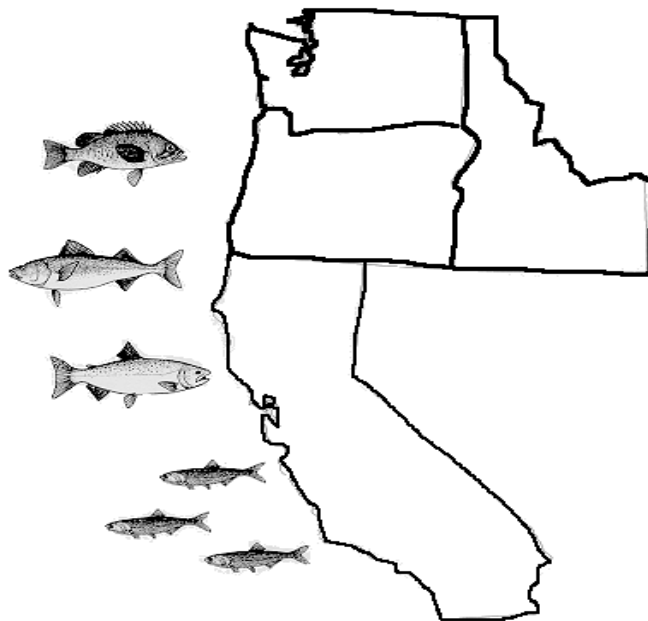


STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES



PACIFIC FISHERY MANAGEMENT COUNCIL

ADOPTED SEPTEMBER 2004

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INTRODUCTION

Pursuant to Section 302(f)(6) of the Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94-265, as amended; hereafter the MSA), the Pacific Fishery Management Council (Council) is responsible for determining its organization and prescribing its practices and procedures for carrying out functions under the MSA in accordance with such uniform standards as prescribed by the U.S. Secretary of Commerce (Secretary). This document constitutes the Statement of Organization, Practices, and Procedures (SOPP) for the Council, thereby carrying out this responsibility. This document was adopted September 17, 2004 as a replacement to the previous SOPP document, most recently adopted March 15, 2002.

The content of this SOPP represents binding procedures to which the Council is obliged to adhere to, absent approval for amendment by the Secretary of the Department of Commerce (Secretary). The Council follows other operational documents authorized by this SOPP describing lesser procedures the Council has adopted. These operational documents can be changed without Secretarial approval; however, any changes to these lesser documents must be consistent with the Council SOPP. Such documents as of September 2004 include the *Council Operating Procedures*, *Personnel Rules for the Pacific Fishery Management Council*, *Pacific Fishery Management Council's Travel Rules*, and *Pacific Fishery Management Council Financial Management Procedures*.

This SOPP is published and is also available on the Council website, www.pcouncil.org for the purpose of informing the public of how the Council operates within the framework of the Secretary's uniform standards. Paper or electronic copies of the Council SOPP or other Council documents regarding operational procedures or protocols are available upon request by writing or calling:

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
(503) 820-2280

PURPOSE

The purposes of the Council shall include:

1. Preparing and submitting to the Secretary a fishery management plan (FMP) for each fishery under its authority that requires conservation and management, and amendments to each such FMP that are necessary to manage the fishery consistent with MSA.
2. Preparing comments on any application for foreign fishing transmitted under Section 204(b)(4)(C) or Section 204(d) of the MSA, and any FMP or amendment transmitted under Section 304(c)(4) of the MSA.
3. Submitting to the Secretary such periodic reports as the Council deems appropriate, and any other relevant report which may be requested by the Secretary.

4. Reviewing on a continuing basis, and revising as appropriate, the assessments and specifications made with respect to the optimum yield from, the capacity and extent to which United States harvests fish from, and the total allowable level of foreign fishing in, each fishery within its geographical area of authority.
5. Conducting any other activities which are required by or provided for, in the MSA or which are necessary and appropriate to the foregoing four purposes.

COUNCIL ORGANIZATION

Organizational Structure

The Council consists of the States of California, Oregon, Washington, and Idaho and has authority over fisheries in the Pacific Ocean seaward of such states. The Council is organizationally structured with Council members that include a Chair and Vice Chair, a Council staff, and various committees and advisory bodies. There are a total of 19 Council members, 14 of which are eligible to vote on matters brought before the Council. The Council staff is responsible for the administration and execution of Council operations. Standing committees consist of Council members, and ad hoc committees may be composed of Council members and non-Council members; both committee types serve the purpose of providing recommendations to the Council on matters of Council business. Advisory bodies are composed of individuals knowledgeable about West Coast fisheries matters and serve the purpose of providing expert advice to the Council on matters related to the Council purpose.

Council Members

1. The voting members of the Council shall be:
 - a. The principal state official in the government position with marine fishery management responsibility and expertise in each of the four Council constituent states who is designated as such by the Governor of the state.
 - b. The Regional Administrator of the National Marine Fisheries Service (NMFS) for either the Northwest Region or the Southwest Region, or his or her designee. The Northwest Region representative is the designated voter for fishery matters primarily or exclusively off Oregon and Washington, and the Southwest Region representative is the designated voter for fishery matters primarily or exclusively off California.
 - c. Eight members appointed by the Secretary in accordance with MSA Section 302(b)(2), at least one of whom is to be appointed in accordance with Section 302(b)(5) of the MSA from each of the four states, and one member appointed from an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho.
2. The nonvoting members of each Council shall be:
 - a. The Columbia Basin Ecoregion director of the United States Fish and Wildlife Service or his or her designee.
 - b. The commander of the 13th Coast Guard District, or his or her designee.

- c. The Executive Director of the Pacific States Marine Fisheries Commission or his or her designee.
- d. One representative of the Department of State designated for such purposes by the Secretary of State, or his or her designee.
- e. One representative who shall be appointed by, and serve at the pleasure of, the Governor of Alaska.

In accordance with Section 302(j)(1 through 6) of the MSA, certain Council members are required to file appropriate Statement of Financial Interest forms within 45 days of taking office, and update the statement within 30 days of acquiring or substantially changing a financial interest, or annually by February 1.

Designees

The MSA authorizes only the principal state officials, the NMFS Regional Administrators, and the nonvoting members to designate individuals to attend Council meetings in their absence. The Chair of the Council must be notified in writing in advance of any meeting at which a designee will initially represent the Council member, including the name, address, and position of the individual designated. Such officials may submit to the Chair, in advance, a list of several individuals who may act as designee.

Only a full-time state employee of the state agency responsible for marine and/or anadromous fisheries shall be appointed by a constituent state Governor as the principal state official for purposes of Section 302(b) of the MSA. A principal state official may name his or her designee(s) to act on his or her behalf at Council meetings. Individuals designated to serve as designees of a principal state official on a Council, pursuant to Section 302(b)(1)(A) of the MSA, must be residents of the state and be knowledgeable and experienced, by reason of occupational or other experience, scientific expertise, or training, in the fishery resources of the geographic area of concern to the Council. New or revised appointments by state Governors of principal state officials and new or revised designations by principal state officials of their designees(s) must be delivered in writing to the appropriate NMFS Regional Administrator and the Council Chair at least 48 hours before the individual may vote on any issue before the Council. A designee may not name another designee. Written appointment of the principal state official must indicate his or her employment status, how the official is employed by the state fisheries agency, and whether the official's full salary is paid by the state. Written designation(s) by the principal state official must indicate how the designee is knowledgeable and experienced in fishery resources of the geographic area of concern to the Council, the county in which the designee resides, and whether the designee's salary is paid by the state.

Council Staff

The staff of the Council comprises an Executive Director and other staff necessary to carry out administration and execution of Council operations. The Executive Director is responsible to the Council, and the remaining staff is responsible to the Executive Director. In addition to the conditions contained in this SOPP, the Executive Director shall manage the Council staff in accordance with the *Personnel Rules for the Pacific Fishery Management Council*.

Committees

The Council includes standing committees consisting of Council members, and ad hoc committees that may consist of Council members and non-Council members. Standing committee members are appointed by the Council Chair. Ad hoc committees can be appointed for specialized purposes by the Council Chair or vote of the Council. The names, functions, designated membership, and terms of office of the standing and ad hoc committees are described in *Council Operating Procedures*.

Advisory Bodies

The Council organization includes advisory bodies appointed for the purpose of providing expert advice on matters related to the purposes of the Council. The advisory bodies include a Scientific and Statistical Committee (SSC); plan development, technical, and management teams; fishery advisory subpanels; an Enforcement Consultants group; and a Habitat Committee. The Council may establish new advisory bodies by Council vote. Membership, terms of office, nomination procedures, appointment protocols, and other terms of reference are described in *Council Operating Procedures*. The advisory bodies are assigned responsibilities and tasks by the Council or by the Executive Director and will provide reports to the Council as appropriate. Generalized descriptions and purposes of the Council advisory bodies are as follows.

Scientific and Statistical Committee

The SSC is composed of scientists of national reputation from state and federal agencies, academic institutions, and other sources. Members represent a wide range of disciplines required for preparation and review of management plans. The purpose of the SSC is to:

1. Identify scientific resources required for development of FMPs and FMP amendments.
2. Provide the multidisciplinary review of FMPs and FMP amendments, and advise the Council on their scientific content.
3. Assist the Council in evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to Council activities, and recommend methods and means for development and collection of such information.
4. Recommend to the Council the composition of and individuals to serve on the plan development, technical, and management teams.

Plan Development, Technical, and Management Teams

Plan development, technical, and management teams are established by the Council for each FMP or fishery which will be the subject of a planning effort for an FMP. Such teams consist of state, federal, tribal, and nongovernment scientific specialists and serve the purpose of providing data and analyses relevant to the particular fishery for which they were established. As of March

2002, the Council has the following teams: Coastal Pelagic Species Management Team, Groundfish Management Team, Highly Migratory Species Plan Development Team, and Salmon Technical Team.

Advisory Subpanels

Council fishery advisory subpanels collectively constitute the Fishing Industry Advisory Committee required in Section 302(g)(3)(A) of the MSA. Fishery advisory subpanels are established by the Council for each existing FMP, or fishery with an FMP under development, or a fishery being actively monitored. Fishery advisory subpanels consist of individuals representing groups or interests concerned with management of the respective fishery and having expertise related to the respective fishery. The purposes of the subpanels are to advise the Council as to fishery management problems, fishery management planning efforts, and the content and effects of FMPs and FMP amendments. As of March 2002, the Council has the following fishery advisory subpanels: Coastal Pelagic Species Advisory Subpanel, Groundfish Advisory Subpanel, Highly Migratory Species Advisory Subpanel, and Salmon Advisory Subpanel.

Enforcement Consultants Group

The Enforcement Consultants Group provides advice to the Council concerning the feasibility of proposed management measures from a regulation enforcement standpoint.

Habitat Committee

The Habitat Committee reviews and evaluates essential fish habitat in FMPs and FMP amendments, including adverse impacts on such habitat and the consideration of actions to ensure conservation and enhancement on such habitat. The Habitat Committee provides expert advice on the effects of proposed management measures on fish habitat and other habitat related matters brought before the Council for action. The Habitat Committee also reviews activities, or proposed activities, to be authorized, funded, or undertaken by any federal or state agency that may affect habitat of a fishery resource under the jurisdiction of the Council.

COUNCIL MEETINGS AND HEARINGS

Meetings

The Council meets in plenary sessions at the call of the Chair or upon request of a majority of the voting members. The Chair, or Vice Chair in the absence of the Chair, convenes and presides over Council meetings. The Federal Advisory Committee Act does not apply to the Council or Council advisory bodies. Advisory groups, working groups, and committees may meet with the approval of the Chair or the Executive Director. Emergency meetings may be held at the call of the Chair or equivalent presiding officer in his or her absence or by assignment of the Executive Director.

Notice

Notice of Council, advisory group, work group, and committee meetings will be published in the *Federal Register* in a timely basis. The Council will also issue meeting notices to interested persons and the news media to announce the time, location, and agenda for each meeting. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under Section 305(c) of the MSA, in which case public notice will be given immediately. Drafts of all regular public meeting notices will be transmitted to NMFS headquarters office at least 23 calendar days before the first day of the regular meeting, except for the April Council meeting. The April meeting agenda is developed during the March Council meeting and transmission of public notice for the April Council meeting will be done at the close of the March Council meeting. Drafts of emergency public notices must be transmitted to the NMFS Washington, D.C. office at last five working days prior to the first day of the emergency meeting whenever possible. Although notices of, and agendas for, emergency meetings are not required to be published in the *Federal Register*, notices of emergency meetings must be promptly announced through the appropriate news media.

Conduct of Meetings

All meetings of the Council, advisory groups, work groups, and committees are open to the public unless closed for reasons described in this SOPP. Council meetings are conducted according to Robert's Rules of Order and in a manner to permit the greatest possible participation by all members of the Council and public. A majority of the voting members of the Council constitute a quorum for Council meetings, but one or more such members designated by the Council Chair may hold hearings.

All meetings of the Council and its associated bodies are held in a manner and place physically accessible to people with disabilities and will provide for, with notice of a request at least five days prior to the meeting date, a sign language interpreter or other auxiliary aids needed for hearing disabled persons to track the Council proceedings.

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

Voting

Decisions of the Council are by majority vote of the voting members present and voting, except for a vote to propose removal of a Council member where a two-thirds majority of voting members is required. Decisions by consensus are permitted except when the action (1)

recommends approval of an FMP or amendment of an FMP (including any proposed regulations), (2) requests an amendment to regulations implementing an FMP, or (3) is a recommendation for responding to an emergency. Voting by proxy is permitted only by principle state officials and NMFS Regional Administrators via properly named designees. An abstention does not affect the unanimity of a vote. At the request of any voting member of the Council, the Council shall hold a roll call vote on any matter before the Council. All other votes may be by verbal indication. Council members or designees who are not in attendance may not vote by telephone.

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

On any matter for which a vote is taken on (1) an amendment of an FMP (including any proposed regulations), (2) a Council request for amendment to regulations implementing an FMP, (3) a Council finding that an emergency exists involving any fishery (including recommendations for responding to the emergency), or (4) Council comments to the Secretary on FMPs or FMP amendments, a vote may not be taken until the motion before the Council is recorded in written form visible to each Council member present and to the public. The written motion, as voted on, will be preserved as part of the record or minutes of the meeting. In the case of a telephonic vote during an emergency meeting, 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.

In accordance with 302(j)(7) of the MSA, 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. At the request of the affected Council member or the Chair, the designated NOAA General Counsel Attorney will determine whether a Council decision would have a significant and predictable effect on a financial interest of a member. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

Record

A detailed record of each Council meeting is prepared by the Council staff. Content of the Council meeting record are shown in the Recordkeeping section of this SOPP.

Closed Meetings

In accordance with 50 CFR Part 600.135 and after consultation with National Oceanic and Atmospheric Administration (NOAA) General Counsel, the Council or advisory bodies may close a portion of any meeting to discuss national security matters, international negotiations, litigation, or personnel matters including appointments to advisory bodies. Advisory body appointments made by the Council will be announced in an open session. If any Council meeting or portion thereof is closed, the time and place of the closed meeting will be included in the notice of the Council meeting sent to local newspapers in the major fishing ports within its region. A brief closure of a portion of a meeting not to exceed 2 hours in order to discuss personnel or other administrative matters, does not require such notification.

Frequency

The Council will meet as often as necessary to discharge its duties, but will meet at least once every six months. Council advisory bodies, committees, and work groups may meet as frequently as necessary, with the approval of the Council Chair or the Executive Director.

Location

The Council will strive to hold Council meetings throughout the area of the Council's jurisdiction and endeavor to meet in the areas where people reside who are likely to be immediately affected by actions taken by the Council at that particular meeting. Criteria for selection of meeting locations consistent with the above intent will include ease of transportation for both Council members and the public and the cost of holding such meetings.

Hearings

The Council may hold public hearings in order to provide the opportunity for all interested individuals to be heard with respect to the development of FMPs or FMP amendments and with respect to the administration and implementation of other relevant features of the MSA. Notice of each hearing will be received by NMFS for publication in the *Federal Register* at least 28 calendar days prior to the hearing. The Council will also issue notices to announce the time, location, and agenda for each hearing in a manner sufficient to assure all interested parties are aware of the opportunity to make their views known. When it is determined a hearing is appropriate, the Council Chair will designate at least one voting member of the Council to officiate. An accurate record of the participants and their views, obtained by use of a tape recording, typewritten transcript, or detailed minutes, will be made available to the Council at the appropriate Council meeting and maintained as part of the Council's administrative record.

EMPLOYMENT PRACTICES

Council Members and Council Staff

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

Equal Opportunity Employer

The Council is an Equal Opportunity Employer. Council staff positions must be filled solely on the basis of merit, fitness for duty, competence, and qualifications. Employment actions must be free from discrimination based on race, religion, color, national origin, sex, age, disability, reprisal, sexual orientation, status as a parent, or on any additional basis protected by applicable federal, state, or local law. No employee of the Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the MSA on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliations. Procedures employees must follow if they claim they are discriminated against or harassed are found in the *Council Personnel Rules* document.

In conducting official Council business, Council members and staff generally have the same protection from individual tort liability as federal employees on official actions, and are protected by the federal workmen's compensation statute, by the minimum wage/maximum hour provisions of the Fair Labor Standards Act, and by the rights of access and confidentiality provisions of the Privacy Act. Additionally, Council staff is eligible for unemployment compensation in the same manner as federal employees.

Personnel Actions

The Executive Director may establish positions, recruit, hire, compensate, promote, demote, and dismiss personnel. Dismissal will be made for misconduct, unsatisfactory performance, and/or lack of funds, with reasonable notice to the employee. Personnel vacancies should be filled on a competitive evaluation basis, unless unusual circumstances dictate otherwise. For this purpose, the Council may avail itself of the vacancy advertising system operated by NOAA. The *Council Personnel Rules* describe other personnel management actions the Executive Director may execute, such as maintaining current position descriptions and conducting periodic performance evaluations.

Salary and Wage Administration

The annual pay rates for Council staff positions shall be consistent with the pay rates established for General Schedule (GS) federal employees as set forth in 5 U.S.C. 5332, and the Alternative Personnel Management System for the U.S. Department of Commerce (62 FR 67434). Overtime payments for Council staff shall be made in accordance with provisions of the Fair Labor Standards Act. The Council will use locality and cost of living pay adjustments for Council staff in the same manner as federal employees in the same geographic area. Salary increases funded in lieu of life, medical, and dental insurance benefit policies are not permitted. Council members who are not government employees shall be paid at the rate of GS 15 step 7 for the Portland-Salem, Oregon locality on a daily basis for time spent attending Council meetings or performing other actual Council business authorized by the Council Chair.

Employee Benefits

Employee benefits are detailed in *Council Personnel Rules*, including paid leave, retirement pension, deferred compensation, and other miscellaneous benefits. Paid leave will be granted for holidays, vacations or exigencies (annual leave), sickness, civic duties (jury, military reserve obligations), and administrative purposes as determined by the Executive Director. Leave of any type is not transferable to or from federal agencies. Full-time Council employees may accrue annual leave at the following rates, (1) up to three years of service receive a maximum of 13 days per year, (2) three to 15 years of service receive a maximum of 20 days per year, and (3) more than 15 years of service receive a maximum of 26 days per year. Part-time employees working at least half time accrue leave at the same rate, per hours worked. Employment with state and federal agencies or interstate fishery compact agencies qualifies in computing years of service.

Distributions of accumulated funds for unused annual leave are authorized upon employee separation, retirement, or death.

Full-time Council employees may accrue sick leave at the rate of two hours per week (13 days per year). Part-time employees working at least half time accrue leave at the same rate, per hours worked. Unused sick leave credit may be accumulated without limit. Distributions of accumulated funds for unused sick leave may be made to the employee upon his or her retirement, or to his or her estate upon his or her death.

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

Experts and Consultants

The Council may contract with experts and consultants, as needed, to provide technical assistance not available from NOAA. This includes legal assistance in clarifying legal issues, but the Council must notify the NOAA Office of General Counsel before seeking outside legal advice. If the Council is seeking legal services in connection with an employment practices question, the Council must first notify the U.S. Department of Commerce Office of the Assistant General Counsel for Administration, Employment and Labor Law Division. The Council may not contract for the provision of legal services on a continuing basis.

Details of Government Employees

All federal agencies are authorized by the MSA to detail personnel to assist the Council in the performance of its functions. Council requests to the heads of such agencies must contain the purpose of the detail, length of time, and the stipulation that the assistant administrator is to be consulted prior to granting the request. Copies of this correspondence will be transmitted to the assistant administrator through the servicing regional office. Federal employees so detailed retain all benefits, rights, and status to which they are entitled in their regular employment. The Council may negotiate intergovernmental personnel agreements or other arrangements with state

or local government agencies, in addition to federal government agencies, to utilize employees to further accomplish Council purposes. Assistance in arranging these details may be obtained through the servicing regional NMFS office.

FINANCIAL MANAGEMENT

The Council complies with the condition described in the current Office of Management and Budget (OMB) Circular A-110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations), OMB Circular A-122 (Cost Principles for Non-Profit Organizations), 15 CFR Part 29b (Audit Requirements for Institutions of Higher Education and other Nonprofit Organizations), and the terms and conditions specified in the current Cooperative Agreement issued by the NOAA Grants Management Division. These circulars and regulations describe standards for financial management, financial reporting, audits, property management, and procurement. The procedures the Council follows in complying with these standards and other financial management practices are detailed in the *Pacific Fishery Management Council Financial Management Procedures* document.

Cooperative Agreements

The Council receives administrative funds through cooperative agreements from the U.S. Department of Commerce. The Council submits a formal cooperative agreement application package in accordance with the instructions provided by the NOAA Grants Management Division. The funding requirements for the Council are subject to regular budgetary review procedures. Annual or multiple year grants and cooperative agreements will provide such federal funds as the Secretary determines are necessary to the performance of the functions of the Council and consistent with budgetary limitations.

The Council may not independently enter into agreements, including grants, contracts, or cooperative agreements, whereby funds are received for services rendered. All such agreements must be approved and entered into by NOAA on behalf of the Council. The Council is not authorized to accept gifts or contributions directly. All such donations must be directed to NMFS in accordance with applicable U.S. Department of Commerce regulations.

Travel Reimbursement

Detailed procedures covering processing reimbursement claims for travel expenses are described in the *Pacific Fishery Management Council's Travel Rules* available from the Council office. These procedures are updated regularly for allowance amount and other changes, but are consistent with the following guidelines and other matters in this SOPP document.

All nonfederal members of the Council, SSC, advisory subpanels, technical teams, work groups, ad hoc committees, staff, and special consultants performing authorized services are eligible to receive reimbursement for limited per diem travel expenses when away from their home station or while away from their work location in the metropolitan area of their residence. Travel expenses for which reimbursement is allowable will be confined to those expenses essential to

transacting official Council business. The Council observes the General Services Administration (GSA) reimbursement rates for private vehicle mileage, commercial transportation, and per diem rates for lodging, meals, and incidental expenses. The limits may be exceeded in special cases if approved by the Executive Director, up to the maximum amount allowed in current circulars governing Council grant activities. Reimbursement of travel expenses to any meeting for a Council member must be limited to the Council member, or, in the case of the absence of the member, one designee (in any case, one person).

Foreign Travel

Foreign travel must be approved, in advance, by the assistant administrator for fisheries. Requests for foreign travel approval should be submitted, in writing, at least 15 days in advance to the assistant administrator, through NMFS OMB and the grants officer. Routine across-the-border travel to Mexico and Canada is exempt. The Council Chair or Executive Director may approve routine across-the-border travel to Canada or Mexico for members of the Council entourage issued travel orders, within specified GSA per diem rate limitations.

Accrued Leave

One or more accounts are maintained to pay for annual leave or unused sick leave balances and will be funded from the Council's annual operating allowances. Interest earned on the account(s) will be maintained in the account(s), along with the principal, for the purpose of payment of unused annual and sick leave only. These account(s), including interest, may be carried over from year to year. The Council has the option of depositing funds into the account(s) at the end of the budget period if unobligated balances remain. Budgeting for accrued leave will be identified in grant proposals and financial reports.

RECORDKEEPING

Administrative Records for Council Meetings and Fishery Management Plans

The Council maintains records of each Council meeting and records pertaining to FMPs and FMP amendments. Council records are handled in accordance with NOAA records management office procedures. All records and documents created or received by Council employees while in active duty status belong to the federal government. When an employee leaves the Council, he or she may not take the original or file copies of records with them.

A detailed record of each meeting of the Council is compiled by Council staff containing an audio recording of the entire proceedings, a list persons present, summary minutes of matters discussed, motions made, votes taken, a ledger of the vote of each member when roll call votes are taken, conclusions reached, copies of all statements filed, and copies of all written testimony and correspondence. The Council shall approve, and the Council Chair shall certify the accuracy of the summary minutes of each meeting, and the Executive Director shall submit the complete meeting record to NMFS. The detailed meeting record will be made available to the public and any court of competent jurisdiction.

Categories of documents which generally constitute the administrative record of FMPs or amendments to FMPs include notice of all Council-sponsored meetings, scoping comments, work plans, discussion papers, Council meeting records, advisory body reports, hearing reports, National Environmental Policy Act documents, regulatory analyses, Paperwork Reduction Act justifications, proposed regulations, final regulations, and emergency regulations.

Copies of all Council meeting records and records pertaining to FMP and FMP amendments will be provided to NMFS in a timely manner, who also maintains such records. The Council will consult with NOAA before destroying Council records.

Privacy Act Records

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

All records subject to the Privacy Act will be collected, maintained, used, and disseminated in accordance with the provisions of the Privacy Act. They will be kept securely, with disclosure or viewing limited to only those permitted accesses pursuant to the Privacy Act.

Freedom of Information Act

All Freedom of Information Act (FOIA) requests to the Council must be submitted in writing. The envelopes and letter should be clearly marked "Freedom of Information Request." FOIA requests to the Council will be noticed to, and controlled, coordinated, and documented in the appropriate NMFS region. While the Council may disclose unclassified information in its possession, only the NMFS Assistant Administrator is authorized to deny information requested from the Council under the FOIA.

Confidentiality of Statistics

In accordance with the MSA and 20 CFR Part 600.405-600.425, the Council will follow appropriate procedures for ensuring the confidentiality of the statistics that may be submitted by federal or state authorities and may be voluntarily submitted by private individuals including, but not limited to, procedures for the restriction of Council member, employee, committee member, or advisory group member access and the prevention of conflicts of interest, except that such procedures must, in the case of statistics, be submitted to the Council by a state and be consistent with the laws and regulations of the state concerning the confidentiality of such statistics.