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PFMC

Exhibit I.2  
Attachment 1  
March 2002

P.O. Box 1998 • 500 East Division • Forks, Washington 98331-1998

(360) 374-5412 • Fax: (360) 374-9430 • Web: [www.forkswashington.org](http://www.forkswashington.org)

October 10, 2001

Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384

Dear Council members:

Please accept the nomination of Dan Leinan to serve as a member of the Habitat Steering Group.

Thank You.

Sincerely,

Phil Arbeiter  
Mayor, City of Forks

15 October 2001

Richard K Stoll  
26803 Edgewater Blvd NW  
Poulsbo, WA 98370  
rkstoll@ix.netcom.com

(360) 697-5393

Wtk (360) 396-0665

Dr. John Coon  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220

Re: PFMC announcement dated September 25, 2001: **Candidate Proposal for Habitat Steering Group  
– Recreational Fisher**

Dear Dr. Coon,

I would like to be considered for the above referenced position. I have been a recreational fisher for migratory species for more than 50-years. In addition:

- I have written more than 400 angling and conservation columns, commentaries, and editorials that have been published well in excess of 1000 times in Washington newspapers. Newspapers around the United States have reprinted many of these pieces. I also write occasional articles for fishing publications and magazines. I feel I have had far more impact on critical environmental issues through my conservation editorials than from more than 28 years as a practicing environmental scientist.
- From 1993 to 1999 I held an appointment to the International Committee of the **International Game Fish Association (IGFA)**.
- I am founder and former owner of Northwest Angler Fly Shop, Poulsbo, WA, and the Western Fly fisher fishing stores formerly located in Lynnwood and Silverdale, WA.
- I am a member, Outdoor Writer's Association of America (OWAA). I received the 2001-second place award for best saltwater fishing article.
- I am a member of NOAA (Northwest Outdoor Writer's Association – Oregon, Washington, Idaho, Montana, British Columbia, and Alaska). I received the 1999 NOWA Excellence in Craft Award.
- I fish worldwide, but specialize in both the Pacific Northwest and Alaska anadromous and migratory species.

I also hold a graduate degree as a marine biologist/environmental from the University of Washington (1973). I currently am the Natural Resources Coordinator (fisheries) for the US Navy Northwest and Alaska Region.

Your kind consideration of this application will be most appreciated. Please feel free to contact me.

Sincerely,

Richard K Stoll



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OCT 23 2001

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October 22, 2001

Dr. John Coon  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220

Dear Dr. Coon:

Attached please find the requested nomination information for the current recreational fisher opening on the PFMC's Habitat Steering Group. Please accept my nomination for the position.

Thank you for your consideration.

Sincerely,



Greg J. Gilham  
1690 Tumalo Dr. SE  
Salem, OR 97301  
(503) 362-3044

## Habitat Steering Group Nomination

1. **Advisory body and position to which person is being nominated:** Habitat Steering Group, recreational fisher.
2. **Name of nomination and present position or affiliation:** Greg J. Gilham, recreational fisher and ProGuide Tackle Co.
3. **Address and telephone number:** 1690 Tumalo Dr. SE, Salem, Oregon 97301; 503-362-3044 (phone); 503-585-4322 (fax).
4. **Experience:** I am a fifth generation Oregonian, growing up in the Willamette Valley. For 35 years have fished and explored nearly all Oregon coastal bays and tributaries, and all waters on the Willamette system for salmon and steelhead. Twenty of those 35 years were spent sport fishing on my father's boat out of Depoe Bay.

Have served in numerous volunteer capacities, including Northwest Steelheaders Association and Oregon Department of Fish and Wildlife (Marion Forks Hatchery) restoration projects. Most recently completed a seasonal, paid position with the Pacific States Marine Fisheries Commission in Newport, in an effort to gain additional knowledge of areas related to coastal fisheries. Have donated many hours as a fishing instructor and also in a guide capacity, providing trips for charity – salmon, steelhead, trout and sturgeon. Have also conducted fishing clinics and seminars for the Northwest Steelheaders Association and Sportsman Shows.

Started small wholesale tackle business in 1986 (ProGuide Tackle Co.), operating daily function of product sales and manufacture for both fresh and salt water fish. The business continues today.

My interest in habitat conservation as related to bays, streams and rivers has and continues to be of utmost importance. It's my view that habitat conservation and enhancement is paramount if fisheries in Oregon are going to survive and thrive. In fact, I recently planted native plants and trees along the Little Pudding River which flows through my family's farm east of Salem, believing that "if you build it, they (the wildlife) will come."

Because of my numerous contacts with people – through recreational anglers in the field (I fish approximately 150 days a year), my whole tackle business, volunteer efforts, and most recently through my job with PSMFC interviewing recreational sport fishers – I feel I am uniquely qualified for this volunteer position. I believe I feel the pulse of attitude, concern and frustration expressed by recreational sport fishermen.

APPOINTMENTS TO ADVISORY BODIES, STANDING COMMITTEES, AND OTHER FORUMS

**Appointments to Vacancies on Council Advisory Bodies**

In November 2001, the Council postponed filling vacant positions on the Coastal Pelagic Species Advisory Subpanel (CPSAS) and Habitat Steering Group (HSG). The vacant positions and nominations received in time for briefing book mailing are listed below. Nomination letters are contained in Attachment 1.

Body	Position	Nominee	Nominated By
CPSAS	Northern CA Charter/Sport	None	-
HSG	Recreational Fisher	Mr. Dan Leinan, Forks, WA	Phil Arbeiter, Forks, WA
		Mr. Greg J. Gilham, Salem, OR	Self
		Mr. Richard K. Stoll, Poulsbo, WA	Self

**Proposed New Northwest Fishery Science Center Position on HSG**

To add additional expertise and capability to the HSG, the Northwest Fishery Science Center (NWFSC) and Council staff are asking the Council to consider creating a new position on the HSG to be filled by a NWFSC scientist. The new position would bring total HSG membership to 14. Currently, there is one NMFS representative on the HSG, Mr. Mark Helvey, Western Administrative Support Center, Long Beach, California.

**Appointments to Standing Committees and Other Forums**

The Council Chair will announce his appointments to Council standing committees and representatives to other forums (i.e., Budget Committee, Legislative Overview, Foreign Fishing, International Pacific Halibut Commission and Klamath Fishery Management Council).

**Council Action:**

1. **Make appointments as appropriate to the following advisory body positions:**  
     **CPSAS: Northern California Charter/Sport**  
     **HSG: Recreational Fisher**  
     **NMFS Northwest Science Center (proposed new position)**
2. **Announce Council Chair appointments to standing Committees and other Forums.**

**Reference Materials:**

1. Nomination letters for vacant position on HSG (Exhibit I.2, Attachment 1).

**Agenda Order:**

- a. Appointments to Advisory Bodies
  - i. Coastal Pelagic Species Advisory Subpanel John Coon
  - ii. Habitat Steering Group John Coon
- b. Announce Council member appointments to KFMC, IPHC, and Standing Committees Hans Radtke

PFMC  
 02/27/02

NOMINATIONS TO VACANT POSITIONS ON COUNCIL ADVISORY BODIES

Since mailing the briefing book, two additional nominations have been received at the Council office, one each for the vacant positions on the Coastal Pelagic Species Advisory Subpanel (CPSAS) and Habitat Steering Group (HSG). The table below lists all nominations to date. Nomination letters are contained in Exhibit I.2, Attachment 1 and Supplemental Attachment 3.

Body	Position	Nominee	Nominated By
CPSAS	Northern CA Charter/Sport	Richard S. Powers, Bodega Bay, CA	Golden Gate Fishermen's Assoc.
HSG	Recreational Fisher	Mr. Dan Leinan, Forks, WA	Phil Arbeiter, Forks, WA
		Mr. Greg J. Gilham, Salem, OR	Self
		Mr. Tom Mattusch, El Granada, CA	Golden Gate Fishermen's Assoc.
		Mr. Richard K. Stoll, Poulsbo, WA	Self

PFMC  
 03/05/02



# **GOLDEN GATE FISHERMEN'S ASSOCIATION**

---

Roger Thomas  
President

FEB 25 2002

James Robertson  
Secretary-Treasurer  
50 Briarwood Drive  
San Rafael, CA 94901

February 20, 2002

Donald O. McIsaac, Ph.D., Executive Director  
Pacific Fishery Management Council  
7700 N.E. Ambassador Place, Suite 200  
Portland, OR 97220-1384

Dear Dr. McIsaac:

On behalf of the Golden Gate Fisherman's Association (GGFA), I would like to submit the name of Tom Mattusch for appointment to the Habitat Steering Group as replacement for Peggy Beckett who recently vacated that position.

Tom may be contacted at P.O. Box 957, El Granada, CA 94103, telephone: 650-726-2066.

Thank you for your consideration on this appointment.

Sincerely,

James Robertson  
Secretary-Treasurer

JR/sd



# **GOLDEN GATE FISHERMEN'S ASSOCIATION**

Roger Thomas  
President

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FEB 25 2002

PFMC

James Robertson  
Secretary-Treasurer  
50 Briarwood Drive  
San Rafael, CA 94901

February 20, 2002

Donald O. McIsaac, Ph.D., Executive Director  
Pacific Fishery Management Council  
7700 N.E. Ambassador Place, Suite 200  
Portland, OR 97220-1384

Dear Dr. McIsaac:

On behalf of the Golden Gate Fisherman's Association (GGFA), I would like to submit the name of Richard S. Powers for appointment to the Coastal Pelagic Species Advisory Subpanel as Northern California Charter/Sport Representative.

Rick may be reached at P.O. Box 103, Bodega Bay, CA 94923, Phone # 707-875-3495.

Thank you for your consideration on this appointment.

Sincerely,

James Robertson  
Secretary-Treasurer

JR/sd



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Fisheries Science Center  
2725 Montlake Boulevard East  
Seattle, WA 98112-2097

March 8, 2002

Dr. Hans Radtke, Chair  
Pacific Fisheries Management Council  
7700 NE Ambassador Avenue, Suite 200  
Portland, Oregon 97220

Dear Dr. Radtke:

I would like to request that a position be made available for a scientist from the Fisheries Monitoring and Analysis Division (FRAM), Northwest Fisheries Science Center (NWFSC) to participate on the Pacific Fisheries Management Council Habitat Subgroup. As you know the NWFSC is tasked with coordinating the NMFS West Coast groundfish research. Participation by a scientist from the FRAM division of the NWFSC on this subcommittee would help the Center achieve its goals of both providing the best scientific advice to the Council and coordinating our habitat research with the Council's research priorities.

If the creation of this new position on the subgroup meets with the Council's approval, we recommend that the first participant from the Center be Dr. Waldo Wakefield. He is the team lead within the FRAM division for habitat research and is a respected international expert in the field of fisheries and ecosystems research. Dr. Wakefield's curriculum vitae is attached for your review.

If you have any further questions regarding this request please contact me or Dr. Elizabeth Clarke, Division Director of the FRAM Division at the NWFSC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Usha Varanasi".

Usha Varanasi, Ph.D.  
Science and Research Director

/c



## CURRICULUM VITAE

W. WALDO WAKEFIELD

NOAA National Marine Fisheries Service  
Northwest Fisheries Science Center  
2030 So. Marine Science Center Drive  
Newport, Oregon 97365

CITIZENSHIP: USA

PHONE: 541-867-0243

FAX: 541-867-0389

email: waldo.wakefield@noaa.gov

### EDUCATION

Ph.D.: Oceanography, 1990, Scripps Institution of Oceanography  
M.S.: Oceanography, 1984, Oregon State University  
B.S.: Biology, 1973, Pennsylvania State University

### POSITIONS HELD

#### *NOAA / NMFS Northwest Fisheries Science Center*

1999-present: Fisheries Research Biologist

#### *Rutgers University Institute of Marine and Coastal Sciences*

1998-1999: Assistant Research Professor

1993-1998: Assistant Research Professor and Science Director for Mid-Atlantic Bight National Undersea Research Center

#### *University of Alaska Fairbanks*

1991-93: Affiliate Assistant Professor and Science Director for West Coast National Undersea Research Center

#### *NOAA/NMFS Southwest Fisheries Science Center*

1990-91: National Research Council, Research Associateship post doc

#### *Scripps Institution of Oceanography*

1982-90: Graduate Research Assistant

#### *Oregon State University, School of Oceanography*

1981-82: Research Assistant - technician / 1978-81: Graduate Research Assistant / 1977-78: Teaching Assistant

#### *Academy of Natural Sciences of Philadelphia, Division of Limnology and Ecology*

1975-77: Biologist/Principal Investigator, Benedict Estuarine Research Laboratory / 1973-75: Research Assistant, main museum, Philadelphia

### AWARDS

Scripps Institution of Oceanography, Institute of Marine Resources Fellow, 1982-1983

Fager Memorial Award, Scripps Institution of Oceanography, 1985

National Research Council, Research Associateship, 1990-1991

Rutgers University, Faculty Academic Service Increment Program Award for 1994, 1997, 1998

Northwest Fisheries Science Center Certificate of Recognition for Heceta Bank Research Project 1999/2000

Northwest Fisheries Science Center Certificate of Recognition for Ocean Exploration Project off Oregon, 2001

### RECENT EXPERIENCE/RESPONSIBILITIES

1999-present: Research Fisheries Biologist at the Northwest Fisheries Science Center, Newport Station. responsible for developing field research program for west coast groundfish including coast wide time series. In addition, developing fisheries habitat studies program at the NWFSC, and continuing to pursue research and teaching interests in oceanography, fisheries, and the ecology of deep-sea fishes.

1993-1999: Science Director for the Mid-Atlantic Bight National Undersea Research Center (NURC), responsible for developing and operating (with the Center Director) NOAA's National Undersea Research Program in the Mid-Atlantic Bight of North America. The Mid-Atlantic Bight Center is one of six regional centers which promote in situ research and technological development in marine, estuarine and limnological studies. Assistant Research Professor in the Department of Marine and Coastal Sciences with an appointment in the Graduate Program in Oceanography - in addition to administrative duties, continued to pursue research and teaching interests.

### SEA EXPERIENCE since 1993 (at sea experience dates back to 1974)

1993: R/V SEA DIVER / CLELIA - Developmental project to evaluate the use of shallow water submersible CLELIA to conduct research at sites along New Jersey Shelf.  
R/V CALETA - Periodic day trips to conduct hydrographic and water chemistry transects off Tuckerton, NJ

1994: R/V MEDEIA / M/V CAVALIAR / DELTA - Sidescan sonar and manned submersible study of demersal shelf rockfish habitats in SE Alaska  
M/V ATLANTIC SURVEYOR / DELTA - In situ studies of habitat associations of juvenile fish on the New Jersey continental shelf

- R/V MILLER FREEMAN, MF-94-09 - Gear research and slope groundfish stock assessment cruise off Oregon - used newly development towed camera sled (by WWW) to assess groundfish abundance and habitat.
- 1995: R/V CALETA - Periodic day trips to conduct hydrographic and water chemistry transects off Tuckerton, NJ  
R/V MEDEIA / DELTA - Sidescan sonar and manned submersible study of demersal shelf rockfish habitats in SE Alaska
- 1996: R/V CALETA - Periodic day trips to conduct hydrographic and water chemistry transects off Tuckerton, NJ  
R/V CALETA - Periodic day trips to conduct hydrographic and water chemistry transects off Tuckerton, NJ  
R/V CREED - Multibeam sonar survey of areas of the inner and outer continental shelf off New Jersey for ONR Strataform Project  
R/V MEDEIA - Sidescan sonar survey of fishing grounds off SE Alaska
- 1997: M/V CAVALIAR / DELTA submersible, manned-submersible study of demersal shelf rockfish habitats and rockfish stock assessment  
R/V DELAWARE II, in situ observations of surfclam and ocean quahog dredging operations as part of NOAA / NMFS clam stock assessment efforts
- 1998: R/V MEDEIA - Sidescan sonar survey of fishing grounds off SE Alaska
- 1999: R/V DISCOVERY BAY - Sustainable Seas Expedition in Olympic Coast National Marine Sanctuary, R/V MEDEIA / DELTA - manned submersible study of demersal shelf rockfish habitats in SE Alaska, F/V's MISS LEONA - West Coast groundfish time-series cruise
- 2000: R/V RONALD H. BROWN w/ DELTA submersible and ROPOS ROV- NURP funded project to study habitats of Heceta Bank, OR, F/V Coast Pride - West Coast groundfish time series-cruise
- 2001: R/V RONALD H. BROWN w/ ROPOS ROV- NURP funded project to study habitats of Heceta Bank, OR, F/V Sea Eagle - West Coast groundfish research  
M/V CASITAS w/ UNCW ROV system and SAIC laser line scanner - evaluation of application of laser line scan system for habitat and groundfish studies

## PUBLICATIONS

- Shenker, J. M., D. J. Hepner, P.E. Frere, L. E. Currence, and **W.W. Wakefield**. 1983. Upriver migration and abundance of naked goby (*Gobiosoma boscii*) larvae in the Patuxent River, Maryland. *Estuaries* **6**: 36-42.
- Wakefield, W.W.** 1984. Feeding relationships within an assemblage of benthic fishes on the Oregon continental shelf. Masters Thesis, Oregon State University.
- Wakefield, W.W.** and A. Genin. 1987. The use of a Canadian (perspective) grid in deep-sea photography. *Deep-Sea Res.* **34**: 469-478.
- Kaufmann, R.S., **W.W. Wakefield**, and A. Genin. 1989. Distribution of epibenthic megafauna and lebensspuren on two Central North Pacific seamounts. *Deep-Sea Res.* **36**: 1863-1896.
- Reimers, C.E., and **W.W. Wakefield**. 1989. Flocculation of siliceous detritus on the sea floor of a deep Pacific seamount. *Deep-Sea Res.* **36**: 841-1862.
- W.W. Wakefield**. 1990. Patterns in the distribution of demersal fishes on the upper-continental slope off central California with studies on the role of ontogenetic vertical migration in particle flux. Ph.D. Thesis, Scripps Institution of Oceanography.
- W.W. Wakefield**, and K.L. Smith, Jr. 1990. Ontogenetic vertical migration in *Sebastolobus altivelis* as a mechanism for transport of particulate organic matter at continental slope depths. *Limnol. Oceanog.* **35**: 1314-1328.
- Smith, K.L. Jr., R. S. Kaufmann, and **W. W. Wakefield**. 1993. Mobile megafauna activity monitored with a time-lapse camera in the abyssal North Pacific. *Deep-Sea Res.* **40**(11-12): 2307-2324.
- Adams, P.B., J.L. Butler, C.H. Baxter, T. E. Laidig, K. A. Dahlin, and **W. W. Wakefield** (1995) Population estimates of Pacific Coast groundfishes from video transects and swept-area trawls. *Fish. Bull.* **93**(3):446-455.
- O'Connell, V.M., **W.W. Wakefield**, and H.G. Greene. 1998. The use of a no-take marine reserve in the Eastern Gulf of Alaska to protect "essential fish habitat", pp 127-134, *In* M.M. Yoklavich (ed.), *Marine harvest refugia for the west coast rockfish: A workshop*. NOAA Technical Memorandum NMFS-SWFSC-255. 159 p.
- Greene, H.G. M.M. Yoklavich, R.M. Starr. V.M. O'Connell, **W.W. Wakefield**, D.E. Sullivan, J.E. McCrea, and G.M. Cailliet. 1999. A classification scheme for deep seafloor habitats. *Oceanologica Acta*, **22**(6):663-678.

Cailliet, G.M., A.H. Andrews, **W.W. Wakefield**, G. Moreno, and K.L. Rhodes. 1999. A comparison of the fish fauna from beam trawl samples, camera sled photographs and submersible observations in benthic deep-sea habitats off central California. *Oceanologica Acta*, **22**(6):579-592.

J. R. Weinberg, P. J. Rago, **W.W. Wakefield** and C. Keith. 2002. Estimation of tow distance and spatial heterogeneity using data from inclinometer sensors: an example using a clam survey dredge. *Fisheries Research*, **55** (1-3) (2002) pp. 49-61.

Greene, H.G., Starr, V.M. O'Connell, **W.W. Wakefield**, and C. Brylinsky. Submitted. The offshore Edgcumbe Lava Field, Southeast Alaska: geological and habitat characterization of a commercial fishing ground. *Marine Geology*.

**Other Recent Publications / Reports (1994 to present):**

O'Connell, V.M. and W.W. Wakefield. 1994. Applications of Side-Scan Sonar and Laser-Line Systems in Fisheries Research. Special publication no. 9.

Starr, R. and W.W. Wakefield. 1996. GIS, GPS, and underwater positioning: a workshop on assessing spatial characteristics of marine habitats. A special session and workshop at the Ninth Western Groundfish Conference, Newport, Oregon, January 23-25, 1996.

**Wakefield, W.W.**, V. M. O'Connell, H.G. Greene, D.W. Carlile, and J.E. McRea. 1998. The role of sidescan sonar in seafloor classification with a direct application to commercial fisheries management. International Council for the Exploration of the Sea (ICES) CM1998/O:36.

O'Connell, V.M., D.W. Carlile, and **W.W. Wakefield**. 1998. Using line transects and habitat-based assessment techniques to estimate the density of yelloweye rockfish (Scorpaenidae: *Sebastes*) in the eastern Gulf of Alaska. International Council for the Exploration of the Sea (ICES) CM1998/O:56.

Greene, H.G., M.M. Yoklavich, V.M. O'Connell, R.M. Starr, **W.W. Wakefield**, C.K. Brylinski, J.J. Bizzarro, and G.M. Cailliet. 2000. Mapping and classification of deep seafloor habitats. International Council for the Exploration of the Sea (ICES) CM2000/T:08

**Recent Collaborators:** K.W. Able, A.H. Andrews, C. Brylinsky, G.M. Cailliet, D.C. Carlile, J.E. Hughes Clarke, R. Embley, J.F. Grassle, H.G. Greene, C.B. Grimes, M. Hixon, R.S. Kaufmann, R.R. Lauth, L.A. Mayer, G. Moreno, V.M. O'Connell, K.L. Rhodes, K.L. Smith, Jr., B. Tissot, D. Wilson, M.M. Yoklavich

**Recent Graduate Student Committees:** L.A. Ferry, S.M. Hagan, D. Haroski, B. Holladay, G. Levai, E. Martino, N. Nasby, S.N. O'Brien, T.M. Shank, C. Whitmire

MAR 08 2002

## TOM MATTUSCH

- ❖ 11 years experience as licensed owner/operator of commercial passenger fishing vessel.
- ❖ Has participated in all fisheries from Pt. Reyes to Pt. Sur.
- ❖ Secretary - Outreach Co-ordinator for Half Moon Bay 700 Member Coastal Recreational Fishing Club.
- ❖ Member - Director Golden Gate Fishermen's Association

MAR 08 2002

## RICHARD S. POWERS

- ❖ 29 years experience as licensed owner/operator of commercial passenger fishing vessel.
- ❖ Has participated in all fisheries from Pt. Arena to Pigeon Pt. including San Francisco Bay live bait fishery.
- ❖ Member Cordell National Marine Sanctuary Advisory Panel.
- ❖ Member and Vice President Golden Gate Fishermen Association

# **STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES**

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

**<http://www.pcouncil.org>**

**ADOPTED ON June 25, 1999**

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## **INTRODUCTION**

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

## **COUNCIL ORGANIZATION**

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

### **Officers and Terms of Office**

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

### **Statement of Financial Interest**

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

### **Designees**

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

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

### **Designation of Regional Administrators**

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

## **Advisory Groups**

### **Scientific and Statistical Committee**

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

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

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

### **Advisory Panel**

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

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

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

### **Enforcement Consultants**

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

the Council concerning the feasibility of proposed management measures from an enforcement standpoint. Members of the Enforcement Consultants are appointed by their respective agencies.

### **Habitat Committee**

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

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

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

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

## **WORKING GROUPS**

### **Plan Development, Technical, and Management Teams**

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

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

## **COMMITTEES**

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

### **Budget Committee**

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

## **Foreign Fishing Committee**

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

## **Legislative Committee**

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

## **COUNCIL MEETINGS AND HEARINGS**

### **Meetings**

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

### **Notice**

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

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

### **Conduct of Meetings**

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

- A. A majority of the voting members of the Council shall constitute a quorum for Council meetings, but one or more such members designated by the Council chairperson may hold hearings.
- B. When there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted. An abstention is not counted as a vote and does not affect the unanimity of a vote.
- C. Voting members of the Council who dissent on any issue to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary. If any Council member elects to file a minority report, it will be submitted, to the extent practicable, at the same time as that of the majority. If the Regional Administrator of NMFS serving on the Council, or the Regional Administrator's designee, disagrees with the Council on any matter to be submitted to the Secretary, the Regional Administrator shall submit a statement to the Council explaining the reason(s) for the vote within ten working days after adjournment of the Council meeting. This statement shall be made available to the public upon request.
- D. If any new information from a state or federal agency, or from a Council advisory entity, is considered by the Council, the chairperson shall ensure the Council gives comparable consideration to new information offered at that time by the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation or management measures. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.
- E. Per Section 302 (j)(7) of the Magnuson-Stevens Act a voting member of the Council may not vote on any Council matter that would have a significant and predictable effect on a financial interest of that Council member. A designated official will determine whether a Council decision would have a significant and predictable effect on a financial interest of a member. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

## **Record**

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

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

## **Closed Meetings**

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

## **Frequency**

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

## **Location**

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

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

## **Hearings**

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

## **Notice**

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

## **Conduct**

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

## **Record**

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

## **EMPLOYMENT PRACTICES**

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

## **Staffing**

The staff of the Council shall comprise an Executive Director, Administrative Officer, technical staff, clerical staff, and such other staff as are necessary to carry out Council activities. The staff is responsible for administration and execution of Council operations. The Executive Director is responsible to the Council, and the staff is responsible to the Executive Director. Each of the aforementioned positions must

be justified during the budget process described in Office of Management and Budget (OMB) Circular A-110, or prior to filling a new position established during the course of the cooperative agreement year. Functions include participation in FMP development; preparation of Council reports, statements and correspondence; financial management, budget preparation and procurement; recordkeeping; meeting logistics; and other administrative activities.

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

### **Experts and Consultants**

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

### **Details of Government Employees**

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

### **Personnel Actions**

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

### **Salary and Wage Administration**

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

### **Recruitment**

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

## Leave

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

### Annual

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

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

### Sick

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

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

## Employee Benefits

Employee benefits are detailed in the Council's *Personnel Rules*.

## Travel Reimbursement

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

- A. Non-federal members of the Council, staff, SSC, advisory panels, technical teams, standing and ad-hoc committees, and special consultants performing authorized services for the Council may be reimbursed for actual travel expenses incurred up to the federal lodging and M&IE limits in the General Services Administration (GSA) travel regulations. The limits may be exceeded in special cases if approved by the Executive Director, but in no case shall exceed the maximum amount allowed in the GSA regulations. Claimants must have an approved travel order authorizing travel at Council expense, must receive a written invitation prior to each meeting, and must be authorized by the Council to receive reimbursement. Budget limitations may preclude reimbursement for certain groups.
- B. Claims for reimbursement must be supported with receipts for all expenses, other than meals, except those expenses that individually amount to less than \$25.

- C. Official telephone calls, taxis, privately-owned vehicle mileage, common carrier fares, parking, baggage handling, etc., will be reimbursed in the amount of actual expenditures and are not included in meal and lodging limits set by the Council.

### **Foreign Travel**

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

## **FINANCIAL MANAGEMENT**

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

### **Cooperative Agreements**

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

### **Application**

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

### **Budgetary Control**

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

### **Advance of Funds**

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

### **Procurement**

The Council will contract for services to be provided by other government agencies, educational institutions, and profit and nonprofit organizations in accordance with the OMB circulars, terms and conditions of the grant, the special award conditions, and the Council's procurement procedures. These procurement procedures provide for agreements and orders for procurement of supplies and services. It includes awards and notices of award: fixed price, cost, cost plus a fixed fee, negotiated, or incentive type

contracts; letter contracts and purchase orders. Topics covered are formal advertising; sole source procurements; awards; contract types; contract administrations; protests, contract disputes, and appeals; and code of conduct.

### **Property Management System**

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

### **Space Management**

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

### **Accounting System**

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

### **Audits**

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

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

### **Financial Reports**

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

## **RECORDKEEPING**

### **Administrative Records for Fishery Management Plans**

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

Categories of documents which generally constitute an administrative record include the following: Council meeting agendas; minutes of Council meetings; plan team, SSC and advisory panel reports; hearing reports; and Council reports and/or recommendations. Correspondence relating to the FMP include scoping comments, work plans, discussion papers, National Environmental Policy Act documents,

regulatory analyses, Paperwork Reduction Act justifications, proposed regulations, final regulations, emergency regulations, and notice of all Council-sponsored meetings.

### **Disposition of Records**

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

### **Permanent Records**

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

### **Privacy Act Records**

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

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

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

### **Freedom of Information Act**

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

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

### **Confidentiality of Statistics**

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

## **AVAILABILITY OF ADDITIONAL DETAILS CONCERNING COUNCIL OPERATIONS**

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



consumer fraud and speculative applications. Pending resolution of these issues, and out of caution, the Commission required new applications filed for the Shared Paging Channels to continue to be processed under the interim licensing rules. The Commission, however, again relaxed the interim licensing rules by eliminating the 40-mile requirement and allowing incumbents to file for new sites on the Shared Paging Channels at any location. The Commission also affirmed its decision to allow new applicants to file applications for private, internal-use systems. While the interim licensing rules as developed in Commission decisions apply to all of the Shared Paging Channels, the *Second R&O* specifically revised § 90.494(g) of the Commission's rules to reflect the interim licensing rules for purposes of the five 929 MHz shared paging channels.

In the *Third R&O*, the Commission considered the many comments filed on the issue of application fraud. In response, it determined that adding language to FCC Form 601 warning applicants that failure of a licensee to meet construction or coverage requirements would result in termination of the license would be generally helpful to applicants in all services and might also help deter fraud. The Commission directed the Bureau to remove the interim licensing rules for the Shared Paging Channels, including § 90.494(g) of its rules, once the warning language was added to FCC Form 601.

#### *II. Lifting the Freeze on Applications for Licenses on the Shared Paging Channels*

As of November 9, 2001, the following warning language has been added near the signature block on the FCC Form 601 application in Universal Licensing System (ULS), as well as the FCC Form 601 available through Fax-on-Demand and the Bureau's website: "Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application."

The Bureau has initiated the process for printing new paper copies of FCC Form 601 that contain the warning language, but those copies will not be available to the public for several weeks. As already noted, where paper copies of FCC Form 601 may be used or are needed, updated applications containing the warning language can be

obtained from Fax-on-Demand (202-418-2830) or are currently available for downloading from <http://www.fcc.gov/wtb/csinfo/orderfrm.html>. The Bureau also notes that applications for new licenses on Shared Paging Channels must be filed through certified land mobile frequency coordinators. The Bureau has provided the updated version of FCC Form 601 to each coordinator and has encouraged them to point out the new warning language to applicants for the Shared Paging Channels.

Having added the warning language to FCC Form 601, the Bureau eliminates the interim licensing rules that have applied to lower band shared paging channels and the five 929 MHz shared paging channels. Accordingly, pursuant to the *Third R&O*, the Bureau removes the interim licensing rules developed through Commission decisions as well as § 90.494(g) of the Commission's rules as applied to the Shared Paging Channels. Any qualified entity may file an application for a license on the Shared Paging Channels for new sites at any location. Applications for new sites filed on these Shared Paging Channels continue to require frequency coordination prior to filing the applications with the Commission.

#### **Procedural Matters and Ordering Clauses**

Pursuant to §§ 4(i), 303(r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 332, and the *Third R&O*, the Commission's interim licensing rules as applied to the Shared Paging Channels are eliminated and § 90.494(g) of the Commission's rules, 47 CFR 90.494(g), is removed as set forth in the *Order*.

This action is taken pursuant to the *Third R&O* and the authority delegated in § 0.331 of the Commission's rules, 47 CFR 0.331.

The provisions of this *Order* and the Commission's rules, as amended in the *Order*, shall become effective November 19, 2001 in accordance with § 1.103 of the Commission's rules, 47 CFR 1.103.

#### **List of Subjects in 47 CFR Part 90**

Paging, Radio.

Federal Communications Commission.

**Katherine M. Harris**,  
*Deputy Chief, Commercial Wireless Division,  
Wireless Telecommunications Bureau.*

#### **Rule Changes**

For the reasons set forth in the preamble, part 90 of Chapter I of title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

1. The authority citation for part 90 continues to read as follows:

**Authority:** Section 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

#### **§ 90.494 [Amended]**

2. Section 90.494 is amended by removing paragraph (g).

[FR Doc. 01-28883 Filed 11-16-01; 8:45 am]

BILLING CODE 6712-01-P

#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 600**

[Docket No. 010427105-1260-02; I.D. 011001F]

RIN 0648-AJ82

#### **Magnuson-Stevens Act Provisions; Update of Regulations Governing Council Operations**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule updating regulations governing the operation of Regional Fishery Management Councils (Councils) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This final rule makes amendments by codifying recent administrative and policy changes and by making editorial changes for readability, clarity, and uniformity. The intent of this final rule is to update Council regulations to reflect current policies and procedures.

**DATES:** Effective December 19, 2001.

**FOR FURTHER INFORMATION CONTACT:** Richard Surdi, F/SF5, NMFS, 301-713-2337. This *Federal Register* document is also accessible via the Internet at the Office of the Federal Register Web site at [http://www.access.gpo.gov/su-docs/aces/aces\\_140.tml](http://www.access.gpo.gov/su-docs/aces/aces_140.tml).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

Currently, regulations pertaining to general provisions of the Magnuson-Stevens Act related to Council operations are contained in title 50 of the Code of Federal Regulations (CFR). NMFS is updating part 600 (Regional

Fishery Management Councils, subpart B, and Council Membership, subpart C) to codify important provisions of the recently withdrawn Council Operations and Administration Handbook (Handbook), which was a reference guide that compiled various requirements of the Magnuson-Stevens Act and other applicable law, as well as policy guidance. Some of the guidance contained in the Handbook consisted of regulations that were removed from title 50 of the CFR at the time the Handbook was developed. NMFS is reinstating some of those former regulations because they are not contained elsewhere and they are necessary for the Councils to function. Other proposed additions and revisions were not contained in the Handbook, and were not previously in regulation.

On May 25, 2001, NMFS published a proposed rule at 66 FR 28876 to update the regulations governing Council operations; comments were requested through June 25, 2001. The preamble of the proposed rule contained detailed descriptions of the proposed regulations, which are not repeated here. The following section contains the response to the only comment received during the comment period.

#### Comment and Response

*Comment.* One commenter objected to the language in the proposed rule that would allow a person who is not a state employee to serve as a designee of a principal state official on a Regional Fishery Management Council. Currently, the principal state official's designee is required to be an employee of the state. This commenter argued that a state employee will best represent the state's and the public's interests in fishery management issues. A non-state employee, on the other hand, may represent narrower interests. Therefore, this commenter proposed maintaining the previous CFR language that addressed this issue.

*Response.* NMFS maintains the change contained in the proposed rule. NMFS believes that the new language provides additional flexibility that will not compromise the representation of state and public interests in matters taken up by the Councils. This added flexibility was specifically requested by some of the Councils, in part because some states have very small offices and in the past have been limited to a small pool of candidates. Based on prior dealings with states, NMFS believes that the states will exercise this discretion in a responsible manner. It is not in a state's best interest to select someone with very narrow interests or experience, and it is not likely to do so.

Essentially, this change will enable state governments to select their designees from a larger pool of candidates, better ensuring that the states' interests will be effectively represented.

#### Classification

NMFS has determined that this final rule is consistent with the Magnuson-Stevens Act. This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this final rule will not have a significant economic impact on a substantial number of small entities as that term is defined in the Regulatory Flexibility Act, 5 U.S.C 601 *et seq.* The factual basis for this certification was published with the proposed rule. No comments were received regarding the economic impact of this final rule. As a result, no final regulatory flexibility analysis was prepared.

NMFS has analyzed this final rule in accordance with the criteria of the National Environmental Policy Act (NEPA). This rule does not constitute a major Federal action significantly affecting the quality of the human environment because it provides only an update to agency procedure or practice (i.e., procedures and guidelines for the administration of Councils). NMFS has determined that issuance of this policy qualifies for a categorical exclusion as defined by NOAA 216-6 Administrative Order, Environmental Review Procedures.

This final rule contains no collection-of-information requirements subject to the Paperwork Reduction Act.

#### List of Subjects in 50 CFR Part 600

Fisheries, Fishing.

Dated: November 9, 2001.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 600 subparts B and C are amended as follows:

#### PART 600—MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read:

**Authority:** 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

2. Section 600.120 of subpart B is revised to read as follows:

#### § 600.120 Employment practices.

(a) 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 bases protected by applicable Federal, state, or local law.

(b) The annual pay rates for Council staff positions shall be consistent with the pay rates established for General Schedule 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). The Councils have the discretion to adjust pay rates and pay increases based on cost of living (COLA) differentials in their geographic locations. COLA adjustments in pay rates and pay increases may be provided for staff members whose post of duty is located in Alaska, Hawaii, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and Puerto Rico.

(1) No pay adjustment based on geographic location shall exceed the COLA and locality pay adjustments available to Federal employees in the same geographic area.

(2) [Reserved]

(c) Salary increases funded in lieu of life and medical/dental policies are not permitted.

(d) Unused sick leave may be accumulated without limit, or up to a maximum number of days and contribution per day, as specified by the Council in its SOPP. 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, as established by the Council in its SOPP.

(e) Each Council may pay for unused annual leave upon separation, retirement, or death of an employee.

(f) One or more accounts shall be maintained to pay for unused sick or annual leave as authorized under paragraphs (d) and (e) of this section, and will be funded from the Council's annual operating allowances. Councils have the option to deposit funds into these account(s) at the end of the budget period if unobligated balances remain. Interest earned on these 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. Budgeting for accrued leave will be identified in the "Other" object class categories section of the SF-424A.

(g) A Council must notify the NOAA Office of General Counsel before seeking outside legal advice, which may be for technical assistance not available from NOAA. If the Council is seeking legal services in connection with an employment practices question, the Council must first notify the Department of Commerce's Office of the Assistant General Counsel for Administration, Employment and Labor Law Division. A Council may not contract for the provision of legal services on a continuing basis.

3. Section 600.125 of subpart B is revised to read as follows:

**§ 600.125 Budgeting, funding, and accounting.**

(a) Each Council's grant activities are governed by 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 of the cooperative agreement. (See 5 CFR 1310.3 for availability of OMB Circulars.)

(b) Councils may not independently enter into agreements, including grants, contracts, or cooperative agreements, whereby they will receive funds for services rendered. All such agreements must be approved and entered into by NOAA on behalf of the Councils.

(c) Councils are not authorized to accept gifts or contributions directly. All such donations must be directed to the NMFS Regional Administrator in accordance with applicable Department of Commerce regulations.

4. Section 600.135 is added to subpart B to read as follows:

**§ 600.135 Meeting procedures.**

(a) Public notice of regular meetings of the Council, scientific statistical committee or advisory panels, including the agenda, must be published in the **Federal Register** on a timely basis, and appropriate news media notice must be given. The published agenda of any regular meeting may not be modified to include additional matters for Council action without public notice, or such notice must be given at least 14 days prior to the meeting date, unless such modification is to address an emergency under section 305 (c) of the Magnuson-Stevens Act, in which case public notice shall be given immediately. Drafts of all regular public meeting notices must be transmitted to the NMFS Headquarters

Office at least 23 calendar days before the first day of the regular meeting. Councils must ensure that all public meetings are accessible to persons with disabilities, and that the public can make timely requests for language interpreters or other auxiliary aids at public meetings.

(b) Drafts of emergency public notices must be transmitted to the NMFS Washington Office; recommended at least 5 working days prior to the first day of the emergency meeting. 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.

(c) After notifying local newspapers in the major fishing ports within its region, having included in the notification the time and place of the meeting and the reason for closing any meeting or portion thereof:

(1) A Council, SSC, AP, or FIAC shall close any meeting, or portion thereof, that concerns information bearing on a national security classification.

(2) A Council, SSC, AP, or FIAC may close any meeting, or portion thereof, that concerns matters or information pertaining to national security, employment matters, or briefings on litigation in which the Council is interested.

(3) A Council, SSC, AP, or FIAC may close any meeting, or portion thereof, that concerns internal administrative matters other than employment. Examples of other internal administrative matters include candidates for appointment to AP, SSC, and other subsidiary bodies and public decorum or medical conditions of members of a Council or its subsidiary bodies. In deciding whether to close a portion of a meeting to discuss internal administrative matters, a Council or subsidiary body should consider not only the privacy interests of individuals whose conduct or qualifications may be discussed, but also the interest of the public in being informed of Council operations and actions.

(d) Without the notice required by paragraph (c) of this section, a Council, SSC, AP, or FIAC may briefly close a portion of a meeting to discuss employment or other internal administrative matters. The closed portion of a meeting that is closed without notice may not exceed 2 hours.

(e) Before closing a meeting or portion thereof, a Council or subsidiary body should consult with the NOAA General Counsel Office to ensure that the matters to be discussed fall within the exceptions to the requirement to hold

public meetings described in paragraph (c) of this section.

(f) Actions that affect the public, although based on discussions in closed meetings, must be taken in public. For example, appointments to an AP must be made in the public part of the meeting; however, a decision to take disciplinary action against a Council employee need not be announced to the public.

(g) A majority of the voting members of any Council constitute a quorum for Council meetings, but one or more such members designated by the Council may hold hearings.

(h) Decisions of any Council are by majority vote of the voting members present and voting (except for a vote to propose removal of a Council member, see 50 CFR 600.230). Voting by proxy is permitted only pursuant to 50 CFR 600.205 (b). An abstention does not affect the unanimity of a vote.

(i) Voting members of the Council who disagree with the majority on any issue to be submitted to the Secretary, including principal state officials raising federalism issues, may submit a written statement of their reasons for dissent. If any Council member elects to file such a statement, it should be submitted to the Secretary at the same time the majority report is submitted.

5. Section 600.150 is added to subpart B to read as follows:

**§ 600.150 Disposition of records.**

(a) Council records must be 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 employees leave the Council, they may not take the original or file copies of records with them.

(b) [Reserved]

6. Section 600.155 is added to subpart B to read as follows:

**§ 600.155 Freedom of Information Act (FOIA) requests.**

(a) FOIA requests received by a Council should be coordinated promptly with the appropriate NMFS Regional Office. The Region will forward the request to the NMFS FOIA Official to secure a FOIA number and log into the FOIA system. The Region will also obtain clearance from the NOAA General Counsel's Office concerning initial determination for denial of requested information.

(b) FOIA requests will be controlled and documented in the Region. The requests should be forwarded to the NMFS FOIA Officer who will prepare the Form CD-244, "FOIA Request and

Action Record", with the official FOIA number and due date. In the event the Region determines that the requested information is exempt from disclosure, in full or in part, under the FOIA, the denial letter prepared for the Assistant Administrator's signature, along with the "Foreseeable Harm" Memo and list of documents to be withheld, must be cleared through the NMFS FOIA Officer. Upon completion, a copy of the signed CD-244 and cover letter transmitting the information should be provided to the NMFS FOIA Officer and the NOAA FOIA Officer.

7. Section 600.205 of subpart C is revised to read as follows:

**§ 600.205 Principal state officials and their designees.**

(a) 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 Magnuson-Stevens Act.

(b) A principal state official may name his/her designee(s) to act on his/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 Magnuson-Stevens Act, must be a resident of the state and be knowledgeable and experienced, by reason of his or her occupational or other experience, scientific expertise, or training, in the fishery resources of the geographic area of concern to the Council.

(c) 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.

**§ 600.245 [Amended]**

8. In § 600.245 of subpart C, paragraph (a) is removed, and paragraphs (b), (c), and (d) are redesignated as paragraphs (a), (b), and (c), respectively.

[FR Doc. 01-28880 Filed 11-16-01; 8:45 am]  
BILLING CODE 3510-22-S



UNITED STATES DEPARTMENT OF COMM  
Office of the General Counsel  
Washington, D.C. 20230

October 11, 2000

MEMORANDUM FOR: Margaret Hayes  
Assistant General Counsel for Fisheries

FROM: Stacia D. Le Blanc *Michael A. Connor Fox*  
Chief, Federal Assistance Law Division

SUBJECT: Fishery Management Council SOPPs

You requested that we review the Fishery Management Council's (FMC) Statements of Organization, Practices and Procedures (SOPPs) for legal sufficiency. The Employment Labor Law Division, General Law Division, and the Ethics Division in the Office of the Assistant General Counsel for Administration, in addition to my office, have reviewed the SOPPs for legal sufficiency, and our recommendations are set forth below. Where handwritten comments on the copies of the SOPPs we received addressed issues, we did not deem it necessary to repeat those comments.

This memorandum will be in two sections. The first section will contain suggested language for provisions that should be in all SOPPs. The second section will address provisions particular to individual Council SOPPs with which we have a legal objection. Comments are keyed to the numbering system used in the SOPPs. The objectionable part of the cited provision will be referenced or quoted, followed by the legal objection.

**I. Provisions Applicable to All SOPPs**

**A. Equal Employment Opportunity Statement**

The Council is an Equal Employment Opportunity Employer. All employment actions will be free from discrimination based on race, religion, color, national origin, sex, age, disability, sexual orientation,<sup>1</sup> status as a parent<sup>2</sup> and reprisal.

Except for complaints alleging sexual orientation and status as a parent, complaints by employees alleging that they have been discriminated against on the bases listed above, should be processed in accordance with 29 C.F.R. § 1614. Employees must contact an EEO Counselor at NOAA's Office of Civil Rights within 45 days

<sup>1</sup> Many of the SOPPs did contain an Equal Employment Opportunity statement, however, these statements listed as protected bases "physical handicap" and sexual preference. These terms should be changed to "disability" and "sexual orientation."

<sup>2</sup> Executive Order 13152 dated May 2, 2000, prohibits employment discrimination based on an individual's status as a parent.

of the date of the alleged discrimination.<sup>3</sup> Employees alleging discrimination on the basis of sexual orientation will have their complaints processed in accordance with DAO 215-11. Employees must contact an EEO Counselor at NOAA's Office of Civil Rights within 45 days of the date of the alleged discrimination.

**B. Fair Labor Standards Act Statement**

Overtime payments shall be made in accordance with the provisions of the Fair Labor Standards Act (FLSA) 29 U.S.C. § 201 et. seq.

**C. Harassment Statement.**

The Council has a zero-tolerance policy for harassment on the basis of race, religion, color, national origin, sex, age, sexual orientation, disability and reprisal. Any employee who believes he or she has been harassed should report the harassment to a supervisor or manager. The supervisor or manager should then follow the steps set forth in Department Administrative Order, DAO 202-955. Any complaints of harassment on the basis of sexual orientation should be handled in accordance with DAO 215-11. The provisions of these DAOs are entirely separate from the EEO complaint process, and must be followed whether or not an employee has filed an EEO complaint.

**D. Reasonable Accommodation For Disabilities**

Requests for disability-related accommodations should be processed in accordance with Department Administrative Order, DAO 215-10.

**E. References to Governing Regulations at 50 C.F.R. § 600 et seq.**

Some of the provisions in the SOPPs make reference to the provisions at 50 C.F.R. § 600 et. seq. As these regulations are currently being revised, the SOPPs should be updated to reflect the accurate regulatory citation once the regulations have become final.

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<sup>3</sup> According to a Legal Opinion dated March 14, 1995, from the U.S. Department of Justice, Office of Legal Counsel, the Fisheries Management Councils "... are covered by the anti-discrimination provisions of Title VII of the Civil Rights Act of 1964 insofar as they apply to employment in the federal government. ..." As such, their discrimination complaints are processed in accordance with 29 C.F.R. § 1614.

**F. Salary and Compensation Provisions**

All salary and compensation provisions, including provisions concerning unused sick leave should be consistent with the newly revised regulations at 50 C.F.R. § 600 et. seq.

**II. Review of Provisions in Individual SOPPs**

**A. New England FMC**

1. a. Provision

7.B. Employment Policies and Practices

This section references outdated CFR provisions.

b. Discussion

Recommend citing to the current regulations at 50 CFR Section 600.120.

2. a. Provision

8. Standards of Conduct

This section references outdated CFR provisions.

b. Discussion

Recommend citing to the current regulations at 50 CFR Section 600.225.

3. a. Provision

16. Administrative Management System

The introductory paragraph, in addition to sections B. Procurement Procedures, and Section C. Property Management System, reference OMB Circular A-110.

b. Discussion

The provisions of OMB Circular A-110 were implemented by Commerce by

2. a. Provision

The introductory paragraph of the subsection on Procurements in the Financial Management section on page 9, last sentence states that "The Council will contract for services to be provided by other government agencies, educational institutions, and profit and nonprofit organizations in accordance with the OMB Circulars, terms and conditions of the grant, the special award conditions, and the Council's procurement procedures"

b. Discussion

The paragraph should specifically mention 15 CFR Part 14 because the Councils procurements under its award are governed by this provision.

3. a. Provision

The subsection on the Property Management System in the Financial Management section on page 9 does not mention 15 CFR Part 14.

b. Discussion

This section should specifically mention 15 CFR Part 14 because the management of property obtain under a financial assistance award is governed by this provision.

4. a. Provision/Discussion

The subsection on page 11 discussing Privacy Act Records needs to state that 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 limited to those permitted access pursuant to the Privacy Act. Any questions about Privacy Act issues should be referred to the NOAA FOIA/Privacy Act officer.

5. a. Provision/Discussion

The subsection on page 11 discussing the Freedom of Information Act needs to explain that the NOAA FOIA/Privacy Act officer logs in requests; also, a response (not merely an acknowledgment) to a FOIA request must be made in twenty (not ten) working days. Also, note that all responsive documents must be reviewed for disclosure on a page-by-page basis and that originals must be retained in the originating office, while copies ~~(including redacted and unredacted copies) of FOIA documents~~ must be maintained by the FOIA office. ~~In accordance~~

*in accordance with DOC policy.*

handled under FOIA, whether or not they reference the FOIA. The time limit for responding to a FOIA request is 20 working days. Appeals are to the DOC Assistant General Counsel for Administration, not to the General Counsel. Appeals should include copies of the initial request and the letter of denial; however the Council does not send these documents to the Assistant General Counsel for Administration unless there is an appeal and the Counsel's office requests those documents. The "exceptions" referred to by the Council are the FOIA exemptions. Responsive documents must be disclosed unless there is an applicable FOIA exemption. A foreseeable harm statement must be drafted in all instances in which documents are withheld.

D. Pacific FMC

1. a. Provision

The introductory paragraph of the subsection on Cooperative Agreements in the Financial Management section on page 9, last sentence states that "In addition to administrative funds, the Council may obtain programmatic funding by entering into cooperative agreements with federal and state agencies and private institutions on matters of mutual interest which further the objectives of the Magnuson-Stevens Act.

b. Discussion

The Councils do not have the legal authority to enter into cooperative agreements. Additionally, the term "cooperative agreement" has a specific legal definition. Under the Federal Grant and Cooperative Agreement Act (FGCA), a cooperative agreement is a legal instrument reflecting the relationship between the U.S. Government and a recipient when the principal purpose is to transfer something of value to the recipient to carry out a public purpose of support or stimulation authorized by law, and substantial involvement by the Government is expected. So, by definition, a Council can't enter into a cooperative agreement with a state or private institution. Replace section a. with the following:

a. Receipt of funds. The Council may not independently enter into agreements, including grants, contracts, or cooperative agreements, whereby they will receive funds for services rendered. All such agreements must be approved and entered into by NOAA on behalf of the Council. Additionally, the Council is not authorized to accept gifts or contributions directly. All such donations must be directed to the NOAA Administrator in accordance with applicable Department of Commerce procedures.



COUNCIL STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES AND COUNCIL  
OPERATING PROCEDURES DOCUMENTS

Situation:

Objective 7 in *Objectives for the Executive Director February 2001 – January 2002* stated:

Improve internal office efficiencies and customer service to Council clientele. Review, update, and revise as necessary the **Council Operating Procedures** and **Standard Operating Practices and Procedures** documents.

Attachment 1 is a revised *Council Statement of Operating Practices and Procedures* (SOPP) draft document. Revisions are based on:

- (1) Recent action by the Department of Commerce (DOC) (66 FR 57885, November 19, 2001) issuing a final rule changing certain regulations in Title 50 CFR Part 600 (Magnuson-Stevens Act provisions for Regional Fishery Management Councils);
- (2) A review of all Council SOPPs for legal sufficiency by attorneys in the Employment Labor Law, General Law, and Ethics divisions in the Office of the Assistant General Counsel for Administration, the Federal Assistance Law Division for the Department of Commerce, and NOAA General Counsel for Fisheries;
- (3) Stratification of procedures between the *SOPP, Council Operating Procedures, and Personnel Rules for the Pacific Fishery Management Council* documents on the basis of necessity for the SOPP purpose, and incorporation of Council voted changes since July 1999; and
- (4) Improvements in document organization and language clarity.

None of the revised language is intended to represent policy changes from the previous SOPP, other than those required by (1) and (2) above and those altered by Council vote since the adoption of the previous SOPP. The revisions to the previous SOPP are too comprehensive to illustrate by strike-out and font alterations. Changes of note are listed in Attachment 2. The previous SOPP is also attached for comparative purposes (Attachment 3).

1. Recent Regulation Changes

The recently issued final rule with revisions to Title 50 CFR Part 600 “represents an update of regulations governing Regional Councils to codify important provisions of the withdrawn Council Operations and Administration Handbook and other policy changes” (Attachment 4). One such policy change was requested by the Pacific Council: a revised definition of designees to principle state officials, to allow such designees to be other than current full time employees of the respective state fishery management agency. The draft rule was discussed between representation of the eight Regional Councils and NMFS at the past two annual Council Chairmen’s meetings.

2. Legal Review for Sufficiency

The Council SOPP adopted June 25, 1999 was submitted for Department of Commerce review and approval together with SOPPs for the other seven Regional Fishery Management Councils. The results of the review were provided to the Councils at the Interim Chairmen’s meeting in Washington DC February 20-21, 2002. Attachment 5 is a memo containing the results of the review for legal sufficiency, with pages specific to comments on other Council SOPPs omitted. Handwritten edits represent final changes made after October 11, 2000 by the NOAA General Council Office.

### 3. Stratification

Stratification of procedures between the SOPP and other Council procedures documents was done to maximize flexibility of Council decision-making on matters of lesser procedural importance and to minimize the necessity of DOC Secretarial approval for minor changes to the Council SOPP. The content of an SOPP represents binding procedures the Council is obliged to adhere to absent federal approval to do otherwise<sup>1</sup>. In addition to this SOPP document, the Pacific Council has other operational documents describing lesser procedures the Council has adopted or changed by majority vote or delegation to the Council Executive Director. These documents include the *Council Operating Procedures*, *Personnel Rules for the Pacific Fishery Management Council*, and *Council Staff Operating Procedures*. By stratifying procedures for the SOPP to include only major elements, such as those required by the Magnuson-Stevens Act and Title 50 CFR Part 600 Regulations, the SOPP can stand unchanged by votes of the Council to change lesser procedures.

Recent changes to the Habitat Steering Group (HSG) provide one example of the benefits of such stratification. The existing SOPP describes the HSG as consisting of a steering group and northern regional subpanels and southern regional subpanels, with members serving two-year terms. However, the Council has since voted to eliminate the northern and southern regional subpanels as functioning bodies and extended the membership term on the HSG from two to three years. By listing these lesser procedures in the current SOPP document, the changes adopted by the Council in September of 2000 technically need to be approved by the Secretary of Commerce to be fully effectuated. Had the HSG simply been described in the SOPP as one of the Council advisory bodies, and the membership, subpanel arrangements, term appointments, and other details been listed in the *Council Operating Procedures*, the Council would have the flexibility to effectuate such changes without the necessity of DOC approval by simply voting to change the *Council Operating Procedures*.

Revisions and consolidations in the *Council Operating Procedures*, *Personnel Rules for the Pacific Fishery Management Council*, and *Council Staff Operating Procedures* are tracked to be forthcoming at some point in the future, and will include elements dropped from inclusion in this recommended revision to the SOPP document.

### 4. Miscellaneous Document Improvements

The revised draft contains several changes from the prior draft for the purpose of improving readability. Organizational changes included several categorical relocations such as moving the Travel Reimbursement and Foreign Travel segments from the Employment Practices Section to the Financial Management Section and moving the Teams and Committee segments to the Council Organization section. There were also several opportunities to improve language clarity, punctuation, and grammar.

The next steps in the process of finalizing a new SOPP include adoption of a document by the Council and submission for federal approval.

**Council Action: Council Action to consider and adopt revisions to the *STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES* document**

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<sup>1</sup>Title 50 CFR, Part 600, subpart B, section 600.115 states, "(b)Amendments to current SOPPs must be consistent with the guidelines of this section, the terms and conditions of the cooperative agreement, the statutory requirements of the Magnuson-Stevens Act, and other applicable law. Upon approval of a Council's SOPP by the Secretary, a Notice of Availability will be published in the *Federal Register*, including an address where the public may write to request copies."

Reference Materials:

1. March 2002 Draft Pacific Fishery Management Council Statement of Organization, Practices, and Procedures (Exhibit I.3, Supplemental Attachment 1).
2. Listing of Notable Changes between the March 2002 Draft and the Current Pacific Fishery Management Council Statement of Organization, Practices, and Procedures (Exhibit I.3, Supplemental Attachment 2).
3. Statement of Organization, Practices, and Procedures, Pacific Fishery Management Council, June 25, 1999 (Exhibit I.3, Attachment 3).
4. 66 FR 57885, November 19, 2001, Magnuson-Stevens Act Provisions; Update of Regulations Governing Council Operations (Exhibit I.3, Attachment 4).
5. Department of Commerce Memorandum from Stacia D. Le Blanc to Margaret Hayes dated October 11, 2000 regarding Fishery Management Council SOPPs (Exhibit I.3, Attachment 5).

Agenda Order

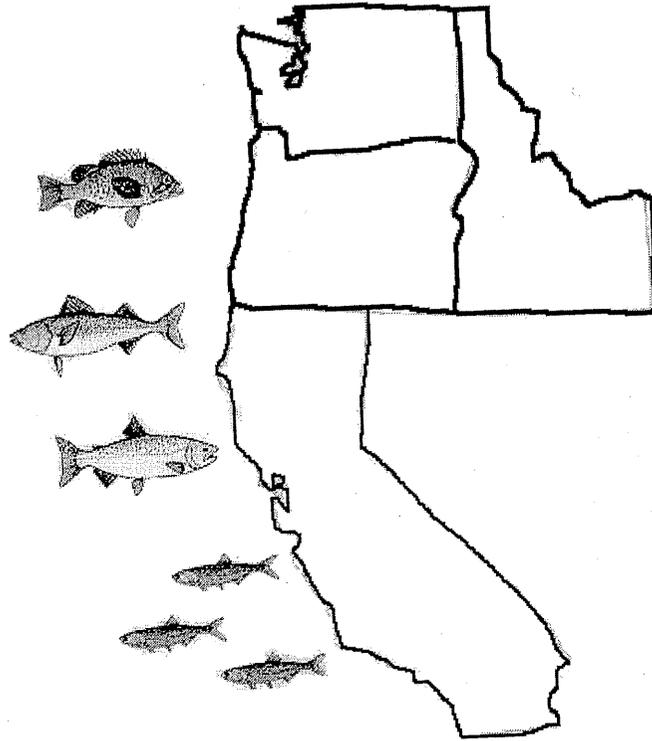
- a. Agendum Overview
- b. **Council Action:** Consider and Adopt Revisions

Don McIsaac

PFMC  
02/20/02



# PACIFIC FISHERY MANAGEMENT COUNCIL



## DRAFT STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES

MARCH 2002

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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 are prescribed by the 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 as a replacement to the previous SOPP, adopted June 25, 1999, by vote of the Council on March 15, 2002.

The content of this SOPP represents binding procedures the Council is obliged to adhere to absent approval for amendment by the Secretary of the Department of Commerce. The Council has other operational documents authorized by this SOPP that describe lesser procedures the Council has adopted, but can change by majority vote or delegation to the Council Executive Director; however, any changes to these lesser documents must be consistent with the Council SOPP. These documents include the *Council Operating Procedures*, *Personnel Rules for the Pacific Fishery Management Council*, and *Council Staff Operating Procedures*.

This SOPP is published and is also available on the Council website, [www.pcouncil.org](http://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 Ambassador Place, Suite 200  
Portland, Oregon 97220-1384  
(503) 326-6352

## PURPOSE

The purposes of the Council shall include:

1. preparation and submission to the Secretary of a fishery management plan (FMP) for each fishery under its authority that requires conservation and management and amendments to each such plan that are necessary from time to time (and promptly whenever changes in conservation and management measures in another fishery substantially affect the fishery for which such plan was developed),
2. preparation of comments on any application for foreign fishing transmitted to it under Section 204(b)(4)(C) or Section 204(d) of the MSA, and any FMP or amendment transmitted to it under Section 304(c)(4) of the MSA,
3. submission 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, and
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 the fisheries in the Pacific Ocean seaward of such states. The Council is organizationally structured with Council

members that include a Chairman and Vice Chairman, a Council staff, and various committees and advisory bodies. There is a total of 19 Council members, 14 of which are eligible to vote on matters brought before the Council. Standing committees are comprised 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. The Council staff is responsible for the administration and execution of Council operations.

### **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 required to be appointed by the Secretary in accordance with MSA Section 302(b)(2) (at least one of whom is to be appointed 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 in accordance with Section 302(b)(5) of the MSA.
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 purpose 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 or 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 regional administrators, and the nonvoting members to designate individuals to attend Council meetings in their absence. The Chairman 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 Chairman, 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/her designee(s) to act on his or her/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 a resident of the state and be knowledgeable and experienced, by reason of his or her 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

Chairman 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 is comprised of an Executive Director and such other staff as are necessary to carry out administration and execution of Council operations. The Executive Director is responsible to the Council, and the remaining staff are responsible to the Executive Director. In addition to the conditions below, 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 be comprised of Council members and non-Council members. Standing committees members are established by vote of the Council for ongoing purposes. Ad hoc committees can be appointed by the Council Chair or vote of the Council for specialized purposes. The names, functions, 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, plan development, technical, and management teams, fishery advisory subpanels, an Enforcement Consultants group, and a Habitat Advisory Board. Membership, terms of office, nomination procedures, appointment protocols, and other terms of reference are described in *Council Operating Procedures*.

#### **Scientific and Statistical Committee**

The Scientific and Statistical Committee (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:

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

#### **Plan Development, Technical, and Management Teams**

A team is established by the Council for each FMP or fishery which will be the subject of a planning effort for a FMP. Plan development, technical, and management teams are working teams comprised of state, federal, and nongovernment specialists. 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. The Council may establish new advisory teams by Council vote. The teams are assigned responsibilities by vote of the Council or by the Executive Director and will provide reports to the Council. Membership, terms of office, nominating procedures, appointment protocols, and other terms of reference are described in *Council Operating Procedures*.

### **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 exist for each existing FMP or fishery with either a FMP being developed or fishery being monitored. Fishery advisory subpanels are comprised of individuals representing groups or interests concerned with management of the respective fishery and who have expertise related to the respective fishery. The functions of the subpanels are to advise the Council as to fishery management problems, fishery management planning efforts, the content and effects of FMPs and FMP amendments, and preseason and inseason management measures. 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. The Council may establish new fishery advisory subpanels by Council vote.

### **Enforcement Consultants Group**

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

### **Habitat Advisory Board**

The Habitat Advisory Board provides identification and analysis of 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 Advisory Board provides expert advice on the effects of annual fishing specifications on fish habitat and other habitat related matters brought before the Council for action. The Habitat Advisory Board 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 session at the call of the Chairman or upon request of a majority of the voting members. The Chairman, or Vice Chairman in the absence of the Chairman, convene and preside 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 Chairman. Emergency meetings may be held at the call of the Chairman 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 be given immediately. Drafts of all regular public meeting notices will be transmitted to the NMFS headquarters office at least 23 calendar days before the first day of the regular

meeting except for the April Council meeting, where the transmission will be done at the close of the March Council meeting, where the April meeting agenda is developed. Drafts of emergency public notices must be transmitted to the NMFS Washington, D.C. office at least 5 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 on below. 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 Chairman 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 Chairman 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 any 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) requires approval or amendment of a FMP (including any propose regulations), (2) requests an amendment to regulations implementing a plan, 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/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 be made available to the public upon request.

On any matter for which a vote is taken on (1) an amendment of a fishery management plan (including any proposed regulations), (2) a Council request for amendment to regulations implementing a plan, (3) a Council finding an emergency exists involving any fishery (including recommendations for responding to the emergency), or (4) Council comments to the Secretary on fishery management plans or 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 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 Chairman 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 Chairman, the Chairman 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 is 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 Chairman 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 area 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 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 Chairman 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**

The 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 are 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). 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 and medical/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 on a daily basis for time spent attending Council meetings or performing other actual Council business authorized by the Council Chairman. Overtime payments shall be made in accordance with the provisions of the Fair Labor Standards Act.

### **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 2

days per year, and (3) over 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 qualify 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, 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 Chairman 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 Department of Commerce's 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 the Council 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 the assistant administrator be consulted prior to granting the request. Copies of this correspondence will be transmitted to the assistant administrator through the servicing regional office. Federal employees so detailed retain all benefits, rights, and status as they are entitled to in their regular employment. The Council may negotiate 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's grant activities are governed by 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 of the cooperative agreement. These circulars and regulations describe standards for financial management, financial reporting, audits, property management, and procurement. The Council will comply with the terms and conditions of these circulars unless otherwise described in this SOPP 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 the NMFS Regional Administrator in accordance with applicable Department of Commerce regulations.

### **Travel Reimbursement**

Detailed procedures covering the processing of reimbursement claims for travel expenses are described in the *Pacific Fishery Management Council's Travel Rules* which is 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 Council members of the Council, Scientific and Statistical Committee, 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 exceedance 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 Chairman 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 balances and will be funded from the Council's annual operating allowances. Interest earned on these 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 to deposit funds into these 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 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 the Council staff containing an audio recording of the entire proceedings, the 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, copies of all written testimony and written or electronic correspondence. The Council shall

certify the accuracy of the summary minutes of each such meeting, and the Executive Director submits 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 are 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 must be submitted in writing. The envelopes and letter should be clearly marked "Freedom of Information Request." FOIA requests for the Council will be controlled and documented in the appropriate NMFS region. FOIA requests received by the Council will be coordinated promptly to the appropriate regional office. While the Council may disclose unclassified information in its possession only the NMFS assistant administrator is authorized to deny information requested 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.

LISTING OF NOTABLE CHANGES BETWEEN THE MARCH 2002 DRAFT AND THE JUNE 1999  
VERSION OF THE PACIFIC FISHERY MANAGEMENT COUNCIL  
*STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES*

None of the revised language contained in Attachment 1 of Exhibit I.3 is intended to represent policy changes from the previous Council *Statement of Organization, Practices, and Procedures* (SOPP), other than those required by (1) recent action by the Department of Commerce (DOC) (66 FR 57885, November 19, 2001) issuing a final rule changing certain regulations in Title 50 CFR Part 600 (Magnuson-Stevens Act provisions for Regional Fishery Management Councils), (2) a review of all Council SOPPs for legal sufficiency by attorneys in the Employment Labor Law, General Law, and Ethics divisions in the Office of the Assistant General Counsel for Administration, the Federal Assistance Law Division for the Department of Commerce, and NOAA General Counsel for Fisheries, and (3) above and those altered by Council vote since the adoption of the previous SOPP. Listed below are other changes of note between the March 2002 revision draft and the June 1999 version of the Council SOPP. Changes related to improvements in document organization and language clarity are not included in the listing.

1. There were changes resulting from stratification of procedures between the *SOPP, Council Operating Procedures, and Personnel Rules for the Pacific Fishery Management Council* documents on the basis of necessity for the SOPP purpose, as per the Situation Summary.
  - a. Most terms of reference (membership, functions, terms of office, etc.) for committees and advisory bodies were left for definition in to the *Council Operating Procedures* document.
  - b. The voting structure of the Enforcement Consultants was left for definition in the *Council Operating Procedures* document.
  - c. The terms of office of the Chairman, Vice Chairman, and Parliamentarian were left for definition in the *Council Operating Procedures* document.
  - d. The listing of standing and ad hoc committees was left for definition in the *Council Operating Procedures* document.
  - e. The maximum allowance for credited sick leave at time of retirement was left for definition in the *Council Personnel Rules*.
2. A purpose section was added, with language taken from the MSA.
3. The Habitat Steering Group was renamed the Habitat Advisory Board.
4. A description of ad hoc committees and their allowable membership was added.
5. Certification of the Council meeting minutes was changed from a Chairman obligation to a Council obligation.
6. "Administrative leave as determined by the Executive Director" was added to the list of allowable paid leave for Council staff.
7. The requirement that teams report to the Council through the Executive Director was deleted and replaced with the statement that teams are assigned responsibilities by vote of the Council or by the Executive Director and will report to the Council.

PFMC  
03/07/02

**COUNCIL OPERATING PROCEDURE  
Biennial Update and Communication of  
Research and Data Needs  
and West Coast Economic Data Plan**

*Approved by Council: 07/08/87*

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

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PURPOSE

The purposes of this procedure are as follows.

1. Update the Council's research and data needs document. The research and data needs document lists and prioritizes unmet Council research and data collection needs for each fishery management plan (FMP). It also emphasizes some of the ongoing data collection efforts that are particularly important to the Council.
2. Update the Council's West Coast Economic Data Plan. Economic data in particular suffers from the lack of consistent and coordinated collection efforts. The economic data plan is intended to serve as a coordinating instrument for the development and implementation of a systematic approach to the fulfillment of the Council's needs for economic data.
3. Communicate needs to organizations which may be able to provide support.

Neither the research and data needs document nor the economic data plan 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 is timed to have the best chance of influencing annual NMFS operating plans and NMFS budget requests for upcoming years.

PROCEDURES

Biennial Update Cycle

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 needs and implement the economic data plan (such advocacy shall not include the direct lobbying of Congress).
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Even Number Years

April	Council staff presents updated research and data needs and economic data plan 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 and economic data plan. These documents are 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 transmit the conclusions from the meeting to NMFS.

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 one or both documents outside the biennial process and make such a modification at its next meeting.

PFMC  
2/28/02

## RESEARCH AND DATA NEEDS PROCESS AND ECONOMIC DATA PLAN

Situation: According to Council Operating Procedure (COP) 12 (Attachment 1), in even-numbered years the Council is called upon to update the Council's research and data needs document and its West Coast Economic Data Plan. However, updating these documents is a time-consuming task, and Council staff effort is currently focused on numerous high-priority groundfish issues. Focusing on the research and data needs would compete with effort on these other issues. The Council may wish to consider postponing update of the research and data needs document and the West Coast Economic Data Plan.

Under the Council Operating Procedures, these efforts usually start in April and culminate in September. This procedure is meant to communicate research and data needs in a clear and timely way in order to strengthen communication with National Marine Fisheries Service and to have the best chance of influencing NMFS operating plans and budget requests for upcoming years.

The research and data needs and economic data plan are intended to be long-term planning documents. If the delay is such that the documents are not updated until after next November, the COP 12 specified process for development of a consensus list of high priority initiatives could still proceed on schedule in December. The documents used in the process would be somewhat less current, a factor that would have to be taken into account by participants in the December consensus meeting. If delayed, the update process could be reinitiated at any time the Council believed appropriate.

### **Council Task:**

1. Decide whether or not to postpone updating the research and data needs document and the West Coast Economic Data Plan.

### **Reference Materials:**

1. Council Operating Procedure 12 (Exhibit I.4, Attachment 1)

### **Agenda Order:**

- a. Agendum
- b. Reports and Comments of Advisory Bodies
- c. Council Discussion and Guidance

PFMC  
2/28/02

## COUNCIL STAFF RETREAT

Situation: The Council staff, joined by the incoming Chairman and the outgoing Chairman, spent parts of three days in early January in a retreat to consider ways of improving service to the Council. The retreat agenda listed the following purposes:

1. To establish a common vision for 2002, including goals, objectives, and approaches for the upcoming year.
  - 1) To establish a mission statement for PFMC.
  - 2) To enhance effectiveness as a team.

Several matters were discussed regarding establishing a common vision for the upcoming year. Some potential goals discussed are workload matters subject to prioritizing by the Council above or below the active assignment line, such as completing the Groundfish FMP Amendment dealing with the American Fisheries Act, completing groundfish rebuilding plans on a particular schedule, etc. Matters of how the Council staff can better approach the broad scope of prioritizable work is perhaps more meaningful for Council consideration in the context of this agenda item. Such matters include the following, in no intended order of priority:

- 3) Integrate the NEPA context thoroughly into all relevant work products
  - align decision processes with NEPA
  - develop standardized document structure
  - improve record of decision making
- 4) Improve workload effort allocation to allow for higher quality of work products
  - determine an accurate assessment of base FMP workload
  - improve workload prioritization capabilities of the Council
  - develop workload planning tools for secretarial/administrative staff
  - improve staff workload estimates by comparison to actual values for time spent accounting
3. Improve communication and coordination among and between staff, Council members, and advisory groups
  - establish standard process for presentations to the Council
  - examine Council meeting agenda strategies to minimize advisory body/staff officer conflicts with ongoing Council meetings (especially Tuesdays); optimize opportunities for Council members attendance at advisory body meetings
  - improve structure and approach of the GMT
  - strengthen working relationships in all areas of Council business
  - launch new website
4. Account for and manage internal growth in an orderly and strategic manner
  - integrate new staff resources to support efficiency, pro-action, issues development, and overall quality
  - document and evaluate fiscal administration procedures

A draft Council Mission Statement was also developed. This draft was further refined by a council staff ad hoc word smithing committee and reviewed by the Council Chairman and Vice Chairman. It is recommended that the Council consider adopting this mission statement for the Council as a whole, that is, as it would apply to Council members, Council staff, and Council advisory bodies. If adopted, this mission statement would be displayed on the Council website, certain letterhead paper, and other areas of prominent visibility. The draft mission statement reads:

***The Pacific Fishery Management Council is an open public forum dedicated to the conservation and management of West Coast marine fish stocks, habitat, and fisheries in a sustainable manner while equitably balancing a multitude of related human needs.***

**Council Task:**

1. **Discussion and guidance on approaches for the Council staff to improve services to the Council in 2002.**
2. **Consider adopting a Council Mission Statement.**

Reference Materials: None.

Agenda Order

- a. Agendum Overview
- b. Council Discussion and Guidance

Don McIsaac

PFMC  
02/27/02

20 work days
120 FTE days

**Council Staff Workload (Six Staff Officers), March 18 through April 12, 2002**

Task	Total Work	
	Days	%
<b>ADMINISTRATIVE</b>	7.1	5.9%
(staff mtgs, work plans, etc.)		
<b>INFORMATION, EDUCATION, &amp; OUTREACH</b>	19.8	16.5%
(March newsbrief, routine phone & email, Council website)		
<b>COUNCIL MEETING</b>		37.9%
Participation in Apr Mtg	29.7	
Meeting Prep (Apr Briefing Book, coordination, special assessments)	14.8	
Minutes (Nov - JD; Mar done after Apr Mtg)	1.0	
<b>GROUNDFISH</b>		17.6%
GMT mtgs outside Council mtgs (prep & att; includes team pln mtg)	0.0	
Revise Amendment 12 & Rebuilding Plan Amendments	10.0	
Rebuilding Plan Amendment - Canary, Cowcod, Bocaccio	0.0	
Rebuilding Plan Amendment - POP, Lingcod	0.0	
Rebuilding Plan Amendment - Widow	0.0	
Rebuilding Plan Amendment - Dark Blotched	0.0	
FMP EISs	6.0	
Groundfish Strategic Plan Implementation		
Multiyear Mgmt Cycle	2.0	
Trawl permit stacking	0.8	
Open Access Permitting (Committee mtg)	1.3	
Review fixed gear stacking program (Amendment 14)	1.0	
<b>COASTAL PELAGIC SPECIES</b>		2.5%
CPS Meetings (Apart from Council Mtgs)	0.0	
Amendment 10	3.0	
<b>HIGHLY MIGRATORY SPECIES (minimal staff support)</b>		2.5%
HMS Meetings (Apart from Council Mtgs)	0.0	
Liaison and Coordination	1.0	
Draft FMP	2.0	
<b>SALMON MANAGEMENT</b>		16.6%
SAFE Doc (Review; Pre I, II, & III; EA) & STT staffing)	15.0	
SSC Salmon Subcommittee Methodology Review	0.4	
Salmon Option Hearings	4.5	
<b>HABITAT (outside Council Mtgs)</b>	0.9	0.8%
<b>HALIBUT MANAGEMENT (including sablefish)</b>	0.0	0.0%
<b>MARINE RESERVES (continued tracking)</b>	1.0	0.8%
<b>SEABIRDS</b>	0.2	0.2%
<b>SSC STAFFING</b>	2.0	1.7%
MRFSS	1.0	0.8%
<b>RESEARCH &amp; DATA NEEDS</b>	0.0	0.0%
<b>Total Estimated Work Days</b>	124.5	103.8%
<b>Overtime (undertime) Days</b>	4.5	

BELOW THE LINE		TOTAL DAYS*
TASK		
<b>GROUND FISH MGMT</b>		
Groundfish Strategic Plan Implementation		
Delegation of Nearshore Mgmt Authority		
Full Retention Analysis		
STAR Planning Process for 2002		
Bycatch and Discard Workshop		
AFA Draft FMP (Adopt for public review _____)		10.00
Whiting regulatory amendment		5.00
<b>COASTAL PELAGIC SPECIES MGMT</b>		
Update CPS FMP		3.00
<b>HIGHLY MIGRATORY SPECIES MGMT</b>		
<b>SALMON MGMT</b>		
Reformat Data in Salmon Review		10.00
Update Salmon FMP (JCC- 4 days)		5.00
FMP Amendments		
<b>HABITAT (More adequate alternative)</b>		
<b>HALIBUT MANAGEMENT (including sablefish fishery)</b>		
<b>MARINE RESERVES</b>		
Expanded Processes		10.00
<b>COMMUNITY DOC - PROCESSORS, COMM &amp; REC FISHERS</b>		
<b>RESEARCH AND DATA NEEDS</b>		
		20.00
		6.00
Litigation (NRDC 3)		

\* Estimated total work days to complete task.

APRIL 2002 COUNCIL MEETING DRAFT AGENDA

Situation: The proposed draft 2002 April Council meeting agenda is summarized below in graphic format, and the complete schedule and detail is provided in Exhibit I.7.a, Attachment 1.

**DRAFT**  
**PROPOSED AGENDA**  
**Pacific Fishery Management Council**  
 DoubleTree Hotel - Columbia River  
 1401 N Hayden Island Drive  
 Portland, OR 97217  
 (503) 283-2111  
 April 8-12, 2002

APRIL COUNCIL MEETING AGENDA SUMMARY

<i>Monday, April 8</i>	<i>Tuesday, April 9</i>	<i>Wednesday, April 10</i>	<i>Thursday, April 11</i>	<i>Friday, April 12</i>
Ancillary Meetings	Closed Executive Session	Groundfish Management	Groundfish Management	Salmon Management (if necessary)
	Salmon Management		Pacific Halibut	Administrative Matters
	Marine Reserves	Salmon Management		
	Habitat Issues	4 p.m. Public Comment Period (for items <u>not</u> on the agenda)	Salmon Management	

**Council Action:**

1. Review the draft April Agenda and adopt a final proposed agenda.
2. Identify priorities for advisory body consideration.

**Reference Materials:**

1. Draft Proposed April 2002 Council Meeting Agenda (Exhibit I.7.a, Attachment 1).

**Council Agenda:**

- a. Consider Agenda Options
- b. **Council Action:** Adopt Draft Agenda for the April 2002 Meeting
- c. Identify Priorities for Advisory Body Consideration

Don McIsaac

PFMC  
 02/25/02