail itself of the vacancy advertising system operated by NOAA or any other recruitment tool, including newspapers and local employment agencies.
Leave

Employees of the Council shall be granted paid leave for holidays, vacations or exigencies, sickness, and civic duties (jury, military reserve obligations) as determined by the Council. Leave of any type is not transferable to or from federal agencies.

Annual

Full-time Council employees may accrue annual leave at the following rates: (1) up to three years of service receive a maximum of 13 days per year, (2) three to 15 years of service receive a maximum of 20 days per year, and (3) over 15 years of service receive a maximum of 26 days per year. Part-time employees accrue leave at the same rate, per hours worked. Employment with state and federal agencies or interstate fishery compact agencies shall qualify in computing years of service.

Employees may carry over up to 240 hours (30 days) unused annual leave from one year to the next. Amounts remaining over 240 hours will be forfeited. Under certain conditions, forfeited annual leave may be restored if it was properly scheduled for use and circumstances beyond the employee’s control caused the forfeiture. As needed, the Council will deposit monies for accrued annual leave in an interest bearing account. The interest earned from this account and principal will be maintained in the account for purposes of reimbursing employees for annual leave upon separation. Lump sum reimbursements not to exceed 240 hours carryover plus current year earnings of unused leave are authorized upon employee separation.

Sick

Full-time Council employees may accrue sick leave at the rate of two hours per week (13 days per year). Part-time employees accrue leave at the same rate, per hours worked. Unused sick leave credit may be accumulated without limit. Lump sum payments to the employee upon separation are not authorized. However, at retirement, as defined in accordance with the provisions of the Social Security Act, or in the event of death of the employee, a deposit may be made to the employee’s retirement fund for unused sick leave up to a maximum of 100 days at the current salary rate of the individual. The Council will deposit monies for accrued sick leave in an interest bearing account. The interest earned from this account and principal will be maintained in the account for purposes of reimbursing the employees retirement fund in the event of death or retirement.

In meritorious cases, Council may advance up to one year’s earnings of sick or annual leave when it is reasonably expected that the advanced leave will be repaid by the employee. This must be approved by the Council chairperson or designee (designation must be in writing).

Employee Benefits

Employee benefits are detailed in the Council’s Personnel Rules.

Travel Reimbursement

Detailed procedures covering the processing of travel claims are available for inspection at the Council office. The guidelines for reimbursing individuals are as follows.

A. Non-federal members of the Council, staff, SSC, advisory panels, technical teams, standing and ad-hoc committees, and special consultants performing authorized services for the Council may be reimbursed for actual travel expenses incurred up to the federal lodging and M&IE limits in the General Services Administration (GSA) travel regulations. The limits may be exceeded in special cases if approved by the Executive Director, but in no case shall exceed the maximum amount allowed in the GSA regulations. Claimants must have an approved travel order authorizing travel at Council expense, must receive a written invitation prior to each meeting, and must be authorized by the Council to receive reimbursement. Budget limitations may preclude reimbursement for certain groups.

B. Claims for reimbursement must be supported with receipts for all expenses, other than meals, except those expenses that individually amount to less than $25.
C. Official telephone calls, taxis, privately-owned vehicle mileage, common carrier fares, parking, baggage handling, etc., will be reimbursed in the amount of actual expenditures and are not included in meal and lodging limits set by the Council.

**Foreign Travel**

Foreign travel must be approved, in advance, by the Assistant Administrator for fisheries or designee and by the Grants Officer. Requests for foreign travel approval should be submitted, in writing, at least 15 days in advance to the assistant administrator, through the NMFS OMB and the Grants Officer. Routine across-the-border travel to Mexico and Canada is exempt. The Council chairperson or Executive Director may approve routine across-the-border travel to Canada or Mexico for Council members and employees within specified federal per diem rates.

**FINANCIAL MANAGEMENT**

OMB Circulars Number A-110 and A-122 provide uniform administrative requirements applicable to the Council, including standards for financial management, financial reporting, property management, and procurement. The Council will strictly comply with these circulars, the terms and conditions of the award, and the special award conditions.

**Cooperative Agreements**

The Council receives administrative funds through cooperative agreements from the Department of Commerce. The funding requirements for the Council are subject to regular budgetary review procedures. Annual or biennial grants and cooperative agreements will provide such federal funds as the Secretary determines are necessary to the performance of the functions of the Council and consistent with budgetary limitations. In addition to administrative funds, the Council may obtain programmatic funding by entering into cooperative agreements with federal and state agencies and private institutions on matters of mutual interest which further the objectives of the Magnuson-Stevens Act.

**Application**

The Council submits a formal cooperative agreement application package in accordance with the instructions provided by the NOAA Grants Management Division. One original and two copies of this application package are submitted to the NMFS Northwest Regional Administrator not less than 90 days before the requested start date of the award.

**Budgetary Control**

The Council maintains a computerized check register, general ledger, general journal, balance statement, income statement and trial balance with a monthly summary of accounts. In addition, the Council prepares a monthly financial statement. Each cash disbursement must be approved by the Council Executive Director or designee. All checks require the signature of the Executive Director, or his designee, and the Administrative Officer.

**Advance of Funds**

The Council uses the Federal Assistance Disbursement System (FADS). FADS is an automated system that allows the Council to request funds using a touch-tone telephone or the Internet. FADS will record recipients' requests and process them automatically, subject to review by NOAA officials. Once approved, funds will be directly deposited in the Council bank account, normally within four working days of the request.

**Procurement**

The Council will contract for services to be provided by other government agencies, educational institutions, and profit and nonprofit organizations in accordance with the OMB circulars, terms and conditions of the grant, the special award conditions, and the Council's procurement procedures. These procurement procedures provide for agreements and orders for procurement of supplies and services. It includes awards and notices of award: fixed price, cost, cost plus a fixed fee, negotiated, or incentive type
contracts; letter contracts and purchase orders. Topics covered are formal advertising; sole source procurements; awards; contract types; contract administrations; protests, contract disputes, and appeals; and code of conduct.

Property Management System

A listing of federally-owned property will be reported in accordance with the terms and conditions of the cooperative agreement. Theft of Council property will be reported promptly to local law enforcement personnel, including the FBI, grants officer, and NMFS regional office. Property management procedures ensure adequate control and protection of Council property at all times. These procedures include (1) a perpetual inventory system for all capital items, (2) procedures for marking such items as Council property, (3) provisions for safeguarding sensitive items, (4) procedures for disposing of surplus items, and (5) a listing of all personnel, including consultants if appropriate, authorized to have access to Council property.

Space Management

The Council exercises economy regarding the amount and cost of space acquired. When acquiring office space, the Council may avail itself of the following: (1) General Services Administration leasing assistance, (2) NMFS regional office assistance, and (3) direct negotiations.

Accounting System

The Council maintains a document-oriented obligation accounting system with accruals, as necessary, for budget projection purposes. Actual journals and ledgers are maintained on a computerized system and all obligations are clearly documented and organized in order to provide quick access and verification by professional auditors. The actual composition of the system provides fiscal control over expenditures in line with those object classes depicted in the Council's budget submission.

Audits

Annually, the Council has an independent public accountant perform an audit. The scope of this audit may include conduct of financial operations; compliance with applicable laws and regulations; economy and efficiency of administrative procedures; and achievement of results. The audit performed by the independent public accountant shall be in accordance with 15 CFR Part 29a (Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations), OMB circulars, and the terms and conditions of the award.

Under the Inspector General Act of 1978, an audit of the Council may be conducted at any time by the Department of Commerce inspector general or his/her duly authorized representative.

Financial Reports

The Council submits the Report of Federal Cash Transactions (Form SF-272), the Financial Status Report (Form SF-269) and other reports as required by the OMB circulars, terms and conditions of the award, and special award conditions.

RECORDKEEPING

Administrative Records for Fishery Management Plans

The Council along with NMFS Northwest and Southwest Regions collectively maintain records pertaining to the develop of FMPs and amendments. In the event of litigation, compilation of an administrative record for a court case will be under the direction of the NOAA general counsel.

Categories of documents which generally constitute an administrative record include the following: Council meeting agendas; minutes of Council meetings; plan team, SSC and advisory panel reports; hearing reports; and Council reports and/or recommendations. Correspondence relating to the FMP include scoping comments, work plans, discussion papers, National Environmental Policy Act documents,
regulatory analyses, Paperwork Reduction Act justifications, proposed regulations, final regulations, emergency regulations, and notice of all Council-sponsored meetings.

Disposition of Records

The Council must consult with NOAA before destroying Council records. Financial records, including time and attendance records, are handled in accordance with the OMB circulars and the terms and conditions of the award. The Council must send records associated with FMPs to NMFS Northwest Region for disposition.

Permanent Records

The designation of a file as "permanent" means that the records are appropriate for offer to the National Archives when 20 years old, unless otherwise specified. Documents that are considered permanent are documents that constitute the administrative record.

Privacy Act Records

The Council maintains in its office, under appropriate safeguards, personnel files on employees, experts and consultants under contract.

A file for each Council member containing appointment papers, security reports, biographical data, and other official papers will be centrally maintained in NOAA under security and safeguard conditions. This file will be available to members to which it pertains on request, and to other members and government officials when a need to know the information in the performance of the requester's official duties is established.

Under the Privacy Act the following are provided: protection for individuals, including Council employees, except as otherwise limited by the law; and procedures for requesting, disclosing and disposing of information.

Freedom of Information Act

All Freedom of Information Act (FOIA) requests must be submitted in writing. The envelopes and letter should be clearly marked "Freedom of Information Request." Each FOIA request will be acknowledged by the Council within ten working days and filled as expeditiously as possible. The Council coordinates with the appropriate NMFS regional office in logging the FOIA request and obtains clearance from NOAA general counsel concerning initial determination for release or denial of information. The Council may determine who may disclose unclassified information in its possession; however, only the Assistant Administrator has been delegated authority to make initial determinations on whether to deny information requested under the FOIA.

The Council generally will recover allowable costs for locating and reproducing information released under the FOIA and forward these funds through the NOAA Freedom of Information Officer to the U.S. Treasury. Appropriate charges are outlined in the Department of Commerce Uniform Schedule of Fees (15 CFR 4.9.).

Confidentiality of Statistics

The Council will follow appropriate procedures for ensuring the confidentiality of the statistics that may be submitted by federal or state authorities and may be voluntarily submitted by private individuals including, but not limited to, procedures for the restriction of Council member, employee, committee member, or advisory group member access and the prevention of conflicts of interest, except that such procedures must, in the case of statistics, be submitted to the Council by a state and be consistent with the laws and regulations of the state concerning the confidentiality of such statistics. These procedures are on file with the Council and are available for inspection.
AVAILABILITY OF ADDITIONAL DETAILS CONCERNING COUNCIL OPERATIONS

Additional information concerning the Council's operating procedures and rules may be obtained by contacting the Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, Oregon 97201.