

## 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, 09/15/00,  
11/01/02

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### 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 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, 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.
3. Attend public hearings on the FMPs 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.

## MEMBERSHIP

### Terms

Tribal members shall be appointed by the Council to serve indefinite terms (On 11/1/02, the Council specifically approved a term ending date for the SAS Tribal positions of 12/31/03). All other 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 he/she (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 his/her 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 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 should 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 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.

### Definition of 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 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, but 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 made available to 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

Subpanels shall report to the Council as directed by the Council chairperson or executive director. 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.

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**REPRESENTATION ON SUBPANELS AND SPECIAL DUTIES**

Subpanel and Total Number of Members	Affiliation
Coastal Pelagic (11)	3 California Commercial Fishers 1 Oregon Commercial Fisher 1 Washington Commercial Fisher 3 Processors (California, Washington, or Oregon) 1 Northern California Charter/Sport Fisher 1 Southern California Charter/Sport Fisher 1 Conservation Representative
Groundfish (18)	3 Fixed Gear (At-Large) 1 Conservation Representative 2 Processors 1 At-Sea Processor 2 Sport Fishers 3 Trawlers (Washington, Oregon, California) 3 Charter Boat Operators (Washington, Oregon, California) 2 Open Access Fishers (1 north and 1 south of Cape Mendocino) 1 Tribal Fisher
<p>The Groundfish Advisory Subpanel (GAP) has lead responsibility for reports to the Council on the progress of the groundfish license limitation program and need for adjustments. 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.</p>	
Highly Migratory Species (13)	1 Commercial Troll 1 Commercial Purse Seine 1 Commercial Gillnet 3 Commercial At-Large 1 Recreational At-Large 1 Private Recreational 1 Charter Boat Operator 1 Northern Processor 1 Southern Processor 1 Conservation Representative 1 Public At-Large
Salmon (16)	2 Tribal Members (Washington Coast and California) 1 Gillnetter 3 Charter Boat Operators (Washington, Oregon, California) 4 Sport Fishers ( Washington, Oregon, Idaho, California) 3 Trollers (Oregon, California, and Washington) 1 Public At-large 1 Processor 1 Conservation Representative

