

# COUNCIL OPERATING PROCEDURES (C O P)

## **Pacific Fishery Management Council**

7700 NE Ambassador Place, Suite 101

Portland, Oregon 97220-1384

(503) 820-2280

<http://www.pcouncil.org>

**As Amended Through June 13, 2011**



# Introduction

These Council Operating Procedures (COPs) have been developed and adopted by the Pacific Fishery Management Council (Council) to guide the process for development of fishery management plans, plan amendments, and regulatory measures for ocean fisheries off the coasts of Washington, Oregon, and California. COPs are specific to Council operations, rather than fishery regulations or management specifications. They specify how the Council and its advisory entities will run their meetings including how public comments will be entertained. They document the schedules for developing plan amendments and annual management measures, and they cover special processes of importance to the Council.

These procedures provide detailed specificity to the broader policies and procedures found in the Statement of Organization, Practices and Procedures (SOPP), adopted by the Council in amended language September 2004. Whereas revisions to the SOPP document require Secretarial approval, revisions to a COP may occur through Council review (including advisory body and public input) and adoption. This may occur with proper notice before a Council meeting, or may occur over the course of two Council meetings, with preliminary action at the first meeting and final action at the second. After final Council action the revised COP would enter into effect. However, changes to existing COPs or the addition of a new COP must be consistent with the broader policies and procedures in the Council SOPP document.

The operating procedures are structured into two categories: Administrative and Process. Administrative COPs (1-8) are those that apply to the structure and function of the Council and advisory committees. Process COPs (9-22) cover aspects of Council activities, for example management cycles, fishery management plan amendment cycles, and process reviews.

On November 9, 2010 the Council formally designated the following advisory bodies as being established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act:

- Coastal Pelagic Species Advisory Subpanel
- Ecosystem Advisory Subpanel
- Groundfish Allocation Committee, nonvoting members
- Groundfish Advisory Subpanel
- Groundfish Essential Fish Habitat Committee
- Habitat Committee
- Highly Migratory Species Advisory Subpanel
- Salmon Advisory Subpanel
- Coastal Pelagic STAR Panels
- Groundfish STAR Panels”



# List of Procedures

## Administrative

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19. Protocol for Consideration of Exempted Fishing Permits for Groundfish Fisheries
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# COUNCIL OPERATING PROCEDURE

## General Council Meeting Operations

1

Approved by Council: 04/06/95

Revised: 03/07/97, 06/25/99, 04/03/00, 12/15/03, 03/11/05, 11/09/07; 09/12/08; **06/13/11**

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### PURPOSE

To establish general procedures for the Council meetings and administrative matters.

### MEETINGS

The Council shall, generally, meet five times per calendar year. At the call of the Council Chair or upon request of a majority of its voting members, emergency meetings may be held. Upon receiving a request for an emergency meeting from any Council member or upon the Chair's own instigation, the Council Chair shall instruct the staff to conduct a telephone poll of available voting Council members. If a quorum agrees, the Chair shall call such a meeting.

### Public Participation

Council meetings are held for the purpose of conducting official Council business. However, the public will be provided an opportunity to address the Council at its meetings and submit information relevant to matters under consideration. To further encourage public participation, the Council, when practicable, shall establish a period at each meeting during which the public shall be granted an opportunity to address the Council on matters of concern to them. These discussions need not necessarily be related to items on the current meeting agenda. The following procedures shall be observed.

#### Written

The public shall be permitted to file written statements with the Council at any time before or after a meeting. This submission of written statements by the public is a statutory right which cannot be administratively hampered by arbitrary conditions of length, format, numbers of copies, typography, etc. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information and a brief description of the background and interests of the person in the subject of the written statement. To ensure adequate review and timely action, the following procedure will be followed:

1. Written comments regarding matters on the Council agenda received at the Council office no later than two weeks prior to the beginning of the Council meeting, or no later than a specially published deadline, will be placed in the Council members' briefing books distributed prior to the meeting. If appropriate, these comments will be summarized by staff at the Council meeting.
2. Written comments submitted after the above deadline and by a published deadline during the week prior to the Council meeting will be distributed at the meeting as supplemental briefing material.

3. Written comments received after the deadline specified in number 2, above, will not be copied or distributed by the Council staff. In these instances, individuals are encouraged to attend the Council meeting and present their testimony orally and in writing. Written comments submitted in person at the meeting will be made part of the Council's record. For such late comments, individuals should make their own photocopies for distribution. At least 40 copies are necessary, each with the Agenda Item Number written in the upper right corner of the front page of the document. The public should be aware that the Council does not have time to thoroughly review extensive written comments submitted at the meeting. The Council's advisory entities may not have a chance to review such comment at all. The Council will not pay collect charges for comments transmitted to the meeting hotel by facsimile machine.
4. When multiple copies of the same or similar written public comment is received, Council staff will provide one copy of the material with a notation indicating the total number of copies received. This procedure will be used for written material received in advance of the Council meeting, per numbers 1 and 2 above.

### Oral

Interested persons will be allowed to present oral statements or to participate in the discussion subject to such reasonable rules or procedures as may be established by the Council. Time limits on oral comments may be prescribed. Every effort should be made to set aside a portion of every meeting for public participation. Any oral statement shall include a brief description of the background and interests of the person in the subject of the oral statement. The following procedures will be followed:

1. The Council will publish in the *Federal Register* and Council meeting notices the public comment opportunities for each agenda item, as appropriate, and provide a time for public comment on items not on the agenda of the Council meeting.
2. Registration cards will be provided at the entrance of the meeting room for individuals wishing to address the Council. The following information shall be included, (1) name, (2) address, (3) affiliation, and (4) agenda item/subject of testimony. After public comment begins on each agenda item, additional cards will not be accepted for that agenda item.
3. At his or her discretion, the Council Chair may establish a sequence for calling on individuals, according to topics to be discussed. Generally, verbal testimony is limited to five minutes for individuals and ten minutes for groups or individuals representing organizations.
4. Depending upon time and Council wishes, the Council Chair may ask for comments from the public on subjects of interest to the Council after all comments have been made by individuals from the comment registration cards.

5. When there are numerous public comments, the Chair may decide to use an alternative approach to expedite the comment process. The following procedure may be used when there are two opposing factions:
  - The Chair requests, in advance of the public comment period, that each side choose a panel to present the arguments.
  - Each panel makes its presentation.
6. If new information from a state or Federal agency or from a Council advisory entity is accepted by the Council, the Chair shall insure that the Council gives comparable consideration to new information offered at that time by interested members of 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 (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act).
7. Council members shall be allowed to ask questions of individuals addressing the Council.

#### Electronic Mail (E-mail)

The Council will treat e-mail comments in the same regard as written comments. The public shall be permitted to file e-mail statements with the Council at any time before or after a meeting, subject to the requirements in the following paragraph. A format describing e-mail necessities and acceptance procedures will be posted on the Council website and notice of same will be placed in the Council Newsletter. Copies of qualifying e-mail will be treated the same as written public comment (described above) and subject to the same deadlines for distribution. All e-mail received designating testimony relevant to a particular Council meeting will be made part of the official meeting record.

All e-mail information submitted to the Council for purposes of comment on a Council meeting agenda item shall include the name of the person submitting the statement, a brief description of the representation or interest of the person submitting the statement, an e-mail address at which the person can be contacted, the subject or meeting agenda item the comment pertains to, and when relevant information is submitted, a statement of the source and date of such information. Attachments to e-mail may not be accepted as part of the e-mail comment.

To facilitate timely review by Council members, the following procedure will be followed:

1. Qualified e-mail comments regarding matters on a Council public meeting agenda received at the Council office no later than two weeks prior to the beginning of the Council meeting, or no later than a published notification deadline, will be printed and placed in the Council members briefing books distributed prior to the meeting. If multiple identical comments are received, only one representative copy will be included in the briefing books with the total number of such comments received noted on the copy. If appropriate, these comments will be summarized by staff at the Council meeting.

2. Qualified e-mail submitted after the above deadline and by a published deadline during the week prior to the Council meeting will be distributed at the meeting as supplemental briefing material. If multiple identical comments are received, only one representative copy will be included in the supplemental briefing material with the total number of such comments received noted on the copy. If appropriate, these comments will also be summarized by staff at the Council meeting.
3. Qualified e-mails received after the deadline specified in number 2, above, will not be copied or distributed by the Council staff. In these instances, individuals are encouraged to attend the Council meeting and present their testimony orally and in writing.

### Public Notification of Meetings

#### News Releases

Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media in the major fishing ports of Washington, Oregon, and California (and in other regional areas having a direct interest in the affected fishery, e.g., Idaho). The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

#### Federal Register Notices

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission of the notice to NMFS (at least 23 calendar days prior to the meeting) for publication in the *Federal Register*.

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.

### Voting Procedures

Robert's Rules of Order will be strictly enforced. Makers of motions must first be recognized by the Chair, and if an action is to be reconsidered, the motion for reconsideration must be made by an individual who originally cast a vote for the prevailing side.

## Motions

The maker of a motion must clearly and concisely state and explain the motion. After discussion and a call for the question, the motion must be restated clearly and concisely by the Chair before the vote is taken. Motions must be recorded in written form visible to each Council member present and the public if the action 1) requires approval or amendment of a fishery management plan (including any proposed regulations), 2) requests an amendment to regulations implementing a plan, or 3) is a recommendation for responding to an emergency. The written motion, as voted on, must be preserved as part of the record or minutes of the meeting, and include the exact vote of the Council members.

In the case of a telephonic vote, the Chair 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 up for vote. 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.

## Votes

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 record 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 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 (NOAA General Counsel) 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.

For a vote on a Council finding that an emergency exists in a fishery, the exact number of votes (for, against, and abstaining) must be preserved as part of the record of the meeting.

## Measures to Improve Meetings

### Report Presentation

- Council staff, advisory body representatives, invitational speakers, and Council members should shorten all oral reports to the extent possible. For lengthy written reports, provide brief executive summaries highlighting major points.
- Provide written reports on items that are only informational and do not require Council action.

- Advisory subpanel reports should describe areas of consensus and differences. Individual subpanel members shall not provide public testimony as part of the subpanel presentation.
- In general, lengthy detailed presentations will be provided during joint advisory body meetings (e.g., Scientific and Statistical Committee, Groundfish Management Team, Groundfish Advisory Subpanel joint meetings to review stock assessment information) rather than during the Council session. Council members should endeavor to attend these advisory body meetings.

### SSC Reviews for Scientific Merit

- The SSC requires good documentation and ample review time in order to provide the best possible advice to the Council. Agencies and review document authors should be responsible for ensuring materials submitted to the SSC are technically sound, comprehensive, clearly documented, and identified by author. If there is any uncertainty on the part of authors regarding SSC expectations, authors should clarify assignments and expectations of deliverables with the meeting Chair. In order that there be adequate time for careful review, documents and materials destined for review by the SSC or any of its subcommittees must be received at the Council office at least two weeks prior to the meeting at which they will be discussed and reviewed, unless otherwise approved by the Executive Director. The Council will then provide copies to appropriate SSC members at least five working days prior to the meeting. If this deadline cannot be met, it is the responsibility of the author to contact the meeting Chair prior to the two-week deadline, so appropriate arrangements, rescheduling, and cancellations can be made in a timely and cost-effective manner. This deadline applies to all official SSC activities and meetings.

### Public Comments

- The Council Chair will limit the length of oral testimony to five minutes per individual and ten minutes per group or individual representing a group. At the discretion of the Chair, less time may be allotted. If less time is to be provided, the Chair shall announce this prior to the start of public testimony on an agenda item.
- The Council Chair will urge members of the public to not repeat comments provided by a previous public commenter.
- Council member debate and record development should be avoided during the public testimony period. Questions should be for clarification only.

### Structure of Agenda

- As appropriate, the Council Chair will advise Council members of time limits for each agenda item. Time limits will not be rigidly enforced, but they may serve as a guide or reminder to focus discussion and be concise.
- Avoid placing too many weighty issues near the end of the meeting. Intersperse major items throughout the agenda to the extent possible.

- Review work load and next meeting agenda at or near the end of each meeting. Establish priorities for activities. Priorities should be publicized.
- Provide time for advisory subpanels to complete their work.

### Council Discussion and Debate

- Debate should be complete and not be arbitrarily limited, but it should be focused on the motion. (Robert's Rules limit members to two speeches per topic and ten minutes per speech.)

### MINUTES

A detailed meeting record of each Council meeting, including summary minutes, 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. At a subsequent meeting, the Council will review and adopt the meeting minutes. A copy of the official meeting record shall be submitted to NMFS. The chairman shall certify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The meeting record shall be made available to any court of competent jurisdiction.

### STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, the staff will prepare brief, pre-Council meeting issue summaries, identifying issues and options for each agenda action item. These summaries are provided in the briefing books.

### NEW MEMBER ORIENTATION

New Council members will be provided with a one-day to two-day briefing session with appropriate Council members, staff, and advisory Chairs (Scientific and Statistical Committee, advisory subpanels, and plan development/management Teams) prior to their first Council meeting. During this session, both mechanics of operation and management issues and techniques will be addressed. In addition, new members will attend the Council Chair's briefing for the first two Council meetings.

### COUNCIL CHAIR'S BRIEFING

The Council Chair's briefing is for the purpose of briefing the Council Chair and not a forum for debate or discussion of the issues.

### QUICK RESPONSE PROCEDURE

This procedure addresses Council comments to other entities on actions proposed by those entities. It does not include fishery management action items that are the responsibility of the Council and must be approved by the Council at a regular or emergency meeting.

For new policy matters that will be implemented or have a comment deadline prior to the next Council meeting, the Council Chair is authorized to send a letter on behalf of the Council using the following procedure:

Staff will distribute a summary of the issue and a proposed response to all Council members. If the Council Chair receives a response from at least one voting member from each state, staff may send an official Council comment letter taking into account the responses received from members. Consensus is not required.

## OFFICERS

The Chair and up to two Vice Chairs of the Council shall be elected by majority vote of Council members present and voting. Generally, elections are held during the June Council meeting. Officers shall serve one-year terms, which commence August 11 and end August 10 of the following year. Appointments may be renewed for additional one-year terms by majority Council vote at the next June meeting. The Chair may not serve more than two consecutive one-year terms.

## FISHERY REGULATION DEEMING PROCESS [Procedure for Implementing MSA Section 303(c)]

In taking final action on Pacific Fishery Management Council (Council) recommendations to adopt a fishery management plan (FMP) or FMP amendment, or to revise regulations implementing an FMP, the Council is deeming that regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In so doing, the Council implicitly requests the appropriate National Marine Fisheries Service (NMFS) Region complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, after NMFS has prepared the regulatory language, the Council authorizes the Executive Director to review the regulations to verify that they are consistent with the Council action before submitting them, along with his determination, to the Secretary on behalf of the Council.

The Executive Director is authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in his determination, the proposed regulations are not consistent with the Council action.<sup>1</sup>

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<sup>1</sup> In cases where the consistency is in question, the Executive Director is expected to work with NMFS to resolve the issues. Returning the regulations to the Council would be a last resort when questions cannot be resolved without involving the whole Council.

# COUNCIL OPERATING PROCEDURE

## Advisory Subpanels

2

Approved by Council: 07/20/83

Revised: 11/17/89, 11/13/90, 04/06/95, 04/17/96, 10/25/96, 09/12/97, 09/18/98, 09/15/00, 11/01/02, 03/11/05, 09/14/06, 11/07/08; 09/17/09; 04/15/10; 06/17/10; 09/16/10; **11/09/10**

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### PURPOSE

To establish procedures for advisory subpanels which have been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

### OBJECTIVES AND DUTIES

When requested by the Council Chair or Executive Director, the advisory subpanels shall:

1. Offer advice to the Council on the assessments, specifications, and management measures pertaining to each fishery management plan (FMP) with particular regard to: a) the capacity and the extent to which the U.S. commercial and recreational fisheries will harvest the resources managed under their respective FMPs, b) the effect of such management measures on local economies and social structures, c) potential conflicts among groups using a specific fishery resource, or d) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.
2. Offer advice to the Council on: a) FMPs, FMP amendments, and regulatory amendments during preparation of such FMPs or amendments by the Council, b) FMPs prepared by the U.S. Secretary of Commerce and transmitted to the Council for review, and c) the effectiveness of the FMPs, amendments, regulations, and other measures which have been implemented.
3. Attend public hearings on FMPs or amendments.
4. Attend Council meetings at the request of the Council Chair or Executive Director to advise the Council on specific fisheries, with particular reference to the socioeconomic implications of managing those fisheries.
5. Keep the Council advised of current trends and developments in fishery matters.
6. Identify specific legal or enforcement questions on proposals and request response through the Executive Director from the appropriate parties. (Note: The Council staff will attempt to anticipate the need for enforcement and legal advice and arrange for the Enforcement Consultants and/or National Oceanic and Atmospheric Administration general counsel to attend subpanel meetings.)
7. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Fishery Conservation and

Management Act (Magnuson-Stevens Act), Sustainable Fisheries Act, and other applicable law.

## COMPOSITION

1. Subpanels shall consist of not more than 20 members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of the subpanel.
2. The Council may establish or abolish subpanels as it deems necessary to perform the Council's duties as specified under the Magnuson-Stevens Act and other applicable law.

## MEMBERSHIP

### Terms

All members shall be appointed by the Council for three-year terms commencing January 1 and expiring December 31 three years thereafter, and may be reappointed at the pleasure of the Council. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

### Termination of Members

A subpanel member will be replaced at the Council's discretion if the member: 1) transfers employment or moves to a different location, 2) is absent from two meetings in any 12-month period, or 3) appears unable to fulfill their obligations as a subpanel member.

### Replacement of Members

Upon receipt of a letter of resignation, completion of three-year terms, or following Council action to remove a member, the Executive Director shall advertise for qualified nominees. Announcements will be distributed widely and be specific about the duties, responsibilities, and approximate time commitment involved.

Nominations must be accompanied by adequate information on the amount and kinds of experience which qualify the nominee for the particular position. Nominations should be received on or before a deadline published by the Council.

The Council Chair is authorized to appoint replacement members on an interim basis to avoid a lack of representation for any of the advisory sectors at an advisory body meeting. In so far as possible, the Council Chair will consult with the Council prior to such interim appointments

### Alternates

A subpanel member may send an alternate to a subpanel meeting no more than twice per calendar year under the following stipulations. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least

two weeks prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the advisory body meeting. The alternate will be reimbursed for travel expenses per the Council travel rules. Exceptions to these stipulations may be made at the discretion of the Executive Director for highly unusual occurrences.

### Officers

The Chair and Vice Chair of each subpanel shall be elected by majority vote of subpanel members present and voting. Such officers shall be confirmed by the Council Chair and shall serve one-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

### Subcommittees

The subpanels may establish such subcommittees as they deem necessary to facilitate their duties.

### Public-at-large Position

For those Subpanels with a position for “Public-at-large,” the person selected for such a position should meet the following criteria:

1. Person has interest in and is knowledgeable about the fishery which is the subject of the subpanel’s deliberations.
2. Person is not an appointed, elected, or paid representative of a recreational, commercial, or environmental organization.
3. Priority consideration will be given to individuals who represent port districts, coastal community businesses, seafood safety experts, or individuals who have expertise not otherwise represented on the committee and would provide a valuable contribution to the advisory group.
4. Individual will not be considered solely on the basis of their participation in the sport or commercial fishery (including processing) or environmental activities.

### MEETINGS

The subpanels shall meet at the request of the Council Chair or Executive Director, as often as necessary to fulfill their responsibilities. The Council will reimburse travel costs for non-Federal advisory body members while on official Council travel as per the *Council Travel Rules* document.

### Public Participation

The public will be permitted to comment on items relative to the agenda, but may be limited if deemed necessary by the subpanel Chair. Written statements also may be submitted prior to and during the meeting. The public may be permitted to interject comments during the meeting at the discretion of the Chair. Members of the public may be asked to leave the meeting at the Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the subpanel Chair and such permission must be obtained in advance.

Upon request, copies of this operating procedure will be distributed to the public attending subpanel meetings.

### Public Notification of Meetings

Timely public notice of each subpanel meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

### MINUTES

As workload permits, Council staff shall attend and draft summary minutes of each subpanel meeting.

### STAFF RESPONSIBILITIES

Council staff will assist the subpanels as assigned.

### REPORTS TO COUNCIL

Subpanels shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe both areas of consensus and differences. If necessary, majority and minority reports may be drafted to present the divergent views of the subpanel. The subpanel Chair will present both majority and minority reports to the Council.

Draft reports or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the subpanel Chair.

#### NEW MEMBER ORIENTATION

Council staff will hold orientation sessions for new members, if necessary.

#### GROUND FISH PERMIT REVIEW

When requested by the Council Chair or Executive Director, the Groundfish Advisory Subpanel (GAP) has the responsibility to review and comment on the groundfish limited entry permit system, in accordance with Amendment 6.

Note: Responsibility for making reports to the Council on the progress of the groundfish license limitation program and need for adjustments was assigned to the GAP at the April, 1996 Council Meeting. If a subcommittee of the GAP is appointed to carry out this responsibility, membership on the subcommittee will be determined by the Council Chair in consultation with the GAP Chair.

#### Objectives and Duties

1. Review appeals related to issuance of permits and gear endorsements, make recommendations through the Council to the regional director as to whether the appeal should be granted, and explain how the recommendation is consistent with the implementing regulations.
2. Make recommendations to the Council on whether non-Federal/non-state limited entry systems should be certified as being consistent with the goals and objectives of the limited entry program established by Amendment 6 to the groundfish FMP, as described in Section 14.3.1.4 of that amendment.

#### Meetings

1. The GAP-comprised review board shall meet at the request of the Council Chair or Executive Director as often as necessary to fulfill their responsibilities.
2. Notice of these meetings shall be published in the *Federal Register*, distributed to the news media, and via other means to ensure wide distribution.

## Public Participation

### Testimony on Appeals

The GAP-comprised review board shall receive testimony from appellants and members of the public on appeals under consideration. Testimony by the appellants shall be submitted to the limited entry office of NMFS in written form at least four weeks prior to the meeting.

Appellant written testimony will be made available to all interested persons in a timely manner prior to the meeting. At the meeting, the appellant may provide an oral summary of written testimony and additional oral testimony in response to questions by members of the GAP-comprised review board and public comment. Public comment shall be in written form and be provided to the NMFS Northwest Region limited entry office at least ten days in advance of the meeting. Members of the public may present oral summaries of written testimony. Time for oral testimony by both the appellant and the public may be limited by the Council Chair.

### Testimony on Other Issues Considered by the Review Board

The GAP-comprised review board shall receive comments from members of the public on issues under consideration not related to appeals at a time specified on the agenda. Time for such testimony may be limited by the Council Chair.

## Reports to the Council

The GAP-comprised review board shall report to the Council as directed by the Council Chair or Executive Director. Reports to the Council will be written and will describe both areas of consensus and differences. Both majority and minority positions will be presented.

## Council's Role

The Council will consider GAP-comprised review board reports on appeals and forward recommendations to the NMFS Northwest Region director. This function is delegated to the Council Chair when prompt action is required for timely rulings by the NMFS Regional Administrator. All testimony to the Council on permit appeals will be in written form.

### REPRESENTATION ON SUBPANELS <sup>1/</sup>

<u>Subpanel and Total Number of Members</u>	<u>Affiliation or Representation</u>
Coastal Pelagic (10)	3 California Commercial Fisheries 1 Oregon Commercial Fisheries 1 Washington Commercial Fisheries 3 Processors (California, Washington, or Oregon) 1 California Charter/Sport Fisheries 1 Conservation Group

REPRESENTATION ON SUBPANELS <sup>1/</sup>

Subpanel and Total Number of Members	Affiliation or Representation
Ecosystem (9)	<ul style="list-style-type: none"> <li>3 California at-large</li> <li>3 Oregon at-large</li> <li>3 Washington at large</li> </ul>
Groundfish (20)	<ul style="list-style-type: none"> <li>3 Fixed Gear Fisheries (at-large)</li> <li>1 Washington Trawl Fisheries</li> <li>1 Oregon Trawl Fisheries</li> <li>1 California Trawl Fisheries</li> <li>1 Open Access Fisheries north of Cape Mendocino</li> <li>1 Open Access Fisheries south of Cape Mendocino</li> <li>2 Processors (at-large)</li> <li>1 At-Sea Processor</li> <li>1 Washington Charter Boat Operator</li> <li>1 Oregon Charter Boat Operator</li>   <li>1 California north of Pt. Conception Charter Boat Operator</li> <li>1 California south of Pt. Conception Charter Boat Operator</li> <li>3 Sport Fisheries (at-large)</li> <li>1 Tribal Fisheries (individual must be active in tribal fishery)</li> <li>1 Conservation Group</li> </ul>
Highly Migratory Species (13)	<ul style="list-style-type: none"> <li>1 Commercial Troll Fisheries</li> <li>1 Commercial Purse Seine Fisheries</li> <li>1 Commercial Gillnet Fisheries</li> <li>3 Commercial At-Large</li> <li>1 Processor north of Cape Mendocino</li> <li>1 Processor south of Cape Mendocino</li> <li>1 Northern Charter Boat Operator</li> <li>1 Southern Charter Boat Operator</li> <li>1 Private Sport Fisheries</li> <li>1 Conservation Group</li> <li>1 Public At-Large</li> </ul>

REPRESENTATION ON SUBPANELS <sup>1/</sup>

Subpanel and Total Number of Members	Affiliation or Representation
Salmon (15)	<ul style="list-style-type: none"> <li>1 Washington Troll Fisheries</li> <li>1 Oregon Troll Fisheries</li> <li>1 California Troll Fisheries</li> <li>1 Gillnet Fisheries</li> <li>1 Processor</li> <li>1 Washington Charter Boat Operator</li> <li>1 Oregon Charter Boat Operator</li> <li>1 California Charter Boat Operator</li> <li>1 Washington Sport Fisheries</li> <li>1 Oregon Sport Fisheries</li> <li>1 Idaho Sport Fisheries</li> <li>1 California Sport Fisheries</li> <li>1 Tribal Fisheries (Washington Coast, individual must be active in tribal fishery)</li> <li>1 Tribal Representative (California)</li> <li>1 Conservation Group</li> </ul>

1/ These subpanels have been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

**COUNCIL OPERATING PROCEDURE**  
**Plan, Technical, and Management Teams**

3

Approved by Council: 07/20/83

Revised: 09/16/87, 11/13/90,

04/06/95, 6/17/03, 03/11/05, 0/07/06, 9/14/06, 09/17/09, 11/05/09, **09/16/10**

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**PURPOSE**

To establish procedures for plan, technical, and management teams (Teams).

**OBJECTIVES AND DUTIES**

When requested by the Council Chair or the Executive Director, the Teams shall:

1. Furnish objective, scientific appraisals of particular fisheries and associated biological resources as assigned by the Council (for example, fisheries for salmon, groundfish, coastal pelagic species, or highly migratory species). It will not be the Team's responsibility to recommend preferred management options to the Council. However, Teams have the discretion to note Team Preferred Alternatives and the rationale for the preferred alternative to facilitate Council decision making.
2. Contribute to the development of fishery management plans (FMP) and FMP amendments, and develop proposed changes to regulations when it is determined by the Council that such FMPs or amendments are required.
3. In preparing a draft FMP, present alternative management goals and objectives to the Council for adoption. Management goals and objectives should be operational and as specific as possible. Goals and objectives should be based on measurable criteria, which will provide a basis for evaluating if management programs are meeting stated goals and objectives.
4. Present analyses that examine short-term and long-term tradeoffs, particularly when policy decisions have long-term implications (e.g., rebuilding rates).
5. In drafting the FMP or amendment, make decisions with regard to what is included in the successive drafts to be presented to the Council. The Scientific and Statistical Committee (SSC) and other advisory bodies may advise the Teams and Council, but their advice is not binding on the Teams. The Council shall decide if the FMP is to be modified and Teams shall comply with Council directives.
6. When presenting successive drafts of FMPs or amendments, submit in writing a list of problems and alternative solutions which require resolution by the Council. An analysis of alternative management strategies shall be included prior to adoption of each FMP or amendment.

7. Contribute to documents and reports required by an FMP or the Council, such as Stock Assessment and Fishery Evaluation (SAFE) documents. In particular:
  - The Salmon Technical Team will compile annual abundance forecasts.
  - Council staff will prepare groundfish rebuilding plans, as required.
8. Evaluate, validate, document, and recommend changes to models used to estimate impacts of Council management proposals.
9. Assist the Council and National Marine Fisheries Service (NMFS) staff in the preparation of the necessary documentation required for Secretarial approval of a Council action by providing and reviewing appropriate written work elements from the duties described in items 1 - 9 above. This documentation may include an Environmental Assessment, Environmental Impact Statement, or other documents required under the National Environmental Policy Act, Regulatory Impact Reviews, Regulatory Flexibility Analyses, and all other documents required by applicable law. Except as directed by the Council, the Council staff shall be responsible for coordination of materials provided by the Teams into the necessary federal documents and final submission to NMFS for Secretarial approval consideration.
10. Attend Council meetings at the request of the Council Chair or the Executive Director to advise the Council on specific fisheries, with particular reference to the biological and socioeconomic implications of managing those fisheries.
11. Be represented at meetings of the relevant advisory subpanel to provide technical information as requested by the subpanel, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.
12. Attend public hearings on the FMPs or amendments, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.
13. Present models, stock assessments, or fishery analyses of elevated scientific complexity for review by the SSC. When possible, the documents should be provided accordance with COP 4, SSC Objective and Duty 10.
14. Perform such other necessary and appropriate Team duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), National Environmental Policy Act, and other applicable law.
15. Offer advice to the Council on the assessments, specifications, and management measures pertaining to each FMP with particular regard to (a) the capacity and the extent to which U.S. commercial and recreational fisheries will harvest the resources managed under their respective FMPs, (b) the economic and social effects of such management measures, (c) potential conflicts among groups using a specific fishery resource, or (d) enforcement

problems peculiar to each fishery with emphasis on the expected need for enforcement resources.

16. Offer advice to the Council on (a) FMPs, FMP amendments, and regulatory amendments during preparation of such FMPs or amendments by the Council, (b) FMPs prepared by the Secretary of Commerce and transmitted to the Council for review, and (c) the effectiveness of the FMPs, amendments, regulations, and other measures which have been implemented.
17. Identify specific legal or enforcement questions on proposals and request response through the Executive Director from the appropriate parties. (Note: The Council staff will attempt to anticipate the need for enforcement and legal advice and arrange for the Enforcement Consultants and/or National Oceanic and Atmospheric Administration General Counsel to attend subpanel meetings.)

## COMPOSITION

1. Teams shall consist of not more than eight members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of their appointed Team.
2. The Council may establish or abolish such Teams as it deems necessary to perform Council duties as specified under the Magnuson-Stevens Act and other applicable laws.
3. Teams shall be composed of state, federal, tribal, and non-governmental specialists, as necessary. Members are nominated by their agencies or organizations, qualifications of the members are reviewed by the SSC and Council members, and are appointed by the Council.

## MEMBERSHIP

### Term of Members

Members shall be appointed by the Council and serve indefinite terms unless terminated by the Council per the procedure described below or the member resigns.

### Termination of Membership

A Team member may be replaced at the Council's discretion if the member; 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the Team Chair or Council Executive Director, 3) appears unable to fulfill their obligations as a Team member, or 4) is reassigned by sponsoring agency.

### Replacement of Members

Upon receipt of a letter of resignation or following Council action to remove a member, the Executive Director shall contact the agency or organization the former member represented for a replacement nominee.

### Alternates

A Team member may send an alternate to a Team meeting when the official member is unable to attend under the following stipulations. The alternate is expected to fulfill the primary duties of the absent member and the Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least two weeks prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the Team meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules. Exceptions to these stipulations may be made at the discretion of the Executive Director for highly unusual occurrences.

### Officers

The Chair and Vice Chair of each Team shall be elected by majority vote of Team members present and voting. Such officers shall be confirmed by the Council Chair and shall serve one-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

### Subcommittees

The Teams may establish such subcommittees as they deem necessary to facilitate their duties.

## MEETINGS

The Teams shall meet at the request of Council Chair or Executive Director, or their respective Team Chair with the approval of the Council Chair or the Executive Director, as often as necessary to fulfill their responsibilities.

### Public Participation

Scheduled meetings of Teams and Team subcommittees shall be announced in advance in the *Federal Register* and by other means to ensure wide distribution (described below). Meeting notices will describe the purpose of the meeting and topics to be discussed. Unless otherwise announced, a scheduled Team meeting shall be of the same duration as the Council meeting during which it is held. These scheduled meetings shall be open to the public. Public comments will be accepted by the Team during a public comment period or at the discretion of the Team Chair. Public comments shall be limited to items on the Team agenda. Policy issues and decisions concerning final choices among options are the province of Council deliberations.

Therefore, it is in the Council forum that public comments on such matters shall be received, not in Team meetings.

Minutes reporting major Team actions, and records and documents prepared for the Council, shall be filed in the Council office, where they will be available for public review.

Because Team meetings are essentially working sessions for drafting materials for Council review, public taping of those proceedings shall be permitted only as specifically authorized by the Council Chair. Draft work product, reports, or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Team Chair.

Copies of this operating procedure will be distributed on request to the public attending Team meetings.

#### Public Notification of Meetings

Timely public notice of each Team meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

#### MINUTES

If practicable, Council staff or a Team member shall draft summary minutes of each Team meeting

#### STAFF RESPONSIBILITIES

Council staff members will assist the Teams as required.

#### AGENCY OR ORGANIZATION POLICY POSITION ADVOCATES

Team members will not act as official policy advocates of agency or organization positions while acting in their capacity as Team members.

## ADDITIONAL EXPERTISE

Teams are encouraged to invite individuals with specialized expertise to assist them as needed. The Council Executive Director will consider reimbursing such experts for travel expenses on a case-by-case basis.

### CURRENT REPRESENTATION ON TEAMS

Team and Total Number of Members	Affiliation
Coastal Pelagic (8)	2 California Department of Fish and Game Up to 4 National Marine Fisheries Service with at least one representing the Northwest Fisheries Science Center 1 Washington Department of Fish and Wildlife 1 Oregon Department of Fish and Wildlife
Ecosystem Plan Development (13)	1 California Department of Fish and Game 1 Idaho Department of Fish and Game 1 Oregon Department of Fish and Wildlife 1 Washington Department of Fish and Wildlife 1 Tribal Government Representative 1 NMFS NWR 1 NMFS SWR 5 From NW and SW Fishery Science Centers (at least one of which has socio-economic expertise) 1 National Ocean Service
Groundfish (11)	6 State fish management agency (two each from Washington, Oregon, California) 1 NMFS Southwest Fisheries Science Center 1 NMFS Northwest Fisheries Science Center 2 NMFS Northwest Region 1 Tribal Agency One of the members should be an economist
Highly Migratory Species (8)	2 NMFS Southwest Fisheries Science Center 2 NMFS Southwest Region 3 State Fish Management Agency (one each from Washington, Oregon, California) 1 Regional Fishery Management Org. (e.g., Inter-American Tropical Tuna Commission (IATTC))
Salmon (8)	3 State Fish Management Agency (one each from Washington, Oregon, California) 3 NMFS 1 USFWS 1 Tribal Governments

**CURRENT REPRESENTATION ON TEAMS**

Team and Total Number of Members	Affiliation
Model Evaluation Workgroup (7-9)	3 State Fish Management Agency (one each from Washington, Oregon, California) 1 NMFS 1 Northwest Indian Fisheries Commission
Model Evaluation Workgroup (7-9) (continued)	1 Columbia River Inter-Tribal Fish Commission 1 USFWS 1 SSC (may be filled by one of the state or tribal agency representatives) 1 STT (may be filled by one of the state or tribal agency representatives)



**COUNCIL OPERATING PROCEDURE**  
**Scientific and Statistical Committee**

4

Approved by Council: 07/20/83

Revised: 07/10/85, 09/16/87, 04/06/95, 09/18/98, 09/15/00, 06/18/02, 03/11/05, 11/09/07, **09/16/10**

**PURPOSE**

The purpose of this Council Operating Procedure is to specify the role, responsibilities, and function of the Scientific and Statistical Committee (SSC).

**OBJECTIVES AND DUTIES**

When requested by the Council, Council Chair or Executive Director, the SSC shall:

1. Provide expert scientific and technical advice to the Council on the development of fishery management policy. SSC scientific and technical advice is intended to inform policy decisions by the Council. SSC review shall focus on the scientific merit of a proposed action and remain separate and independent from Council policy decisions such as determining allocations; setting quotas and harvest guidelines within acceptable biological catch levels or rebuilding optimum yields recommended by the SSC; and deciding between estimates deemed equally probable by the SSC.
2. Provide the Council advice in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any Fishery Management Plan in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the National Standards as amended through January 12, 2007.
3. Provide the Council ongoing scientific advice for active fishery management decisions including, but not limited to, evaluations and recommendations on acceptable biological catch, stock status assessments, stock status forecasts, proposed management measures, defining and achieving maximum sustainable yield, achieving rebuilding targets for overfished species, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices. Such advice shall be based on the review and evaluation of statistical, biological, economic, social, and other scientific information, analyses, analytical methodologies, literature, research, and other information relevant to Council decision-making. Such advice shall be provided in written statements to the Council that include recommendations as appropriate on scientific quality of available information, both in terms of status as the best available science and soundness of science for use in fishery management decision-making, uncertainty, and risk management.
  - a. The SSC requires good documentation and ample review time in order to provide the best possible scientific advice to the Council on scientific merit. Analysis or report authors should be responsible for ensuring materials submitted to the SSC are

technically comprehensive, clearly documented, and complete. If there is any uncertainty on the part of authors regarding SSC expectations, authors should clarify assignments and expectations of materials to be reviewed with the SSC Chair. In order that there be adequate time for careful review, documents and materials destined for review by the SSC or any of its subcommittees must be received at the Council office at least two weeks prior to the meeting at which they will be discussed and reviewed, unless otherwise approved by the Executive Director. The Council staff will then provide copies to appropriate SSC members. If this deadline cannot be met, it is the responsibility of the author to contact the SSC Chair prior to the two-week deadline, so appropriate arrangements, rescheduling, and cancellations can be made in a timely and cost-effective manner. This deadline applies to all official SSC activities and meetings.

- b. SSC reviews, evaluations, analyses, and recommendations are intended to provide an independent peer-review process. SSC members directly involved in the development of reviewed materials, such as stock assessments, fishery or habitat models, or fishery or ecosystems analyses, shall limit themselves to providing information and answering questions regarding SSC deliberations of such items.
4. Assist the Council in identifying statistical, biological, economic, social, or other scientific research needs and identify entities with ongoing research-programs that may be able to develop needed information for the implementation of Council obligations under the Magnuson-Stevens Act. (See Council Operating Procedure Number 12 entitled Update and Communication of Research and Data Needs and West Coast Economic Data Plan.)
5. Advise the Council on preparing comments on any application for foreign fishing transmitted to the Council by the U.S. Department of State.
6. Provide scientific advice to the Council on preparing comments on any FMP or amendment prepared by the U.S. Secretary of Commerce (Secretary) or the Secretary's delegate which are transmitted to the Council pursuant to Section 304(c) of the Magnuson-Stevens Act.
7. Review qualifications of Plan Team and SSC nominees and present recommendations to the Council.
8. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Act and other applicable laws.

#### COMPOSITION

Committee members shall be appointed for each category listed below (17 members). The Council shall strive to include on the committee three social scientists, of which at least two shall have economic sciences expertise. More generally, the Council shall strive to ensure that SSC membership reflects the range of expertise needed for all Council FMPs.

1. State fishery management agencies (4)
  - Washington Department of Fish and Wildlife
  - Oregon Department of Fish and Wildlife
  - California Department of Fish and Game
  - Idaho Department of Fish and Game
2. National Marine Fisheries Service (5)
  - Alaska Fisheries Science Center (1)
  - Northwest Fisheries Science Center (2)
  - Southwest Fisheries Science Center (2)
3. West Coast Indian tribal agency with fishery management responsibility (1)
4. At-large positions (7)

## MEMBERSHIP

### Term of Members

Non at-large Federal, state, and tribal agency members shall be appointed by the Council to serve indefinite terms. At-large members shall be appointed by the Council for three-year terms commencing on January 1 and expiring December 31 three years thereafter, and may be reappointed at the pleasure of the Council. At-large vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

### Compensation

Federal employees on the SSC shall serve without compensation. However, non-Federal employees will be reimbursed for expenses while traveling to and participating at meetings of official Council business, as per the *Council Travel Rules* document. Subject to the availability of appropriations and approval by the Council, a stipend may be paid to members who are not employed by the Federal Government or a State marine fisheries agency.

### Termination of Membership

An SSC member may be replaced at the Council's discretion if a member: 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings or has excessive non-consecutive absences without giving adequate notification to the SSC Chair or Council Executive Director, 3) appears unable to fulfill their obligations as an SSC member, or 4) violates the *Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils, U. S. Department of Commerce*.

### Replacement of Members

Upon receipt of a letter of resignation, from either the individual in an at-large position or the sponsoring fishery management agency for an agency seat, expiration of three-year terms, or after Council action to remove a member, the Executive Director shall: 1) contact the agency which the former member represented for a nominee, or 2) for an at-large member, advertise for a replacement. Announcements for nominations for at-large members shall be distributed widely and be specific about the duties and responsibilities.

### Alternate Members

When an appointed member representing a Federal, state, or tribal agency (categories 1, 2, and 3) will not be able to attend a meeting, a designee may be appointed if the Executive Director is notified in advance in writing with the name of and contact information for the proposed alternate at least two weeks prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the advisory body meeting. Exceptions to these stipulations may be made at the discretion of the Executive Director for highly unusual occurrences.. Such designees may participate in committee deliberations as a regular member and non-federal alternates shall be reimbursed for expenses per the Council travel rules. Designees for at-large committee members are not authorized.

### Officers

The Chair and Vice Chair of the SSC shall be elected by majority vote of SSC members present and voting. Such officers shall be confirmed by the Council Chair and shall serve two-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

### Subcommittees

The committee may establish such subcommittees as it deems necessary to facilitate its duties. Subcommittee reports will not be considered final until approved by the full SSC.

### Disclosure of Financial Interest

Within 45 days of appointment to the SSC, each member must disclose any financial interest and any financial relationship-

- (1) that they, their spouse, their minor child, or their partner, has in or with any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken in association with any fishery over which the Council has jurisdiction;
- (2) that they have associated with any organization (other than the Council) in which they are serving as an officer, director, trustee, general partner, or employee, if that organization is involved in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken in association with any fishery over which the Council has jurisdiction; and

- (3) that they have with an individual or organization (other than the Council) involved in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken in association with any fishery over which the Council has jurisdiction.

Members are required to complete Council and/or Department of Commerce forms to disclose the above information. Such forms will be kept on file by the Council and the Assistant Administrator for Fisheries, on behalf of the Secretary of Commerce. Financial disclosure forms must include the period three years prior to signing and members must update his or her disclosure form at any time any such financial interest is acquired or substantially changed.

## MEETINGS

The committee shall meet at the request of the committee Chair, with the approval of the Council Executive Director, as often as necessary to fulfill its responsibilities. Generally, the SSC will meet Monday and Tuesday during the week of each Council meeting.

### Public Participation

The public will be permitted to comment on items relative to the agenda at a time to be announced in the *Federal Register* and in a Council news release. Comments may be limited if deemed necessary by the committee Chair. Written statements also may be submitted during the public comment period. The public will not be permitted to interject comments during the meeting at any time other than the established comment period unless asked to do so by the Chair or a committee member. Members of the public may be asked to leave the meeting at the Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the committee Chair and such permission must be obtained in advance.

Draft work products, reports, or statements prepared and discussed at these meetings will be available in final form after submission to the Council. Distribution prior to submission to the Council will be limited to SSC members, unless authorized by the Chair.

Copies of this operating procedure shall be available upon request from the Council office.

### SSC Closed Sessions

At the discretion of the SSC Chair, SSC closed sessions may be scheduled in advance of or initiated during an SSC meeting. Closed sessions are closed to all except SSC members, Council members, Council staff, and others designated by the SSC Chair to discuss litigation, advisory body appointments, and other personnel matters.

### Public Notification of Meetings

Timely public notice of each SSC meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council

website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

#### MINUTES

As workload permits, a Council staff member shall attend and draft minutes of each committee meeting. Such minutes shall be submitted for approval by a majority of committee members at the next committee meeting.

#### STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and meeting logistics, and to provide other expertise needed by the committee on a case-by-case basis.

**COUNCIL OPERATING PROCEDURE**  
**Enforcement Consultants**

5

Approved by Council: 11/13/85  
Revised: 04/06/95, 03/11/05, **09/16/10**

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**PURPOSE**

To establish procedures for the Enforcement Consultants.

**OBJECTIVES AND DUTIES**

When requested by the Council Chair or Executive Director, the Enforcement Consultants shall provide advice to the Council concerning the feasibility of proposed management measures from an enforcement standpoint.

**MEMBERSHIP**

U.S. Coast Guard, 11th District  
U.S. Coast Guard, 13th District  
National Marine Fisheries Service, Northwest Region  
National Marine Fisheries Service, Southwest Region  
Washington Department of Fish and Wildlife  
Oregon State Police  
California Department of Fish and Game

Term of Membership

An Enforcement Consultant member must be appointed by the appropriate agency head who shall notify the Council of that appointment. The appointed individual will serve an indefinite term unless the appointing agency head determines otherwise.

Termination and Replacement of a Member

An Enforcement Consultant serves the Council at the discretion of the appointing agency and may be replaced at the discretion of the appointing agency.

Alternates

An Enforcement Consultant may send an alternate to a meeting no more than twice per calendar year under the following stipulations. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least two weeks prior to the first day of the meeting, or the first day of the Council meeting held in conjunction with the enforcement meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules as long as the official member is not in attendance. Exceptions to these stipulations may be made at the discretion of the Executive Director for highly unusual occurrences.

## ORGANIZATION

1. Each member will have one vote.
2. Additional representatives of an agency may attend meetings, but may not vote.

## OFFICERS

1. A Chair will be elected by majority vote to serve a two-year term. The term will run from October 1 of the first year through September 30 of the second year.
2. The Vice Chair's position will be permanently filled by the U.S. Coast Guard representative from the 13th District.

## MEETINGS

With the approval of the Executive Director, the Enforcement Consultants will meet in conjunction with each Council meeting or as determined by the Enforcement Consultant's Chair to achieve Council enforcement objectives. The Council will reimburse travel costs for nonfederal Enforcement Consultant members while on official Council travel as per the *Council Travel Rules* document.

## MEETING ATTENDANCE

1. Enforcement Consultants or their alternates will attend all Council meetings. In the event the Chair is unable to attend, the Vice Chair will assume all responsibilities of the Chair.
2. The Chair will ensure that they are kept abreast of Council developments by maintaining close contact with Council staff. The Chair will be responsible for seeing that attendance is provided for at all meetings pertinent to the business of the Enforcement Consultants. The person appointed to attend such meetings shall provide the necessary information on the meeting attended to the Chair for information dissemination.
3. The Chair will call a meeting of the Enforcement Consultants, as authorized by the Council Executive Director, prior to or at Council meetings when issues affecting enforcement are to be addressed.
4. Other agencies and Council groups are welcome to attend Enforcement Consultants' meetings. Individuals wishing to address an issue with the Enforcement Consultants should notify the Chair prior to the meeting.

## REPORTING PROCEDURES

1. The Enforcement Consultants Chair will represent the consensus position of the group to the Council. In the absence of the Chair, the Vice Chair will act in the Chair's place.

2. Group positions to be presented to the Council will be established by majority vote.
3. Any member agency having an agency position differing from that of the group may present its position to the Council. Such a position must be given separately from the group report and clearly state that it is a minority report and does not represent the view of the group.
4. Items presented to the Council will be summarized in writing in addition to the oral report. Copies will be provided to members of the Enforcement Consultants.

#### NOTIFICATION OF MEETINGS

The Chair shall give notice of Enforcement Consultant meetings, which shall be published in the agenda of the upcoming Council meeting. Scheduled meetings shall be open to the public.

#### PUBLIC PARTICIPATION AT MEETINGS

The public will be permitted to comment on items relative to the agenda, but may be limited if deemed necessary by the Chair. Written statements also may be submitted prior to and during the meeting. The public may be permitted to interject comments during the meeting at the discretion of the Chair. Members of the public may be asked to leave the meeting at the Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the Chair and such permission must be obtained in advance.

Upon request, copies of this operating procedure will be distributed to the public attending Enforcement Consultants meetings.

#### MINUTES

Minutes reporting major actions, records, and documents prepared for the Council shall be filed in the Council office where they will be available upon request.



# COUNCIL OPERATING PROCEDURE

## Habitat Committee

6

Approved by Council: 04/06/95

Revised: 04/12/96, 03/05/97, 04/08/97,

09/18/98, 09/15/00, 11/01/02, 10/17/03, 03/11/05, 09/16/10, **11/09/10**

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### PURPOSE

To establish procedures for the Habitat Committee (HC) which has been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

### OBJECTIVES AND DUTIES

When requested by the Council Chair or Executive Director, the HC shall:

1. Facilitate communication and coordinated action on important habitat issues which have regional significance to fisheries managed by the Council.
2. Work with key agency and public representatives to develop strategies to resolve present habitat problems and avoid future habitat conflicts.
3. Make recommendations to the Council for actions which help achieve the Council's habitat objectives as defined in its fishery management plans.
4. Make recommendations to the Council for actions which help achieve the Essential Fish Habitat mandates in the Magnuson-Stevens Fishery Conservation and Management Act.

### COMPOSITION

The HC shall consist of 15 members as specified from each entity or category below. The representatives selected for the HC should have experience in habitat issues and/or expertise in strategic planning.

- One member from NMFS Northwest or Southwest Fisheries Science Center.
- One member from National Marine Fisheries Service (NMFS) Northwest or Southwest Region.
- One member from U.S. Fish and Wildlife Service (USFWS).
- One member from Pacific States Marine Fisheries Commission (PSMFC).
- Four members from among the four state fishery agencies (Washington, Idaho, Oregon, and California).
- Two tribal representatives (one Klamath, one Northwest or Columbia River).
- Two members representing the fishing industry - one commercial and one sport.
- One member representing a conservation group.
- One member from National Marine Sanctuaries (NMS).
- One member at-large.

## MEMBERSHIP

### Terms

The HC members representing NMFS, USFWS, PSMFC, NMS, and the state agencies will be appointed for indefinite terms and replaced only as needed or at the pleasure of the Council Chair. The other HC members (tribal, industry, conservation, and public at-large) will be appointed for three-year terms. The Council Chair may select members that best serve the needs of the HC and Council rather than adhering to a strict rotation among the entities represented by each position.

### Termination of Membership

A committee member may be replaced at the Council's discretion if a member; 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the committee Chair or Council executive director, or 3) appears unable to fulfill their obligations as a committee member.

### Replacement of Members

Upon receipt of a letter of resignation, expiration of three-year terms, or after Council action to remove a member, the Executive Director shall, depending on the member's position, do one of the following; 1) contact the agency which the former member represented for a nominee or 2) advertise for replacement of the industry, conservation, or public at-large members. Announcements for nominations shall be distributed widely and be specific about the duties and responsibilities.

### Alternates

A committee member may send an alternate to a meeting no more than twice per calendar year under the following stipulations. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least two weeks prior to the first day of the HC meeting, or the first day of the Council meeting held in conjunction with the HC meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules. Exceptions to these stipulations may be made at the discretion of the Executive Director for highly unusual occurrences.

### Officers

A Chair (or co-chairs) will be recommended by the HC to be appointed by the Council Chair from among the HC members for a one year term. Officers will rotate to ensure sharing of the workload and diverse representation.

## MEETINGS

With the approval of the Executive Director, the HC will meet in conjunction with each Council meeting or as determined by the HC Chair to achieve Council habitat objectives. The Council will reimburse travel costs for nonfederal HC members while on official Council travel as per the *Council Travel Rules* document.

### Public Notification of Meetings

Timely public notice of each HC meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

## STAFF RESPONSIBILITIES

Council staff members will assist the committee as requested and as work priorities allow.

## REPORTS TO COUNCIL

The HC Chair or designee will report to the Council on all HC actions.

## ISSUE SCREENING AND REVIEW PROCEDURES

The following criteria will guide HC and Council procedures:

- All issues must have a significant impact on Council managed fisheries. This may include habitat policy issues of regional or national scope as well as effects of specific projects or resource developments.
- Direct presentation of issues to the HC should be at the request of the Council or the HC Chair and coordinated with the appropriate individual fishery management entities.
- Private individuals or organizations may submit requests for Council action directly to the HC.
- Direction and assignments to the HC shall originate from the Council.

- Habitat Committee-related, Council action will require approval of a majority of Council members when a quorum is present (except as noted under the "Quick Response Procedures" in Council Operating Procedure 1).
- All issues submitted to the HC should include the HC Proposed Action Form and have sufficient supporting information to allow clear identification of the issue(s) and evaluation of the need for Council action and/or support.

# **COUNCIL OPERATING PROCEDURE**

## **Groundfish Allocation Committee**

7

Approved by Council: 03/11/05

Revised: 10/31/05, 9/14/06, 09/16/10, **11/09/10**

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### **PURPOSE**

The purpose of this Council Operating Procedure is to specify the role, responsibilities, and function of the Groundfish Allocation Committee which has been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

### **OBJECTIVES**

Per the Groundfish Fishery Management Plan, direct allocation decisions must be made through a Council process over the course of at least two meetings to allow the Council to fully consider the alternatives and comments from its advisory entities and the public.

The Groundfish Allocation Committee is charged with developing options for allocating certain groundfish species (e.g., “overfished” species) among the commercial and recreational sectors, and among gear groups within the commercial sector.

The purpose of the Groundfish Allocation Committee is to distribute the harvestable surplus among competing interests in a way that resolves allocation issues on a short or long-term basis.

National Standard 4 of the Magnuson-Stevens Fishery Conservation and Management Act (50CFR600.325) requires that “allocations shall be: (1) fair and equitable to all such fishermen; (2) reasonably calculated to promote conservation; and (3) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.” Moreover, National Standard 4 states “conservation and management measures shall not discriminate between residents of different states.”

### **COMPOSITION**

The Groundfish Allocation Committee will be composed of voting and nonvoting members. Voting members will include the Council Chair, and one representative each from Washington, Oregon, and California management agencies, National Marine Fisheries Service, and Pacific States Marine Fisheries Commission. Nonvoting members will include one advisor representing each of the following sectors: non-whiting trawl, whiting fishery, open access, fixed gear, recreational, processor, and conservation. NOAA General Counsel will provide legal advice.

### **Member Terms**

Groundfish Allocation Committee members (voting and nonvoting members) serve indefinite terms. However, a Committee member may be replaced at the Council's discretion if the member 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the Committee Chair or Council

Executive Director, or 3) appears unable to fulfill their obligations as a Committee member. The Council Chair is authorized to appoint nonvoting members and replacements on an interim basis to avoid a lack of representation for any of the nonvoting advisory sectors at a GAC meeting. In so far as possible, the Council Chair will consult with the Council prior to such appointments.

#### Alternate Members

A Committee member may send an alternate to a meeting no more than twice per calendar year under the following stipulations. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least two weeks prior to the first day of the meeting, or the first day of the Council meeting held in conjunction with the Allocation Committee meeting. The alternate will be reimbursed for travel expenses per the Council travel rules. Exceptions to these stipulations may be made at the discretion of the Executive Director for highly unusual occurrences. Such designees may participate in committee deliberations as a regular member.

#### Officers

The Council Chair will act as Chair of the Groundfish Allocation Committee.

#### MEETINGS

The Groundfish Allocation Committee shall meet at the request of the Council Chair as often as necessary to fulfill its responsibilities. Committee members may request the Council Chair to convene a Committee meeting, but the Council Chair ultimately decides whether a meeting is necessary. The Council will reimburse travel costs for nonfederal Committee members while on official Council travel as per the *Council Travel Rules* document.

#### Public Participation

The public will be permitted to comment on items relative to the agenda at a time to be announced in the *Federal Register* and a Council news release. Comments may be limited if deemed necessary by the Committee Chair. Written statements also may be submitted during the public comment period. The public will not be permitted to interject comments during the meeting at any time other than the established comment period unless asked to do so by the Chair or a Committee member. Members of the public may be asked to leave the meeting at the Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the Committee Chair and such permission shall be obtained in advance of the meeting.

Copies of this operating procedure shall be available upon request from the Council office.

### Public Notification of Meetings

Timely public notice of each Groundfish Allocation Committee meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the Federal Register.

### Minutes and Reports

A Council staff member shall attend and draft minutes of each committee meeting. Such minutes shall be submitted for approval by the majority of committee members prior to or at the next committee meeting.

The Groundfish Allocation Committee shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe both areas of consensus and differences. If necessary, majority and minority reports may be drafted to present the divergent views of the Committee. The Committee Chair will present both majority and minority reports to the Council.

Draft reports or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Chair.

### STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and meeting logistics (e.g., *Federal Register* and meeting notices), and to provide other expertise needed by the Committee on a case-by-case basis.



**COUNCIL OPERATING PROCEDURE**  
**Ad Hoc Committees**

8

Approved by Council: 03/11/05  
Revised: **09/16/10**

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**PURPOSE**

To establish procedures for creating, operating, and terminating Ad Hoc Committees.

**CREATION AND TERMINATION**

Ad Hoc Committees are created to address specific (or short term) issues and are intended to be in place for a limited duration. Ad Hoc Committees are created and terminated by vote of the Council. Current Ad Hoc Committees (including names and affiliations, but not contact information) shall be listed in the Council Roster.

**OBJECTIVES AND DUTIES**

Objectives, duties, and expected duration for each Ad Hoc Committee shall be specified at the time the committee is created.

**MEMBER COMPOSITION AND TERMS**

Based on the advice of Council members and advisory committees, the Council Chair appoints Ad Hoc Committee members.

Member Terms

Ad Hoc Committee members serve until the tasks assigned to the Ad Hoc Committee are completed. However, an Ad Hoc Committee member may be replaced at the Council Chair's discretion if a member; 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the Committee Chair or Council Executive Director, or 3) appears unable to fulfill their obligations as a Committee member.

Alternate Members

Due to the limited and specific nature of Ad Hoc Committees, members shall, generally, not be allowed to appoint alternates and are strongly encouraged to attend all Ad Hoc Committee meetings. However, a member may send an alternate to a subpanel meeting no more than twice per calendar year under the following stipulations. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least two weeks prior to the first day of the committee meeting, or the first day of the Council meeting held in conjunction with the committee meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules. Exceptions to these stipulations may be made at the

discretion of the Executive Director for highly unusual occurrences. Such designees may participate in Ad Hoc Committee deliberations as a regular member.

### Officers

The Chair and Vice Chair of each Ad Hoc Committee shall be appointed by the Council Chair and shall serve for the duration of the Ad Hoc Committee. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

### MEETINGS

The committee shall meet at the request of the Council Chair or Executive Director as often as necessary to fulfill their responsibilities.

### Public Participation

The public will be permitted to comment on items relative to the agenda at a time to be announced in the *Federal Register* and a Council news release. Comments may be limited if deemed necessary by the Committee Chair. Written statements also may be submitted during the public comment period. The public will not be permitted to interject comments during the meeting at any time other than the established comment period unless asked to do so by the Chair or a Committee member. Members of the public may be asked to leave the meeting at the Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the Committee Chair and such permission shall be obtained in advance of the meeting.

Copies of this operating procedure shall be available upon request from the Council office.

### Public Notification of Meetings

Timely public notice of each Ad Hoc Committee meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

### Minutes and Reports

As workload permits, a Council staff member shall attend and draft minutes of each Ad Hoc Committee meeting. Such minutes shall be submitted for approval by the majority of committee members prior to or at the next committee meeting.

Ad Hoc Committees shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe both areas of consensus and differences. If necessary, majority and minority reports may be drafted to present the divergent views of the Ad Hoc Committee. The Committee Chair will present both majority and minority reports to the Council.

Draft reports or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Chair.

### STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and meeting logistics (e.g., *Federal Register* and meeting notices), and to provide other expertise needed by the Committee on a case-by-case basis.



# COUNCIL OPERATING PROCEDURE

## Management and Activity Cycles

9

Approved by Council: 07/10/85  
Revised: 09/16/87, 04/06/95, 11/03/99, **03/11/05**

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### PURPOSE

To establish management and activity cycles conducted by the Pacific Fishery Management Council (Council), its advisory entities, staff for the groundfish, salmon, coastal pelagic species, halibut, and highly migratory species fisheries, and administrative matters.

### MANAGEMENT AND ACTIVITY CYCLES

- Schedule 1 Biennial management cycle and activities related to groundfish management.
- Schedule 2 Annual management cycle and activities related to salmon management.
- Schedule 3 Annual management cycle and activities related to coastal pelagic species management.
- Schedule 4 Annual management cycle and activities related to halibut management.
- Schedule 5 Biennial management cycle and activities related to highly migratory species management.
- Schedule 6 Annual administrative management cycle and activities.

### SCHEDULE 1. Biennial management cycle and activities related to groundfish management.

Year	Month	Entity and Management Activity
Year 1	November	To begin development of specifications for the next biennial management period (Years 3 and 4), the <i>Groundfish Management Team (GMT) and Scientific and Statistical Committee (SSC)</i> review and incorporate new impact assessment methodologies, including new observer data from January through December of the previous year, approve stock assessments completed in Year 1, and recommend appropriate harvest specifications.  <i>Council</i> provides initial fishery management guidance, final modeling methodologies, and stock assessments for the next biennial period (Years 3 and 4), including identification of acceptable biological catches (ABCs), preferred optimum yields (OYs), and specific fishery management measures.

**SCHEDULE 1. Biennial management cycle and activities related to groundfish management.**

Year	Month	Entity and Management Activity
Year 2	February	<i>GMT</i> meets to continue review and analysis of initial management measures and Council preferred harvest specifications provided by the Council in November.
	March	Consistent with the U.S./Canada agreement, the <i>Council</i> adopts the stock assessment, ABC, and OY for management of the Pacific Whiting fishery in Year 2.
		<i>Groundfish Advisory Subpanel (GAP)</i> meets to review current fishery status, develop Pacific whiting recommendations, and refine management measure alternatives for Years 3 and 4.
		<i>GMT</i> meets to review inseason management issues and continue analysis of preliminary management measures and harvest specifications.
	April	<i>GAP</i> meets to develop current inseason management recommendations and management measure alternatives for Years 3 and 4.
		<i>GMT</i> meets to analyze current inseason management recommendations and management measure alternatives for Years 3 and 4.
<i>Council</i> recommends inseason management adjustments as necessary. Council provides initial management measures for public review and may adopt final ABCs and OYs.		
May	<i>GMT</i> meets (if necessary) to complete final analysis and documentation of April Council adoption of management measures for public review.	
June	<i>GAP</i> meets to develop current inseason management recommendations and final recommendations for management measures in Years 3 and 4.	
	<i>GMT</i> meets to analyze current inseason management recommendations and final management measures in Years 3 and 4.	
	<i>Council</i> recommends inseason management adjustments as necessary and approves draft EFP applications for Year 3. Council adopts final management measures and any remaining final ABCs and OYs for implementation by NMFS.	

**SCHEDULE 1. Biennial management cycle and activities related to groundfish management.**

Year	Month	Entity and Management Activity
	July	Council staff and <i>GMT</i> complete documents and draft environmental impact statement (DEIS) for biennial management specifications and submit them to NOAA.
	September	<i>GMT</i> monitors fisheries and meets with <i>GAP</i> to assess recommendations for inseason management. <i>GMT</i> analyzes recommended inseason adjustments.  <i>Council</i> recommends inseason management adjustments as necessary.
	November	<i>GMT</i> monitors fisheries and meets with <i>GAP</i> to assess recommendations for inseason management. <i>GMT</i> analyzes recommended inseason adjustments.  <i>Council</i> recommends inseason management adjustments as necessary and adopts final EFPs for Year 3.
Year 3 <sup>1</sup>	January	<i>U.S. Department of Commerce</i> implements harvest level specifications and management measures for next biennial management period (Years 3 and 4).
	March	Consistent with the U.S./Canada agreement, the <i>Council</i> adopts the stock assessment, ABC, and OY for management of the Pacific whiting fishery in Year 3.
	April, June, and September	<i>GMT, GAP, and Council</i> participate in inseason management activities and special off-year activities, as appropriate.
	November	Repeat management activities of November in Year 1 to begin development of next biennial cycle.

<sup>1</sup> GMT generally meets in February, May, July, and October to review and discuss groundfish management issues, including stock assessments and STAR Panel reviews.

**SCHEDULE 2. Annual management cycle and activities related to salmon management.** <sup>1</sup>

Month	Entity and Management Activity
January	<i>Salmon Technical Team (STT)</i> meets to draft annual fishery review for the previous season.
February	<i>STT</i> meets to draft the report providing projected stock abundances and potential management measure impacts.
March	<i>Council</i> meets to adopt no more than three annual salmon fishery management options and conducts public hearings (hearings may extend into April).  <i>Salmon Advisory Subpanel (SAS)</i> meets with the Council to develop initial annual management option recommendations.  <i>STT</i> meets to develop impact analyses of the Council's proposed annual management options, identifies management concerns, and participates in public hearings.
April	<i>Council</i> meets to adopt final annual salmon fishery management measures.  <i>STT and SAS</i> meet with Council to assist in selection and analysis of final annual management measures.  <i>SSC</i> meets to identify methodology issues which merit review, informs the Council of methodologies selected for review, and establishes a review schedule.  <i>U.S. Department of Commerce</i> reviews and implements the Council's recommendations in time for May 1 season opening.
May through October	<i>Council, STT, and National Marine Fisheries Service (NMFS)</i> monitor fisheries to implement inseason management provisions, as necessary.
October or November	<i>SSC, STT, and SAS</i> meet with Council to provide direction as needed, especially with regard to the review of prediction and harvest impact modeling procedures and the annual management measure process.

<sup>1</sup> For additional detail, see operating procedure for "Annual Salmon Management Process."

**SCHEDULE 3. Annual management cycle and activities related to coastal pelagic species management.**

Month	Entity and Management Activity
<b>PACIFIC MACKEREL AND MONITORED SPECIES</b>	
April	<i>Assessment authors</i> prepare draft assessment documents
May	<i>Coastal Pelagic Species Management Team (CPSMT), Coastal Pelagic Species Advisory Subpanel (CPSAS), and public</i> review draft assessments, executive summaries, and recommended harvest guidelines.
June	<p><i>Assessment authors</i> submit final assessments, executive summaries, and recommended harvest guidelines to Council staff for inclusion in June Council meeting briefing book.</p> <p><i>SSC</i> reviews assessments, executive summaries, and recommended harvest guidelines.</p> <p><i>Council</i> adopts annual harvest level specifications and management measures.</p> <p><i>U.S. Department of Commerce</i> implements annual harvest level specifications and management measures. Pacific mackerel season opens July 1.</p>
<b>PACIFIC SARDINE</b>	
September	<i>Assessment authors</i> prepare draft assessment documents.
October	<i>CPSMT, CPSAS, and public</i> review draft assessment, executive summary, and recommended harvest guideline.
November	<p><i>SSC</i> reviews assessment, executive summary, and recommended harvest guideline.</p> <p><i>Council</i> adopts annual harvest level specification and management measures.</p> <p><i>U.S. Department of Commerce</i> implements annual harvest level specification and management measures. Pacific sardine season opens January 1.</p>

NOTE: The Council decided the Stock Assessment and Fishery Evaluation (SAFE) document for coastal pelagic species will be prepared and presented in two sections. The main section will be submitted at the June Council meeting. This portion of the SAFE will include the annual

Pacific mackerel assessment, evaluation of the fisheries based on the calendar year, and the status of monitored species. The second (supplemental) section will include the Pacific sardine assessment and status of the sardine fishery. The supplemental section will be presented at the November Council meeting.

The coastal pelagic species management cycle does not provide for inseason changes to management specifications that are specified at the beginning of the season and/or in the fishery management plan except through emergency action.

**SCHEDULE 4. Annual management cycle and activities related to halibut management.**

Year	Month	Entity and Management Activity
Year 1	September	<i>Council</i> receives a report on the status of the current Pacific halibut fishery. With regard to next year’s season (Year 2), the <i>Council</i> hears management recommendations from the states and public; and, if necessary, adopts for public review proposed changes to recreational season structuring and minor changes to the Pacific halibut catch sharing plan for fisheries in Year 2 (e.g., opening dates, days per week, early season/late season ratios, and port/area sharing).  <i>SSC</i> reviews halibut stock assessment, proposed halibut bycatch estimates or other halibut estimation methodologies as necessary prior to NMFS submission to the International Pacific Halibut Commission (IPHC).
	September or October	<i>States</i> conduct public workshops on the proposed changes to the catch sharing plan or sport fishery measures, as appropriate.
	October or November	<i>Council</i> receives a report on the status of the current Pacific halibut fishery. Within the scope of the proposed changes formulated at the September meeting and with further public input, the <i>Council</i> adopts recommendations for management changes to be implemented by IPHC regulations and NMFS in the catch sharing plan governing Pacific halibut fisheries in the coming season (Year 2).
Year 2	November through January	<i>IPHC</i> staff distributes draft documents that impact Area 2A to the Council office and NMFS.
	January	<i>IPHC</i> meets to establish quotas for each management area.
	November	<i>NMFS</i> publishes proposed rule to implement catch sharing plan and prepares appropriate NEPA documents.
	March	<i>Council</i> adopts, for public review, a range of landing restrictions for incidental halibut harvest in the non-Indian troll salmon fishery and, if necessary, for the commercial longline sablefish fishery north of Point Chehalis, Washington.

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**SCHEDULE 4. Annual management cycle and activities related to halibut management.**

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Year	Month	Entity and Management Activity
	March (cont)	<i>Council</i> holds public hearings to receive input on salmon fishing options and incidental halibut landing limit options.
	April	<i>NMFS</i> publishes final rule to implement catch sharing plan.  <i>Council</i> adopts final recommendations for incidental harvest in the non-Indian troll salmon fishery and, if necessary, for the commercial longline sablefish fishery north of Point Chehalis, Washington.
	May	Non-Indian Pacific halibut fisheries open in Area 2A under IPHC regulations.
	May through September	<i>NMFS</i> regional director makes inseason adjustments to sport seasons as necessary. The <i>IPHC</i> closes fisheries when quotas are projected to be met.

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**SCHEDULE 5. Biennial management cycle and activities related to highly migratory species management.**

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Year	Month	Entity and Management Activity
Year 1	June	<i>Highly Migratory Species Management Team (HMSMT)</i> provides update to the Council on status of the HMS fisheries; preliminary SAFE report. If necessary, Council directs HMSMT to prepare draft regulatory analysis to implement harvest levels and/or management measures.
	September	<i>HMSMT</i> presents annual SAFE document to Council. If necessary, Council directs HMSMT to prepare a draft regulatory analysis to implement new harvest levels and/or management measures. Council adopts for public review proposed actions addressing concerns from current and previous SAFE reports.
Year 2	April	If approved by <i>NMFS</i> , measures become effective, and stay in effect for at least two years.

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As detailed above the HMS FMP established a biennial management cycle with the regulatory/statistical year April 1 to March 31, which provides sufficient time for data analysis, provides for timely response to fishery problems, and allows most fishers adequate access to the management process, as scheduled.

The cycle is repeated biennially, with new actions considered in September and becoming effective in April every other year. The Council would schedule HMS for the June, September, and November Council meetings.

Under this biennial cycle, the HMSMT would conduct ongoing reviews of HMS fisheries and stock status. The HMSMT would prepare an annual SAFE document for the Council's September meeting.

This management cycle may be altered to a different annual or multi-year management cycle by majority vote of the Council without necessity of an FMP amendment, provided the Council gives six-month advance notice to the public of any intent to alter the management cycle.

**SCHEDULE 6. Annual administrative management cycle and activities.**

Month	Management Activity
Year-Round	Review any needed changes in the Council's policies and procedures for revisions to the Statement of Organizations, Practices, and Procedures. Fill vacancies in advisory body positions as necessary. Plan staff workload and Council meeting agendas.
September	Every third year, review composition of the SSC and advisory subpanels and request nominations to fill the next three-year term. Provide guidance on administrative and programmatic budget issues.
October or November	Elect Council Chair and Vice Chair, and appoint parliamentarian and standing committees for the next calendar year. Every third year, appoint membership of the SSC and advisory subpanels for three-year terms beginning January 1. Approve the Council meeting schedule for three years hence and provide guidance on administrative and programmatic budget issues.

**COUNCIL OPERATING PROCEDURE**  
**Preseason Salmon Management Process**

Approved by Council: 09/22/88  
Revised: 03/06/90, 04/06/95, **03/11/05**

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PURPOSE

To establish a schedule and procedures governing the annual salmon management process beginning in January and ending in April. The process is limited by available time, as stock abundance forecasts are not available until early February and regulations must be in place by May 1. Therefore, the process must be as efficient as possible while maximizing the opportunity for public involvement. The principal features of the process are; 1) a March meeting to adopt realistic preliminary ocean salmon fishery management options, 2) public hearings, and 3) an April meeting to adopt final management recommendations. Several non-Council meetings are also complementary to this process including; 1) meetings held prior to the March Council meeting in which state/federal managers review Salmon Technical Team preseason forecast reports with Salmon Advisory Subpanel members and members of the general public, 2) meetings of the Klamath Fishery Management Council, and 3) meetings of the North of Cape Falcon Forum occurring between the March and April Council meetings.

For this process to be effective, the Council should adopt allowable ocean harvest levels as early as possible, and options developed in March should be consistent with the management objectives defined in the fishery management plan (FMP). The April meeting should focus on how to structure ocean fishing seasons which meet, to the maximum practicable extent, the social and economic objectives of the Council.

PROCEDURE

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January Notice published in the *Federal Register* announcing the availability of Salmon Technical Team and Council documents, the dates and locations of the two Council meetings, the dates and locations of the public hearings, and publishing the complete schedule for determining proposed and final modifications to the management measures.

*Salmon Technical Team (STT)* meets to draft the review of ocean salmon fisheries for the previous year.

February through Early March *STT* meets in February to draft preseason report providing stock abundance forecasts and harvest and escapement estimates when recent regulatory regimes are projected on current year abundance.

State management and Klamath Fishery Management Council meetings occur in February or early March to assess expected stock abundances and possible season options. The *STT* reports, which summarize the previous salmon season and project the expected salmon stock abundance for the coming season, are available to the public from the Council office.

## PROCEDURE

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First or second full week of March <sup>a/</sup>	<p>The Council and advisory entities meet to adopt not more than three alternative regulatory options for formal public hearings which are expected to meet FMP management objectives. Prior to adoption of alternatives, the Pacific Salmon Commission (PSC) will be asked to document and articulate to the Council any agreements reached that impact Council management.</p> <p>The options will represent a range of anticipated total allowable harvest and stock impacts in Council fisheries. Proposed options are initially developed by the Salmon Advisory Subpanel and further refined after analysis by the Salmon Technical Team, public comment, and consideration by the Council.</p> <p>The Council will consider any potential emergency changes to fishery management objectives or other provisions of the FMP. Any request for an emergency change must meet the attached criteria.</p>
Week following March Council meeting	<p>The Council public hearing announcement and Preseason Report II are released which outline Council-adopted options.</p>
Prior to April Council Meeting	<p>Agencies, tribes, and public meet to agree on allowable ocean and inside waters harvest levels north of Cape Falcon. The Council's ocean fishery options are refined to meet allowable ocean harvests based on conservation and allocation objectives.</p>
Last week of March and first week of April	<p>General time frame for formal public hearings on the proposed salmon management options.</p>
First or second full week of April <sup>a/</sup>	<p>The Council and advisory entities meet to adopt final regulatory measure recommendations for implementation by the Secretary of Commerce. Agreements reached in other forums are presented in writing on Tuesday of the April meeting. New options or analyses presented at the April meeting must be reviewed by the Salmon Technical Team and public prior to action.</p>
First week of May	<p>Final notice of Secretary of Commerce decision and final management measures published in <i>Federal Register</i>.</p>
May 15	<p>Close of NMFS public comment period.</p>

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a/ The March Council meeting is set as late as possible while ensuring no less than three to four weeks between the end of the March meeting and the beginning of the April meeting. Working backward from the May 1 implementation date, the April Council meeting is generally set as late as possible while not extending past April 12 for approval of final salmon management recommendations.

## CRITERIA FOR REQUESTING EMERGENCY CHANGES TO THE SALMON FMP

Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act allows the Secretary of Commerce to implement emergency regulations independently or in response to a Council recommendation of an emergency if one is found to exist. The Secretary has not published criteria for determining when an emergency exists. A Council FMP may be altered by emergency regulations, which are treated as an amendment to the FMP for a limited period of 180 days and which can be extended for an additional 180 days.

Council FMPs can be changed by the amendment process which takes at least one to two years, or modified temporarily by emergency regulations, which can be implemented in a few weeks. Framework plans, like the Council's salmon FMP, have been developed to allow flexibility in modifying management measures between seasons and during the season.

Some measures, like most conservation objectives and allocation schemes, are deliberately fixed in the plan and can be changed only by amendment or temporarily modified by emergency regulation. (Certain conservation objectives also may be changed by court order or without an amendment if, in the view of the Salmon Technical Team, Scientific and Statistical Committee, and Council, a comprehensive review justifies a change.) They are fixed because of their importance and because the Council wanted to require a rigorous analysis, including extensive public review, to change them. Such an analysis and review were conducted when these management measures were originally adopted. It is the Council's intent to incorporate any desired flexibility of conservation objectives into the framework plan, making emergency changes prior to the season unnecessary. The Oregon coastal natural coho conservation objective is an example of a flexible objective, which is more conservative when stock abundance is low.

The use of the emergency process essentially "short circuits" the plan amendment process and reduces public participation, thus there needs to be sufficient rationale for using it. Moreover, experience demonstrates that if there is disagreement or controversy over a council's request for emergency regulations, the Secretary is unlikely to approve it. An exception would be an extreme resource emergency.

To avoid protracted, last-minute debates each year over whether or not the Council should request an emergency deviation from the salmon FMP, criteria have been developed and adopted by the Council to screen proposals for emergency changes. The intent is to limit requests to those which are justified and have a reasonable chance of approval, so that the time spent in developing the case is not wasted and expectations are not unnecessarily raised.

### Criteria

The following criteria will be used to evaluate requests for emergency action by the Secretary:

1. The issue was not anticipated or addressed in the salmon plan, or an error was made.
2. Waiting for a plan amendment to be implemented would have substantial adverse biological or economic consequences.

3. In the case of allocation issues, the affected user representatives support the proposed emergency action.
4. The action is necessary to meet FMP objectives.
5. If the action is taken, long-term yield from the stock complex will not be decreased.

#### Process

The Council will consider proposals for emergency changes at the March meeting and decide whether or not a specific issue appears to meet all the applicable criteria. If the Council decides to pursue any proposal, it will direct the Salmon Technical Team to prepare an impact assessment for review by the Council at the April meeting, prior to final action. Any proposals for emergency change will be presented at the public hearings between the March and April meetings. It is the clear intent of the Council that any proposals for emergency change be considered no later than the March meeting in order that appropriate attention be devoted at the April meeting to developing management recommendations which maximize the social and economic benefits of the harvestable portion of the stocks.

The Council may consider other proposals for emergency change at the April meeting if suggested during the public review process, but such proposals must clearly satisfy all of the applicable criteria and are subject to the requirements for an impact assessment by the Salmon Technical Team.

PURPOSE

To serve as a guide to fishery management plan (FMP) amendment sponsors and establishes a general schedule for FMP amendments conducted by the Council, its advisory entities, and staff.

GENERAL PLAN AMENDMENT SCHEDULE

The Council may initiate the amendment process at anytime as management needs are identified. Potential amendments should be clearly identified by the sponsoring parties and address the criteria below which will be used by the Council and its advisory entities to assess the need for pursuing the amendment:

- a. Assessment of need for action and compatibility with the objectives of the pertinent fishery management plan
- b. Alternative ways to address the problem without plan amendment
- c. Potential impacts from the proposed action
- d. Possible amendment alternatives
- e. Complexity or controversial nature of the proposed action

Technically complex amendment issues may require special meetings or assignments to advisory entities to develop basic data or modeling tools before the Council determines whether or not to proceed with the amendment process.

Once the Council decides to proceed with a plan amendment, Council staff will determine whether an environmental assessment or Environmental Impact Statement (EIS) must be prepared. If an EIS will be prepared, a notice of intent (NOI) must be published in the *Federal Register*. Scoping may occur before the NOI is published and must occur afterwards.

The first Council meeting listed in the schedule below occurs after the preliminary identification described above has occurred. The subsequent meetings are not necessarily consecutive meetings, but depend on the specific amendment schedule the Council develops at the first meeting.

Meeting or Interim	Management Activity
First Meeting	<p>The Council formally identifies pertinent amendment issues based on input from advisory entities and the public.<sup>2</sup> All major issues should be identified at this time. This scoping may be conducted within the normal Council meeting agenda and/or in one or more advertised scoping sessions outside of the Council meeting agenda.<sup>a</sup></p> <p>The Council establishes a schedule for completion of the amendment, taking into account its current meeting schedule, work load, budget, requirements of the National Environmental Policy Act (NEPA), and other relevant issues. The Council instructs the pertinent advisory entities and staff to prepare an initial analysis.<sup>a</sup></p>
First Interim	<p>The staff and pertinent advisory entities prepare the initial draft amendment package for Council review.</p>
Second Meeting	<p>Pertinent Council advisory entities and the public provide comments on the preliminary draft amendment package.</p> <p>The Council considers the comments, decides on the issues and the range of alternatives to be included in the amendment, selects preferred alternatives, if possible, adopts a draft amendment package for public review, and instructs the staff and other pertinent personnel to complete all necessary documentation. If the Council believes additional alternatives should be developed, additional analysis prepared, or additional public review is necessary, it may direct a repeat of the first interim and second meeting steps.<sup>a</sup></p>
Second Interim	<p>Staff and pertinent advisory entities complete the final draft amendment, including a preliminary environmental impact analysis and make it available for public comment.</p> <p>For amendments that are controversial and/or have wide ranging impacts, public hearings may be held during this interim period in strategic locations pertinent to the impacts of the amendment. In other cases, there may be a formal hearing linked to the third Council meeting, or the hearing is held during a final comment period during the agenda of the third meeting.</p>
Third Meeting	<p>The Council considers final advisory entity and public comments, and adopts the final amendment for implementation by the Secretary of Commerce.<sup>a</sup></p> <p>If an EIS is prepared for the action, the Council may authorize staff to release a complete draft for the required statutory public comment period after either the second or third meeting.</p>

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<sup>2</sup> Action required.

**COUNCIL OPERATING PROCEDURE**  
**Update and Communication of Research and Data Needs**

12

Approved by Council: 07/08/87

Revised: 01/14/88, 03/08/90, 07/10/92, 04/06/95, 03/10/00, 03/11/05, **11/09/07**

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**PURPOSE**

To enhance the accomplishment of the Council's research and data needs by providing a formal and effective procedure for updating these needs and communicating them to organizations which may be able to provide support in their achievement.

The Council, to the extent possible within its workload priorities, will update and maintain a research and data needs document which lists and prioritizes unmet Council research and data collection needs for each fishery management plan (FMP); including separate sections on economic, social, and ecosystem research and data needs.

The research and data needs document does not bind any agency to addressing or responding to Council needs. The key to the effectiveness of these documents is clear and timely communication of needs to parties with an interest and ability to respond. Particular emphasis is placed on strengthening communication with the National Marine Fisheries Service (NMFS). The procedure outlined below is timed to have the best chance of influencing annual NMFS operating plans and NMFS budget requests for upcoming years.

**PROCEDURE**

Contingent upon its overall workload priorities, the Council will strive to develop and maintain relevant documents which display and communicate the Council's research and data needs for 5-year periods using the following schedule of tasks as a standard guide.

Continuous

Year-Round                      Council staff keeps track of research and data needs as they arise in various forms throughout the year and, as appropriate, advocates for efforts to address Council (such advocacy shall not include the lobbying of Congress).

Five-Year-Update Cycle

April                              Council staff presents updated research and data documents to the Scientific and Statistical Committee (SSC) and other advisory bodies for review at the April Council meeting. Advisory bodies provide written comments to the SSC. (Item is not on Council agenda).

- June            The SSC presents recommended revisions to the Council. Other advisory bodies provide comment to the Council. The Council approves draft documents for public review.
- September     After reviewing comments from the public and Council advisory entities, the Council adopts its research and data needs. The document is submitted to NMFS West Coast regions and centers and the states. The final document is also transmitted to West Coast and National Sea Grant institutions and posted on the Council web page.
- Early December   Council Chair and staff meet with representatives from NMFS West Coast regions and centers and Pacific States Marine Fisheries Commission (PSMFC) to develop a consensus on high priority initiatives needed to respond to Council needs. Council Chair writes a letter to NMFS to transmit the conclusions from the meeting.

Out-of-Cycle Modifications to the Needs List

If a situation arises that would benefit from an out-of-cycle modification to the documents, the Council may announce its intent to modify the research and data needs document outside the 5-year process and make such a modification at its next meeting.

# COUNCIL OPERATING PROCEDURE

## Confidentiality of Statistics

Approved by Council: 01/11/84  
Revised: 07/11/84, 04/06/95, **03/11/05**

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### PURPOSE

In accordance with Section 302 (i) (4) of the Magnuson-Stevens Fishery Conservation and Management Act, establish policies and procedures to ensure confidentiality of statistics submitted to the Council by federal or state authorities, and voluntarily submitted to the Council by private persons, including restriction of Council employee access and prevention of conflicts of interest. In the case of statistics submitted by a state or federal entity, policies and procedures must be consistent with the laws and regulations of the federal or state entity submitting the statistics.

### DEFINITIONS

(For purposes of these procedures.)

**Aggregate of Summary Form** - Restructuring confidential data or information in such a way that the person submitting the data cannot be identified, either from the present release of the restructured data being processed or in combination with preceding or other releases.

**Authorized Use** - That specific use which is allowable within the constraints imposed on a Council by federal or state statutes, regulations, and directives; by Council policies and procedures; or by commitments made by the Council or Council staff to persons submitting data under data collections sponsored by the Council.

**Authorized User** - A Council staff member or contractor specified by the Council Executive Director as having a need to use confidential data, who has met other requirements specified in these procedures, is cognizant of these procedures, has agreed to comply with the requirements herein, and has signed a "Statement of Nondisclosure" affirming the user's understanding of Council policies and procedures with respect to confidentiality of statistics, including obligations to comply with federal and state confidentiality laws, regulations, and procedures. Contractors specified to have need to access state or federal confidential data must obtain those data directly from the federal or state entity and comply with the federal, state, and Council laws, regulations, and procedures.

**Confidential** - Information, the disclosure of which may be prejudicial or harmful, including data received from state or federal agencies labeled confidential and Council-sponsored data collections where confidentiality was pledged to the person submitting the data.

**Conflict of Interest** - Access to confidential data that will provide personal gain, reward, or competitive advantage.

**Contract/Agreement** - All binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.

**Data, Information, and Statistics** - Used interchangeably; all three may be confidential.

**Data Base Administrator** - For National Marine Fisheries Service (NMFS) or state-sponsored data gathering, an employee in each NMFS data management center responsible for the direction and development of data management systems. The Council's data base administrators are the Northwest Fisheries Science Center (NWFSC) and Southwest Fisheries Science Center

(SWFSC) data base administrators. For Council-sponsored data gathering, the Executive Director will serve as data base administrator.

**Need to Know** - The request for access is consistent with the use for which the data are obtained. Refer to National Oceanic and Atmospheric Administration (NOAA) Directives on Confidential Fisheries Statistics for additional definitions.

## POLICY

### Disclosure

Confidential data received from federal or state agencies will not be disclosed without authorization from that agency. Disclosure of confidential data collected under Council sponsorship shall be in accordance with guidelines established by NOAA directive governing confidential fishery statistics.

### Access

All users having access to confidential data shall be informed that the data are confidential and be required to sign a statement of nondisclosure. When there is a potential for, or possible appearance of, conflict of interest, access will not be permitted. Council staff specified by the Executive Director as authorized users shall sign a statement to ensure no conflict of interest.

### Operational Responsibilities

The Council Executive Director will serve as the Council's data base administrator for purposes of Council-sponsored data collections. The Executive Director will coordinate with NMFS data base administrators as it relates to federal confidential data and with designated state officials for state confidential data.

## PROCEDURES

### Obtaining Confidential Data

#### From State or Federal Agencies

Council Executive Director, or Council staff member designated as authorized user, may request confidential data from state or federal agencies to carry out Council responsibilities where direct access to confidential data has not been granted.

#### Council-sponsored Data Collection

Data submitted are voluntary. If a pledge of confidentiality is made to the person submitting data, these data are to be treated as confidential. The Executive Director is responsible for making the determination as to when a pledge of confidentiality may be made. Persons submitting data will be advised, in all cases, orally or in writing, of the purpose for collecting data, uses that may be made of the data, and that submission of the data is voluntary. If a pledge of confidentiality is made, the person submitting the data shall be advised in writing.

If the Council contracts to have data gathered on its behalf, contractors and their employees are subject to the same civil and criminal penalties as any authorized user. Contractor personnel will be required to sign a statement of nondisclosure. Confidential data collected under contract are

to be transferred on a timely basis to authorized Council staff. No copies of these data can be retained by the contractor. Aggregated data may be retained. A data return clause shall be included in the contract.

### Conflict of Interest

Authorized users are prohibited from using confidential data for personal gain, reward, or competitive advantage. If a potential conflict of interest or the appearance of a conflict of interest exists, the Executive Director will refer the matter to the NOAA Office of General Counsel, Northwest Region, for determination.

### Maintenance

#### Security

An inventory will be maintained by the Council Executive Director of all confidential data received from state or federal agencies or collected by Council. The inventory will include a record of distribution and final disposition of each data set. Data will be maintained in a secure fashion whether hard copy or electronic.

#### Access

Access Control. Access to confidential data received from state or federal agencies shall be approved by a designated agency official. Access to confidential data collected under Council sponsorship shall be approved by the Council Executive Director in accordance with Council policies and procedures.

Users. Access will be limited to authorized users. Council authorized users are the Council staff members specified by the Executive Director.

Identified Council technical staff would have routine access (through the office micro computer or other means) to confidential data.

1. All confidential data will be adequately protected in any electronic files (on-line or off-line storage) or in standard files.
2. Council staff with access to confidential data will not release confidential data, data derived from confidential data (e.g., aggregated data), or the results of any analysis of confidential data to anyone until:
  - A. Confidential data, data derived from confidential data, or results of any analysis of confidential data have been classified as being not confidential by the NWFSC and SWFSC data base administrators. The timely review and classification of material can be done by long-distance computer hookups.
  - B. Confidential data have been approved for release by the data base administrators because of established "need to know" presented by the Council Executive Director to the data base administrators.

Reproduction. Reproduction of any confidential data must be approved by the Executive Director and entered into the data inventory.

Contractors. Council contractors may be authorized access to confidential data collected under Council sponsorship with the approval of the Executive Director. Requests for access by a contractor to confidential data submitted to the Council by a state or federal agency shall be submitted to the designated agency official for approval. Documentation of that approval must be entered into the data inventory.

Statement of Nondisclosure. Each user or clerical who handles the data is required to sign a statement (see attachment) which states he/she understands the confidential nature of the data and the penalties for unauthorized use and disclosure. The statements shall be kept on file by the Executive Director.

### Release of Confidential Data

#### Release of Confidential Data (Public Requests)

Verbal requests will be refused. Written requests are to be treated as Freedom of Information Act requests and will be forwarded to NMFS for decision.

#### Requests from Congress and Federal and State Agencies

Requests shall be submitted to NMFS.

#### Subpoenas for Data

Subpoenas should be submitted immediately to NOAA Office of General Counsel, Northwest Region.

#### Requests for Release of Aggregate Data

Requests for aggregate data compiled from confidential data shall be approved by the data base administrators for submitting agency or the Executive Director for Council-sponsored data collections.

STATEMENT OF NONDISCLOSURE, CONFLICT OF INTEREST,  
AND CONFIDENTIALITY PROCEDURES

I will not disclose any statistics identified as confidential by a state, the National Marine Fisheries Service (NMFS), or a fishery management council to any person or persons except authorized users in accordance with NMFS, Council, and/or state applicable procedures and policies.

I will use any NMFS, Council, or state confidential data for authorized purposes only and not for personal gain or competitive advantage.

I will follow the "Pacific Fishery Management Council Confidentiality of Statistics Procedures," a copy of which has been given to me.

I am fully aware of the civil and criminal penalties for unauthorized disclosure, misuse, or other violation of the confidentiality of such statistics as provided for in the Magnuson Fishery Conservation and Management Act and other applicable law.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Affiliation

Approved: \_\_\_\_\_  
Executive Director



# **COUNCIL OPERATING PROCEDURE**

## **Documentation of Outside Agreements**

14

Approved by Council: 01/14/88  
Revised: 04/06/95, **10/31/05**

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### **PURPOSE**

Some management recommendations adopted by the Council are the result of joint recommendations or agreements among stakeholders and managers developed outside the direct Council process (e.g., Klamath Fishery Management Council and north of Cape Falcon stakeholder and agency meetings). The results of these meetings and specific agreements need to be clearly documented to guide the Council in its preseason deliberations, to assure management intent is not subverted by inseason action, and to allow for participation and understanding by interested or affected persons. Guidelines presented below are provided to assure a clear and sound basis for the Council's management recommendations and to allow for an accurate assessment of the effectiveness of the Council in meeting management objectives.

### **REQUIRED DOCUMENTATION**

The Council requests documentation of all management recommendations brought before it which represent positions or agreements arrived at in a joint agency and stakeholders meeting or process outside the Council's scheduled advisor meetings or public hearings. The Council suggests that one participating agency act as lead agency/entity to document the meeting/process. Wherever possible, Council staff will be available to assist the lead agency in this task. The following information should be documented:

1. Date(s), location(s), and purpose of the meeting/process.
2. Meeting participants (indicate designated agency and user group representatives).
3. Identify affected parties not represented at the meeting.
4. Summarize the recommendations being presented to the Council and summarize minority opinions, if any. List specific recommendations to the Council, which result from this meeting and the rationale for the recommendations, including compliance with approved management plans and agreements previously available for Council review.
5. Provide a copy of any signed or draft agreement resulting from this meeting/process that affects Council management.
6. Identify pertinent technical modeling used to base the recommendations on and describe coordination with or review by the pertinent Council advisory body. Only technical data or models previously recognized by the appropriate entities of the Council, Pacific Salmon Commission or similar management authority should be utilized.

This information should be available to the Council in writing before the time it is discussed at a Council meeting and will be incorporated in the Council meeting record.

Management recommendations from outside processes which become part of the Council's recommended ocean salmon management shall be evaluated by the Salmon Technical Team in its annual postseason review.



## **COUNCIL OPERATING PROCEDURE**

### **Salmon Estimation Methodology Updates and Review**

Approved by Council: 07/10/85

Revised: 11/19/87, 03/09/89, 04/06/95, 06/23/97, 03/11/05; **3/14/08**

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#### **PURPOSE**

To establish procedures for the review and Council approval of salmon estimation methodologies, utilizing the Scientific and Statistical Committee (SSC), the Salmon Technical Team (STT), and the Model Evaluation Workgroup (MEW). The review of current and proposed methodologies for abundance and harvest projection, exempted fishing permits (EFPs), and conservation objectives is intended to help clarify the technical basis for the Council's management actions. The procedure is intended to provide peer review of the technical estimation and modeling procedures, to ensure the best and most objective technical analyses possible, to minimize confusion during the preseason option development process, and to resolve disputes over methodology.

#### **OBJECTIVES AND DUTIES**

During the March and April meetings or at other appropriate times, the SSC, in conjunction with the STT and MEW, will identify methodology issues which need documentation and/or merit a full review. The SSC is responsible for reviewing new or changed methodology as opposed to specific applications of the methodology. Examples of issues that could merit a full review include new model algorithms, methods for incorporating base data into models, forecasting methods for major PFMC stocks, experimental design of proposed experimental fisheries, and technical changes to stock complexes or conservation objectives. Examples of issues that do not merit full review include updating existing data sets in models, changing coded-wire-tag representation for modeled stocks, adding new stocks to models, and changing data ranges used to estimate parameters in models. Issues in this latter category will be reviewed within the MEW or STT, and can be implemented without formal review by the SSC and approval of the Council; provided both the Council and SSC receive updates on such changes; however, if warranted, the Council may require additional review by the SSC.

At the September meeting the SSC will inform the Council of the methodologies ready for review and recommend a review schedule. The SSC also will notify the Council of assistance needed from management entities and the MEW to accomplish the review.

The appropriate management entities, either themselves or with assistance from the MEW, are expected to provide background information on procedures and data bases for methodologies undergoing full review, as well as early notification and documentation of anticipated changes in procedures for methodologies not under full review in a particular year. Management entities, who submit proposals for the Methodology Review, are responsible for ensuring that materials they provide to the SSC and Council are technically sound, clearly documented, and identified by author. Documents should receive internal entity review before being sent to the Council. To provide adequate review time for the SSC, materials must be received in the Council office at least two weeks before scheduled review meetings.

The SSC and STT will report to the Council at the November meeting on the results of these reviews and provide recommendations for all proposed methodology changes. During the November meeting, the Council will adopt all proposed changes to be implemented in the coming season or will provide directions for handling any unresolved methodology problems.

During each March meeting, the STT will report on the status of all current estimation procedures and models used in analyzing the management options and identify any problems or potential changes to model inputs or parameters that could occur prior to completion of the annual preseason management process in April.

PURPOSE

To provide guidance for making weather-related adjustments to salmon fisheries.

GENERAL

The Council approved this policy on September 18, 1992, after reviewing public comments on the reports and recommendations of an ad hoc committee formed to explore this issue in July 1991.

PROCEDURE

Preseason

To provide the most effective and least confusing management with regard to weather impacts on fishers and stock conservation, the Council will strive to give adequate consideration to potential weather and safety conflicts when developing preseason management recommendations. In particular, the Council will attempt to avoid establishing extremely short open periods for non-quota fisheries which may be lost to severe weather.

Inseason

The Council's policy for inseason adjustments to fishery seasons due to both beneficial and negative impacts of weather are outlined below. Inseason adjustments for weather are constrained by the complexity of determining weather effects on harvest levels and the need to assure achievement of harvest allocations and stock conservation objectives.

For quota fisheries scheduled for a season duration of one month or less, the normal inseason management process may be used to consider the need for season adjustments due to weather. Adjustments for weather may be recommended to the National Marine Fisheries Service regional office when data clearly indicate that unusually adverse weather has precluded a fishery from reaching a specific quota or other management guideline. Potential sources of data should include, but not be limited to, records from wind buoys, U.S. Coast Guard assessment of weather conditions, and evidence of extremely low effort. Seasons may not be extended if such an extension could be expected to reduce the escapement of any critical stock to levels below that expected in the preseason escapement projections.

For quota fisheries scheduled for more than one month's duration, weather adjustments generally should not be made. The complexities of calculating differential stock impacts and weather

effects on fishing effort and harvest over extended periods is generally beyond the capabilities of inseason management.

For seasons that are constrained by time and area restrictions, inseason adjustments for weather are unnecessary. The models used to determine these seasons generally contain an average weather factor which, over time, should balance fishing opportunity and stock protection. (An example of a season constrained by time and area restrictions is that imposed to protect Klamath River fall chinook in the troll fishery south of Point Arena in 1991.)

# COUNCIL OPERATING PROCEDURE

## Foreign Fishing Permit Review Procedure

17

Approved by Council: 07/15/82 and 09/19/85  
Revised: 11/19/87, 04/05/89, 04/06/95, **03/11/05**

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### PURPOSE

To establish, in accordance with Section 204(b) of the Magnuson-Stevens Fishery Conservation and Magnuson Act, a procedure for reviewing foreign fishing permit applications and providing comments and recommendations to the U.S. Secretary of Commerce regarding approval/disapproval of the requests and any special conditions or restrictions for the permits. The fisheries managed by the Council are, in general, fully utilized by domestic fishers and processors, or precluded from further harvest by necessary management constraints. However, certain limited cases may arise that allow for consideration of requests for foreign fishing permits that meet or do not impact Council management intent.

### FOREIGN FISHING PERMIT REVIEW PROCEDURE

The Council has 45 days from time of receipt from the U.S. Secretary of Commerce to provide its comments and recommendations on a foreign fishing permit application. The Council review procedure will vary as provided below, depending on the timing and type of operation requested.

When possible to meet the comment deadline, the Council will review permit applications for foreign vessels to operate in joint ventures (JVs) and directed fisheries at the first Council meeting after the applications are received by the Council. Applications are expected to be complete and to have been published in the *Federal Register* preceding this Council meeting.

If deemed to be expedient by virtue of the fact the application is either noncontroversial or it is not possible to review the permit application at a Council meeting within the comment deadline, the Council Chair may appoint an ad hoc committee to review and provide recommendations on permit applications. These recommendations may be forwarded to the U.S. Secretary of Commerce following the "Quick Response" procedures in COP 1. In addition, the executive director may act upon the following types of applications without consulting with Council members.

1. Permit applications for vessels which would not be involved in fishing or processing *per se*; e.g., transport, supply, and fuel vessels.
2. Replacement or new vessels for operations (species or countries) which have already been approved by the Council. The executive director shall take into account any pending legal action against vessels in the foreign fleet when considering an application for a replacement vessel.

### PERMIT REVIEW CRITERIA

Applications will be reviewed and recommended for approval or denial based upon the merits of the proposed operation compared to previously approved or denied applications and the availability of resources.

Priority will be granted to operations involving foreign processing vessels and U.S. harvesters. Preference will be given to those nations which demonstrate a willingness to involve U.S. industry in all phases of the operation and which give strongest support to the development of the domestic industry for underutilized species. No directed fishing will be authorized without at least an equal JV operation.

The Council will use the criteria in Table 1 on a provisional basis to evaluate joint operation requests relative to each other and make its recommendations to the National Marine Fisheries Service. These criteria will become especially important when biologically available surplus is insufficient to meet all demands. In such cases, approval or disapproval will depend on Council's ranking of all joint operations.

Tonnages by species requested on foreign permit applications for JVs are to be firm targets.

Table 1. Provisional criteria for the review of JV requests.<sup>3</sup>

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- Potential net economic benefits and contributions of JVs to the nation as a whole
  - Compatibility of joint operation with other U.S. fisheries and incidental species (i.e., gear conflicts, ground preemption, environmental degradation, bycatch of highly valued species totally utilized by U.S. industry, etc.)
  - Destination and final marketing of products and competition with U.S. products
  - Purchase of finished or semi-finished U.S. product, especially underutilized species
  - Efforts to lower or remove trade barriers
  - Foreign participation in fisheries research off Washington, Oregon, and California
  - Reporting of fishery and market information beyond that required by law
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<sup>3</sup> No priorities meant or implied.

**COUNCIL OPERATING PROCEDURE**  
**Protocol for Industry Sponsored Salmon Test Fishery Proposals**

18

Approved by Council: 11/02/99  
Revised: 03/11/05

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DEFINITION

For the purpose of this protocol, a salmon test fishery can be characterized as a conceptual proposal made by an individual or entity representing the fishing industry without the authority or capability to collect and assess the target data. A test fishery generally relies on participation by unpaid fishermen (the available fleet) to provide landings which can be sampled by a funded and authorized entity to obtain stock composition or other pertinent information from which to determine precise fishery impacts or other data beneficial to future fishery management decisions. Such test fisheries often are set to occur in a restricted area and/or time which may be outside the normal or standard season parameters with the intent of establishing fisheries which minimize impacts on stocks of concern while providing local economic and social benefits.

PURPOSE

Test fisheries have been proposed by the fishing industry during the preseason salmon management process with varying degrees of planning, justification, and management agency support. Because of the difficulty of fully developing, assessing, and budgeting for such proposals during the relatively short and intensive preseason process, the Council believes the procedures below are necessary to more adequately consider and implement test fisheries in the most effective and beneficial manner. This test fishery protocol is based on the protocol developed at the request of the Council by an eleven member work group of California Department of Fish and Game and National Marine Fisheries Service (NMFS) staff which met in Healdsburg, California on May 27, 1999. The protocol includes procedures and specifications for submitting, reviewing, reporting, and implementing the results of test fisheries. The Council urges all test fishery sponsors to coordinate their proposals with the appropriate management entities.

PROTOCOL

A. Submission

1. Proposals for test fisheries must be submitted to the Council office approximately three weeks prior to the November Council meeting preceding the season in which the test fishery would be implemented. The exact cutoff date each year may be obtained by contacting the Council office.
2. Council staff will screen proposals and distribute complete proposals to Council members and advisors with briefing materials for the November meeting. Proposals that do not meet minimum content requirements will be returned to applicants.
3. Multi-year test fisheries approved for the initial year will not require resubmission under the protocol to receive consideration for the follow-up years.

## B. Review and Approval

### 1. November Council Meeting

- a. The Scientific and Statistical Committee (SSC), Salmon Technical Team (STT), and Salmon Advisory Subpanel (SAS) will initiate review of the proposals and may provide preliminary comments to the Council.
- b. The states, tribes, and NMFS may supply comments on the proposals through their STT members, including resources available for test fisheries.

### 2. March Council Meeting

- a. The STT, SSC, and SAS will provide written evaluations of the proposals to the Council.
- b. The Council will determine which test fisheries to include in the options for public review.

### 3. April Council Meeting - The Council will make its final decision on adoption of test fisheries and provide an explanation of why test fisheries have been accepted or rejected.

## C. Proposal Contents

1. Project Summary - Include a statement of objectives, methods to be employed, and the potential impact of the project. Relate the proposal to the Council Research and Data Needs and the NMFS Strategic Plan for Fisheries Research.
2. Project Personnel - Identify the project manager (the person responsible for overall coordination of the project from beginning to end), and other staff or organizations necessary to complete the project, including specific responsibilities related to technical, analytical, and management roles. Provide evidence that the work proposed is appropriate for the experience of the investigators.
3. Objectives
  - a. Make a clear statement of the specific purposes of the study (may be stated as a hypothesis in the form of a question).
  - b. Benefits - Identify potential benefits to fisheries management and coastal communities, or specific stocks, such as improved estimates of key harvest model parameters (e.g., stock contact rates, hooking mortality rates, gear selectivity on encounter rates).

#### 4. Research Design and Methodology

- a. Specify the major elements of the design, including sample size, number of years the test fishery will run, potential limitations of the proposed approach, and geographic scope.
- b. Data Collection - describe sampling methods, personnel, and protocols.
- c. Data Synthesis and Analysis - describe how the data will be analyzed and evaluated.
- d. Reporting - provide a time table for delivering report(s) to the Council.
- e. Discuss compatibility with existing seasons and other test fisheries, potential difficulties with processors or dealers, additional enforcement requirements, and potential negative impacts of the study (e.g., species listed under the Endangered Species Act, allocation shifts, shortened season length, etc.).

5. Ability to Conduct Proposed Research - Identify the total costs (including collection of samples, tissue, and data analysis) associated with the test fishery and sources of funding; identify any existing commitments for participation in, or funding of the project.

#### D. Report Contents

1. Summary of the work completed.
2. Analysis of data.
3. Conclusions and recommendations.
4. Include raw data as well as summaries.

#### E. Application of Results

1. In general, at least three years of data should be accumulated before incorporating the results of test fisheries into appropriate harvest models.
2. The STT may consider interim results from test fisheries to inform decisions on harvest management if appropriate.
3. The SSC requires information relevant to methodology changes be submitted by the November meeting prior to the season of implementation.



## **COUNCIL OPERATING PROCEDURE**

### **Protocol for Consideration of Exempted Fishing Permits for Groundfish Fisheries**

Approved by Council: 09/10/03  
Revised: 03/11/05; 09/14/07; **06/10/11**

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#### **DEFINITION**

An exempted fishing permit (EFP) is a federal permit, issued by the National Marine Fisheries Service, which authorizes a vessel to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations for the purpose of collecting limited experimental data. EFPs can be issued to federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested.

#### **PURPOSE**

The specific objectives of a proposed exempted fishery may vary. The Pacific Fishery Management Council's (Council) fishery management plan (FMP) for West Coast groundfish stocks provides for EFPs to promote increased utilization of underutilized species, realize the expansion potential of the domestic groundfish fishery, and increase the harvest efficiency of the fishery consistent with the Magnuson-Stevens Act and the management goals of the FMP. However, EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in the fisheries, provide access to constrained stocks while directly measuring the bycatch associated with those fishing strategies, and to evaluate current and proposed management measures.

#### **GENERAL PROCESS**

The Council process for considering and recommending groundfish EFP proposals is a biennial one that is synchronized with the decision-making process for considering new biennial groundfish harvest specifications and management measures. Approved EFP activities may continue for one or both years of the biennial management cycle. The Council's EFP process begins at the November meeting in odd-numbered years when alternatives for biennial harvest specifications and management measures are decided for detailed analysis. The Council also decides preliminary preferred yield set-asides for overfished and non-overfished species at this November meeting, including the yields necessary to conduct EFPs. Therefore, EFP applications for the following two-year management cycle are first considered at this November meeting. Any EFP proposals recommended for further consideration are given final consideration at the June meeting in even-numbered years, when final harvest specifications and management measures are decided. The Council may task the Scientific and Statistical Committee (SSC) or other advisors to do a more thorough review of refined EFP proposals that are recommended in November, prior to the June Council meeting, when EFPs are given final consideration. Those EFPs recommended at the June Council meeting are forwarded to NMFS for implementation in the next biennial management cycle.

## PROTOCOL

### A. Submission

1. The Pacific Fishery Management Council and its advisory bodies [Groundfish Management Team (GMT), Groundfish Advisory Subpanel (GAP), and SSC] should review EFP proposals prior to issuance; the advisory bodies may provide comments on methodology and relevance to management data needs, and make recommendations to the Council accordingly. The public may also comment on EFP proposals.
2. Completed applications for EFPs from individuals or non-government agencies, for Council consideration, must be received by the Council for review the earlier of the briefing book deadline or two weeks prior to the November Council meeting in odd-numbered years.
3. Applications for EFPs from federal or state agencies must meet the briefing book deadline for the November Council meeting in odd-numbered years.

### B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:
  - a. There is adequate justification for an exemption to the regulations.
  - b. The potential impacts of the exempted activity have been adequately identified.
  - c. The exempted activity would be expected to provide information useful to management and use of groundfish fishery resources.
2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
  - a. Date of application.
  - b. Applicant's names, mailing addresses, and telephone numbers.
  - c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP.
  - d. Valid justification explaining why issuance of an EFP is warranted.
  - e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

- f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities). Note that EFPs are considered every other year for the following two-year management cycle. However, the EFP can be developed to cover only one year of the two-year cycle.
- g. Number of vessels covered under the EFP.
- h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest estimates of overfished species.
- i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted.
- j. A description of the proposed data collection and analysis methodology.
- k. A description of how vessels will be chosen to participate in the EFP.
- l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.
- m. The signature of the applicant.
- n. The GMT, GAP, SSC, and/or Council may request additional information necessary for their consideration.

### C. Review and Approval

1. The GMT, GAP, and SSC will review EFP proposals in November of odd-numbered years and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the June Council meeting in even-numbered years. Only those EFP applications that were considered in November may be considered the following June; EFP applications received after the November Council meeting for the following two-year management cycle will not be considered.
2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted. Also, EFP proposals must include a description of the proposed data collection and analysis methodology used to measure whether the EFP objectives will be met.
3. The Council will give priority consideration to those EFP applications that:

- a. Emphasize resource conservation and management with a focus on bycatch reduction (highest priority).
  - b. Encourage full retention of fishery mortalities.
  - c. Involve data collection on fisheries stocks and/or habitat.
  - d. Encourage innovative gear modifications and fishing strategies to reduce bycatch.
  - e. Encourage the development of new market opportunities.
  - f. Explore the use of higher trip limits or other incentives to increase utilization of underutilized species while reducing bycatch of non-target species.
4. The GMT review will consider the following questions:
- a. Is the application complete?
  - b. Is the EFP proposal consistent with the goals and objectives of the West Coast Groundfish FMP?
  - c. Does the EFP account for fishery mortalities, by species?
  - d. Are the harvest estimates of overfished species within the amounts set aside for EFP activities?
  - e. Does the EFP meet one or more of the Council's priorities listed above?
  - f. Is the EFP proposal compatible with the federal observer program effort?
  - g. What infrastructure is in place to monitor, process data, and administer the EFP?
  - h. How will achievement of the EFP objectives be measured?
  - i. Is the data ready to be applied? If so, should it be used, or rejected? If not, when will sufficient data be collected to determine whether the data can be applied?
  - j. What are the benefits to the fisheries management process to continue an EFP that began during the previous management cycle?
  - k. If the EFP proposes to integrate the data into management, what is the appropriate process?
  - l. What is the funding source for at-sea monitoring?

- m. Has there been coordination with appropriate state and federal enforcement, management, and science staff?

5. SSC Review:

- a. All EFP applications should first be evaluated by the GMT for consistency with the goals and objectives of the groundfish FMP and the Council's strategic plan for groundfish.
- b. When a proposal is submitted to the GMT that includes a significant scientific component that would benefit from SSC review, the GMT can refer the application to the SSC groundfish subcommittee for comment. Those EFPs recommended at the November meeting that are also recommended for an SSC review, can be reviewed at the March, April, and/or June SSC meetings during even-numbered years prior to a final Council decision on the EFP in June of even-numbered years.
- c. In such instances, the groundfish subcommittee will evaluate the scientific merits of the application and will specifically evaluate the application's: a) problem statement, b) data collection methodology, c) proposed analytical and statistical treatment of the data, and d) the generality of the inferences that could be drawn from the study. The SSC groundfish subcommittee's evaluation shall be presented to the full SSC for review and comment.
- d. EFP proposals can be deferred to allow adequate time for SSC review.

D. Other considerations:

- 1. EFP candidates or participants may be denied future EFP permits under the following circumstances:
  - a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding \$1,000 within the last three years; or within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than \$5,000; or, has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of groundfish. Documented fish receiving tickets indicating mis-reporting or under-reporting of groundfish will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Report Contents

- 1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the GMT and GAP at the November Council meeting of the odd-numbered year during the management cycle in which the EFP

activity was conducted. The report should provide the EFP catch of species made to date and announce the sponsor's intent to continue the EFP activity in the second year of the management cycle (assuming the approved EFP activity was scheduled for a two-year duration). If the EFP was scheduled for two years and the EFP sponsors announce their intent to terminate the EFP early, the Council can recommend a release of EFP yield set-asides for other uses.

2. A final written report on the results of the EFP and the data collected must be presented to the GMT, GAP, SSC, and the Council at the September Council meeting of the year following the management cycle in which the EFP activity was conducted.
3. The final report should include:
  - a. A summary of the work completed.
  - b. An analysis of the data collected.
  - c. Conclusions and/or recommendations.
4. Timely presentation of results is required to determine whether future EFPs will be recommended.

**COUNCIL OPERATING PROCEDURE**  
**Protocol for Consideration of Exempted Fishing Permits for**  
**Highly Migratory Species Fisheries**

20

Approved by Council: 11/02/05

Revised:

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**Note:** The effective date for this protocol is April 1, 2006, for exempted fishing permits (EFP) starting on or after April 1, 2007. The Council also approved an interim protocol for EFPs starting on or after April 1, 2006, but before April 1, 2007. The interim protocol establishes a different review period, as noted in section C.1 of this document. All other components of the interim protocol are identical to the protocol effective April 1, 2006.

**DEFINITION**

An exempted fishing permit (EFP) is a federal permit, issued by the National Marine Fisheries Service, which authorizes a vessel to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) or other fishery regulations for the purpose of collecting limited experimental data. EFPs can be issued to federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested.

**PURPOSE**

The specific objectives of an EFP may vary. The Pacific Fishery Management Council (Council) fishery management plan (FMP) for West Coast highly migratory species (HMS) fisheries provides for EFPs to promote increased utilization of underutilized species, realize the expansion potential of the domestic HMS fisheries, and increase the harvest efficiency of the HMS fisheries consistent with the MSA and the management goals of the FMP. However, EFPs are commonly used to explore ways to encourage innovation and efficiency in the fisheries, measure bycatch associated with different fishing gears and/or fishing strategies (e.g., during certain times or in certain areas), and to evaluate current and proposed management measures.

**PROTOCOL**

**A. Submission**

1. The Council and its advisory bodies [HMS Management Team (HMSMT), HMS Advisory Subpanel (HMSAS) and Scientific and Statistical Committee (SSC)] should review EFP proposals prior to issuance; the advisory bodies may provide comment on methodology and relevance to management data needs and make recommendations to the Council accordingly. The public may also comment on EFP proposals.
2. Completed applications for EFPs from individuals or non-government agencies for Council consideration must be received by the Council for review, at least two weeks prior to the June Council meeting.

3. Applications for EFPs from federal or state agencies must meet the briefing book deadline for the June Council meeting.

#### B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:
  - a. There is adequate justification for an exemption to the regulations;
  - b. The potential impacts of the exempted activity have been adequately identified;
  - c. The exempted activity would be expected to provide information useful to management and use of HMS fishery resources.
2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
  - a. Date of application;
  - b. Applicant's names, mailing addresses, and telephone numbers;
  - c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP;
  - d. Valid justification explaining why issuance of an EFP is warranted;
  - e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;
  - f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities);
  - g. Number of vessels covered under the EFP;
  - h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest estimates of overfished species and protected species;
  - i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for;
  - j. A description of the proposed data collection and analysis methodology;
  - k. A description of how vessels will be chosen to participate in the EFP;
  - l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used;
  - m. The signature of the applicant;
  - n. The HMSMT, HMSAS, SSC, and/or Council may request additional information necessary for their consideration.

#### C. Review and Approval

1. The HMSMT and HMSAS will review EFP proposals in June and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the September Council meeting. Only those EFP applications that were considered in June may be considered in

September; EFP applications received after the June Council meeting for the following calendar year will not be considered.

**Interim protocol for EFPs starting after April 1, 2006, but before April 1, 2007:** The HMSMT and HMSAS will review EFP proposals in **November 2005** and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the **March 2006** Council meeting. Only those EFP applications that were considered in **November 2005** may be considered in **March 2006**; EFP applications received after the **November 2005** Council meeting for the following calendar year will not be considered.

2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for. Also, EFP proposals must include a description of the proposed data collection and analysis methodology used to measure whether the EFP objectives will be met.
3. The Council will give priority consideration to those EFP applications that:
  - a. Emphasize resource conservation and management with a focus on bycatch reduction (highest priority);
  - b. Encourage full retention of fishery mortalities;
  - c. Involve data collection on fisheries stocks and/or habitat;
  - d. Encourage innovative gear modifications and fishing strategies to reduce bycatch;
  - e. Encourage the development of new market opportunities;
  - f. Explore the use of incentives to increase utilization of underutilized species while reducing bycatch of non-target species and/or interactions with protected species.
4. The HMSMT review will consider the following questions:
  - a. Is the application complete?
  - b. Is the EFP proposal consistent with the goals and objectives of the West Coast HMS FMP?
  - c. Does the EFP account for fishery mortalities, by species?
  - d. Can the harvest estimates of overfished species and/or protected species be accommodated?
  - e. Does the EFP meet one or more of the Council's priorities listed above?
  - f. Is the EFP proposal compatible with the federal observer program effort?
  - g. What infrastructure is in place to monitor, process data, and administer the EFP?
  - h. How will achievement of the EFP objectives be measured?
  - i. Is the data ready to be applied? If so, should it be used, or rejected? If not, when will sufficient data be collected to determine whether the data can be applied?
  - j. What are the benefits to the fisheries management process to continue an EFP that began the previous year?
  - k. If integrating data into management is proposed, what is the appropriate process?

- l. What is the funding source for at-sea monitoring?
- m. Has there been coordination with appropriate state and federal enforcement, management and science staff?

5. SSC Review:

- a. All EFP applications should first be evaluated by the HMSMT for consistency with the goals and objectives of the HMS FMP;
- b. When a proposal is submitted to the HMSMT that includes a significant scientific component that would benefit from SSC review, the HMSMT can refer the application to the SSC for comment;
- c. In such instances, the SSC will evaluate the scientific merits of the application and will specifically evaluate the application's (1) problem statement; (2) data collection methodology; (3) proposed analytical and statistical treatment of the data; and (4) the generality of the inferences that could be drawn from the study.

D. Other considerations

1. EFP candidates or participants may be denied future EFP permits under the following circumstances:
  - a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding \$1,000 within the last three years;
  - b. Within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than \$5,000;
  - c. Has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of HMS. Documented fish receiving tickets indicating mis-reporting or under-reporting of HMS will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Report Contents

1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the HMSMT at the June Council meeting of the following year.
2. A final written report on the results of the EFP and the data collected must be presented to the HMSMT and the Council at the September Council meeting. Those EFPs containing data analysis that could benefit from a scientific review may be forwarded to the SSC for comment.
3. The final report should include:
  - a. A summary of the work completed;
  - b. An analysis of the data collected;
  - c. Conclusions and/or recommendations;
  - d. Timely presentation of results is required to determine whether future EFPs will be recommended.

**COUNCIL OPERATING PROCEDURE**  
**Highly Migratory Species Management Recommendations**  
**to Regional Fishery Management Organizations**

21

Approved by Council: 06/11/07  
Revised:

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**PURPOSE**

The purpose of this Council Operating Procedure (COP) is to facilitate effective communication of management advice through the appropriate U.S. commissions, U.S. advisory committees, and, to the extent practicable, the members of the U.S. delegation to the regional fishery management organizations (RFMOs) involved in highly migratory species (HMS) management in the Pacific Ocean. The provision of such advice should be coordinated with any input provided by the Western Pacific Fishery Management Council (WPFMC). This operating procedure will be consistent with the memorandum of understanding (MOU) described at §503(f) in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. This COP may be amended from time to time to ensure consistency with the contents of any such MOU. The procedures herein also may be used to develop and submit recommendations to the Secretary of State and Congress as provided for at §304(i)(B) of the Magnuson-Stevens Act, provisions for international overfishing.

**BACKGROUND**

HMS are wide-ranging, likely to be fished by multi-national fleets beyond U.S. waters, have productivity potentials ranging from very low to very high, and can seldom be directly surveyed for abundance. Their management usually requires international cooperation, for which there must be active U.S. participation at international forums. The principal forum is the Inter-American Tropical Tuna Commission (IATTC), a multi-lateral organization, which, through its member nations and parties, manages HMS in the eastern Pacific Ocean, generally east of 150° W longitude. The IATTC normally holds an annual meeting in June, during which parties may adopt resolutions outlining measures to be implemented through member states and parties, for example by domestic regulation. The Western and Central Pacific Fisheries Commission (WCPFC), through agreement by member states and parties, has jurisdiction over HMS in the Pacific Ocean generally west of 150° W longitude. The WCPFC normally holds its annual meeting in December. In addition, one of the five U.S. Commissioner seats for this organization is reserved for the chairman or member of the Pacific Council. Many of the species in the management unit are also within the management unit for the WPFMC's Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region. Therefore, the Pacific Council needs to coordinate management advice with the WPFMC. This operating procedure outlines measures to facilitate the communication of recommendations from the Council to RFMOs and for the Council to consider RFMO actions requiring a response within the domestic management framework.

## PARTICIPATION IN RFMO MEETINGS

Subject to the MOU referenced above, representatives of the Council participate in the U.S. delegations to Pacific Ocean RFMOs and are included in all delegation meetings. Participation may include Council members, members of the Highly Migratory Species Management Team (HMSMT) and Highly Migratory Species Advisory Subpanel (HMSAS), and Council staff.

## REVIEW OF STOCK ASSESSMENT AND OTHER SCIENTIFIC INFORMATION

NMFS SWFSC will provide a report to the Council annually on stock assessments completed in the previous year and any other scientific reports relevant to issues taken up by RFMOs (e.g., bycatch, fleet capacity). The SWFSC will also report on upcoming stock assessments and/or reports to facilitate Council planning. (Stock assessments for HMS are typically prepared by organizations outside the purview of the Council, such as the IATTC, International Scientific Committee for Tuna and Tuna-like Species, and the Scientific Committee of the WCPFC.) The Council may ask its SSC to review and provide advice on stock assessments. If a stock assessment will form the basis for a Secretarial status determination (i.e., overfishing or overfished) the SSC will review and report, and the Council may comment, before the status determination is formally communicated.

The RFMO science issues report will normally be delivered at the **September** or **November** Council meeting.

## RECOMMENDATIONS TO THE IATTC – U.S. SECTION

The HMSMT will prepare a report containing draft recommendations for a Council position on issues that will be addressed at the next annual IATTC meeting. The HMSAS will review this report and provide their comments. They may provide a separate set of recommendations or combine them with those made by the HMSMT. To promote greater coordination and communication between the WPFMC and the PFMC, the HMSMT will confer with the WPFMC's Pelagics Plan Team.

The Council will review the HMSMT and HMSAS reports and any other relevant information and finalize Council recommendations to the U.S. Section to the IATTC. These recommendations will be forwarded to the U.S. Section through the National Marine Fisheries Service (NMFS) Southwest Regional Administrator, who usually serves as a Commissioner to the IATTC, with copies made to the Chair of the General Advisory Committee for the IATTC and the Executive Director of the WPFMC.

The recommendations to the IATTC will normally be forwarded after the **April** Council meeting. In some circumstances the Council may need to revisit their recommendations at the **June** Council meeting because of extraordinary developments. Because the IATTC annual meeting normally occurs shortly after the June Council meeting, special arrangements may be needed to communicate revised recommendations to the U.S. Section. This could be accomplished by forwarding the recommendations to the U.S. Section through the NMFS Southwest Regional Administrator, who usually serves as a Commissioner to the IATTC. In

addition, Council members, advisory body members, or staff could attend the IATTC meeting as part of the U.S. delegation.

#### IATTC MEASURES – DOMESTIC IMPLEMENTATION

The NMFS SW Regional Administrator will report to the Council on any action by the IATTC that requires the implementation of domestic management measures under the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for HMS. The report should include the time period within which Council action is required. The Regional Administrator's report on IATTC activities will normally be delivered at the **September** Council meeting.

Depending on the type of action required, the Council follows established procedures (in either the Operating Procedures or the FMP) for an FMP amendment, regulatory adjustment within the FMP framework, or other type of action.

#### RECOMMENDATIONS TO THE WCPFC – COUNCIL COMMISSIONER

Section 503(a) of the Magnuson-Stevens Reauthorization Act of 2006 states that one of the five Commissioners for the WCPFC will be the chairman or member of the Pacific Council. The Council will forward its advice through this Commissioner for the development and negotiation of the U.S. position on issues before the WCPFC. Subject to the Memorandum of Understanding referenced above, other members of the Council, members of the HMSMT and HMSAS, and Council staff may join the U.S. delegation.

The HMSMT will prepare a report containing advice for the Council with respect to issues that will be addressed at the next annual WCPFC meeting. The HMSAS will review this report and provide their comments. They may provide a separate set of recommendations or combine them with those made by the HMSMT. To promote greater coordination and communication between the WPFMC and the PFMC, the HMSMT will confer with the WPFMC Pelagics Plan Team.

The Council will review the HMSMT and HMSAS reports and any other relevant information and formulate any recommendations for the Council member serving on the U.S. Commission. Recommendations formulated by the Council also may be communicated to the Executive Director of the WPFMC in advance of the WCPFC annual meeting.

The Northern Committee provides scientific advice to the WCPFC related to stocks occurring north of 20° N latitude. Such stocks (including North Pacific albacore and bluefin tuna) are important HMS FMP management unit species and the Council will likely want to communicate with this body as well. The Northern Committee normally holds an annual meeting in September.

The development of recommendations for the Northern Committee will normally occur at the **September** Council meeting and for the WCPFC annual meeting (through the Commissioner) at the **November** Council meeting.

## WCPFC MEASURES – DOMESTIC IMPLEMENTATION

The NMFS SW Regional Administrator will report to the Council on any action by the WCPFC that requires the implementation of domestic management measures under the HMS FMP. The report may include the time period within which Council action is required.

Depending on the type of action required, the Council follows established procedures (in either the Operating Procedures or the FMP) for an FMP amendment, regulatory adjustment within the FMP framework, or other type of action.

The Regional Administrator's report on WCPFC activities normally will be delivered at the **April** Council meeting.

## ADJUSTMENTS TO THE TIMING OF COUNCIL ACTIVITIES

Although Council meetings at which RFMO-related activities will normally occur have been identified in this COP, the Council may reschedule these activities as appropriate.

## NOMINATIONS FOR RFMO ADVISORY COMMITTEES

Advisory committees to the U.S. Commissioners for both the IATTC and WCPFC have been established under U.S. law (§953 of the Tuna Conventions Act and §503(d) of the Western and Central Pacific Fisheries Convention Implementation Act, respectively). IATTC Advisory Committee members serve for a three-year term; the WCPFC Advisory Committee members serve for a two-year term. Members are selected by the Secretary of Commerce (WCPFC) or State (IATTC) from nominees who represent various groups concerned with fisheries in the respective RFMO regions. When nominations are solicited, the Council may propose nominees. Council nominees should be active in the Council process and willing to present viewpoints consistent with any Council policies related to HMS management, in addition to representing the viewpoints of their own group. In identifying nominees, the Council should consider representatives from the following groups: West Coast commercial fisheries for HMS species, West Coast recreational fisheries for HMS species, West Coast HMS processors, and nongovernmental conservation organizations. West Coast HMS processors may include companies that have facilities and operations in areas other than the West Coast, but have some West Coast presence (for example, their company headquarters).

## COUNCIL OPERATING PROCEDURE

Process for Groundfish Essential Fish Habitat Review and Modification

Approved by Council: 6/13/07

Revised: 9/11/08; **4/12/11**

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### PURPOSE

To guide the Council's review and modification of groundfish essential fish habitat (EFH), especially the implementation of those portions of Amendment 19 to the Groundfish Fishery Management Plan (FMP) which identify requirements to:

1. Modify existing or designate new areas closed to bottom trawling or other benthic contact fishing gear for the protection of EFH (FMP Sections 6.2.4 and 6.8.5).
2. Modify existing or designate new Groundfish EFH and habitat areas of particular concern (HAPC) (FMP Sections 7.3.2 and 6.2.4).
3. Conduct an overall review of the EFH description, HAPC designations, and information on fishing and non-fishing impacts included in the FMP which is to be initiated within no more than five years since approval of the previous review (Section 7.6).

### OBJECTIVES

To assist in keeping the Council's identified EFH and HAPC responsive to and updated by changing knowledge of marine habitat and fishery and non-fishery activities that affect it by:

1. Establishing the membership and operating guidelines for an EFH Review Committee (EFHRC) charged with reviewing and making recommendations to the Council for proposed changes to EFH and HAPC.
2. Establishing a process for efficiently reviewing proposed changes to Groundfish EFH and HAPC, including an overall review at intervals of no more than five years.

### GROUND FISH ESSENTIAL FISH HABITAT REVIEW COMMITTEE

The Groundfish EFHRC has been established as a Council advisory body under section 302(g)(2) of the Magnuson-Stevens Act and will follow the ad hoc committee administrative procedures of COP 8.

#### Duties

When requested by the Council Chair or Executive Director, the Groundfish EFHRC shall review proposals or information with regard to modifying groundfish EFH and specifically:

1. Review groundfish EFH designations and areas currently closed to bottom trawling or other benthic contact fishing gear to protect groundfish habitat and recommend to the Council the elimination of existing areas, addition of new areas, or modification of existing areas. In making its recommendations, the EFHRC should, as a minimum, consider the best scientific information regarding the items listed in Section 6.2.4 of the Groundfish FMP. The EFHRC may also include recommendations for modifying HAPCs consistent with the proposed modification of the location and extent of areas closed to bottom trawling or other benthic contact fishing gear. These proposed changes to EFH designations, HAPCs, adverse effects,

or other EFH-related information may be based on proposals solicited from interested parties, and/or developed by the EFHRC.

2. Review proposals for modifying or designating new HAPC.
3. Assist the Council and provide oversight of the five year review of the EFH descriptions, HAPC designations, information on fishing and non-fishing impacts, and other EFH-related information included in the FMP.

#### Composition

As provided in COP 8, the members of the EFHRC are appointed by the Council Chair with advice from Council members and advisors.

The specific members of the EFHRC may vary, depending on the review assignment and geographic area of the proposed changes. The committee will include a representative from the Enforcement Consultants, and Tribal professional staff plus an alternate. The committee may also include appropriate representatives from the Groundfish Advisory Subpanel, Groundfish Management Team, Scientific and Statistical Committee, Habitat Committee, and other individuals with familiarity and expertise in the fisheries and marine habitats of the areas proposed for changes (e.g., commercial bottom trawl representatives, NMFS scientists, professionals involved in marine habitat research and mapping, etc.).

In selecting members to review a particular proposal(s), the Council Chair will also consider the need for some consistency in membership. If the appointed EFHRC lacks expertise, the EFHRC may request additional assistance through the Council Chair.

#### Member Terms, Alternates, and Officers

As described in COP 8, *Ad Hoc Committees*.

#### Meetings

As described in COP 8, *Ad Hoc Committees*.

#### Staff Responsibilities

As described in COP 8, *Ad Hoc Committees*.

### EFH REVIEW PROCEDURES

The EFH designated for groundfish covers an extensive area identified through inclusive, intensive, and collaborative assessment processes that required FMP amendment and incorporation in the groundfish fishery regulations. Any significant changes to EFH require a deliberative process and NEPA review; therefore, the Council will generally follow a cycle of five years between each complete review. Changes to EFH in the interim periods between the full reviews will only be contemplated in unusual cases in which significant harm might result by inaction. If significant new information or EFH issues emerge prior to a planned five year review, the Council may contemplate advancing the beginning of the next full review to something less than a five year period. The Council may request the EFHRC review interim

proposals to provide its recommendations on how imperative it may be to act on the new information.

Periodic Five Year Review Process

The periodic five year review of the Council’s EFH and HAPC designations is a major task that requires special expertise and planning. The review process, based on the initial five year review, is expected, to the extent practicable, to proceed as follows in the table below. The actual timing of some actions may vary, depending on Council workload, level of new information being reviewed, and complexity of the modifications being considered. The table in this COP will be modified for each five-year review to reflect the realities of the process and the updated Council workload.

<b>Timing/Due Date</b>	<b>Action</b>
April 2011	Council approves the process, and solicits for information and data (deadline: July 1, 2011)
Summer 2011	NMFS Science Center (or contractor) compiles and synthesizes data and information, initiates review. EFHRC starts reviewing interim products
Dec 31, 2011	NMFS Science Center (or contractor) product due
Jan-March 2012	EFHRC drafts report summarizing new data and information; including how it compares with existing information, maps, etc.
April 2012	Council adopts interim report and issues RFP for any changes to existing GF EFH, HAPCs, etc. (END PHASE I)
Sept 2012	EFHRC drafts final report, including recommendations for potential changes to EFH
November 2012	Final Action by Council (END PHASE II)
Post November 2012	If Council final action warrants additional activity, that would initiate Phase 3. Additional work could be in the form of an FMP amendment or other non-FMP product such as a chapter in the SAFE document. At that point, the EFHRC would be adjourned, because the review will have been completed. Any further work would require delegation to or establishment of an appropriate workgroup (e.g., GMT, amendment committee, etc.)

4/27/2012

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