

# **COUNCIL OPERATING PROCEDURE**

## **Advisory Subpanels**

*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*

2

### **PURPOSE**

To establish procedures for advisory subpanels.

### **OBJECTIVES AND DUTIES**

When requested by the Council chairperson 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 fishing vessels of the United States will harvest the resources considered in FMP's, (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) FMP's, amendments and regulatory amendments during preparation of such FMP's or amendments by the Council, (b) FMP's prepared by the Secretary of Commerce and transmitted to the Council for review, and (c) the effectiveness of the FMP's, amendments, regulations and other measures which have been implemented.
3. Attend public hearings on the FMP's or amendments.
4. Attend Council meetings at the request of the Council chairperson 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).

## 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 with respect to a fish species or stock.
2. The Council may establish or abolish subpanels as it deems necessary to perform its duties as specified under the Magnuson-Stevens Act.
3. Each subpanel shall meet at the call of the Council chairperson or executive director.
4. The subpanels shall report to the Council as directed by the Council chairperson or executive director.

## MEMBERSHIP

### Terms

Members shall be appointed by the Council for two-year terms expiring December 31 on even-numbered years, 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 he/she (1) transfers employment or moves to a different location, (2) is absent from three consecutive meetings without giving adequate notification to the Council executive director, or (3) appears unable to fulfill his/her obligations as a subpanel member.

### Replacement of Members

Upon receipt of a letter of resignation, completion of two-year terms, or following Council action to remove a member, the executive director shall advertise through the news media for qualified nominees. Announcements will be distributed widely and be specific about the duties and responsibilities.

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

### Alternates

If the executive director is notified in advance, in writing, a subpanel member may send an alternate to a subpanel meeting no more than once per year when the official member is unable to attend. The alternate will not be reimbursed for travel expenses.

### Officers

Subpanel officers shall be appointed by the Council chairperson and shall serve one-year terms.

### Subcommittees

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

### MEETINGS

The subpanels shall meet at the request of the Council chairperson 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. Comments may be limited if deemed necessary by the subpanel chairperson. 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 direction of the chairperson. Members of the public may be asked to leave the meeting at the chairperson's discretion if their conduct is impeding the orderly progress of the meeting.

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

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

### Public Notification of Meetings

Notice of subpanel meetings shall be published in the *Federal Register* and news media.

### MINUTES

If practicable, a Council staff member shall attend and draft summary minutes of each subpanel meeting.

### STAFF RESPONSIBILITIES

Council staff members will assist the subpanels as requested.

## REPORTS TO COUNCIL

Reports will describe both areas of consensus and differences. The subpanel chairperson will present both majority and minority reports.

## NEW MEMBER ORIENTATION

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

## AD HOC ADVISORY GROUPS

The Council chairperson may appoint special groups to address particularly contentious issues, such as allocation. Such groups will be as small as possible, while representing the various interests, and representation will be balanced. Members of these groups may or may not be members of the advisory subpanels. These groups will be terminated when the task assigned is completed.