

COUNCIL OPERATING PROCEDURE

Scientific and Statistical Committee

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Approved by Council: 07/20/83

Revised: 07/10/85, 09/16/87, 04/06/95, 09/18/98, 09/15/00, 06/18/02, 03/11/05, 11/09/07,
09/16/10, 6/14/17, 11/08/2018, **04/16/19**

PURPOSE

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

OBJECTIVES AND DUTIES

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

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

- authors should be responsible for ensuring materials submitted to the SSC are technically comprehensive, clearly documented, and complete. If there is any uncertainty on the part of authors regarding SSC expectations, authors should clarify assignments and expectations of materials to be reviewed with the SSC Chair. In order that there be adequate time for careful review, documents and materials destined for review by the SSC or any of its subcommittees must be received at the Council office at least two weeks prior to the meeting at which they will be discussed and reviewed, unless otherwise approved by the Executive Director. The Council staff will then provide copies to appropriate SSC members. If this deadline cannot be met, it is the responsibility of the author to contact the SSC Chair prior to the two-week deadline, so appropriate arrangements, rescheduling, and cancellations can be made in a timely and cost-effective manner. This deadline applies to all official SSC activities and meetings.
- b. SSC reviews, evaluations, analyses, and recommendations are intended to provide an independent peer-review process. SSC members directly involved in the development of reviewed materials, such as stock assessments, fishery or habitat models, or fishery or ecosystems analyses, shall limit themselves to providing information and answering questions regarding SSC deliberations of such items.
4. Assist the Council in identifying statistical, biological, economic, social, or other scientific research needs and identify entities with ongoing research-programs that may be able to develop needed information for the implementation of Council obligations under the Magnuson-Stevens Act. (See Council Operating Procedure Number 12 entitled Update and Communication of Research and Data Needs and West Coast Economic Data Plan.)
 5. Advise the Council on preparing comments on any application for foreign fishing transmitted to the Council by the U.S. Department of State.
 6. Provide scientific advice to the Council on preparing comments on any FMP or amendment prepared by the U.S. Secretary of Commerce (Secretary) or the Secretary's delegate which are transmitted to the Council pursuant to Section 304(c) of the Magnuson-Stevens Act.
 7. Review qualifications of Plan Team and SSC nominees and present recommendations to the Council.
 8. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Act and other applicable laws.

COMPOSITION

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

1. State fishery management agencies (4)
 - Washington Department of Fish and Wildlife
 - Oregon Department of Fish and Wildlife
 - California Department of Fish and Wildlife
 - Idaho Department of Fish and Game
2. National Marine Fisheries Service (4)
 - Northwest Fisheries Science Center (2)
 - Southwest Fisheries Science Center (2)
3. West Coast Indian tribal agency with fishery management responsibility (1)
4. At-large positions (9)

MEMBERSHIP

Term of Members

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

Compensation

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

Termination of Membership

An SSC member may be replaced at the Council's discretion if a member: 1) transfers employment or moves to a different location; 2) is absent from two or more consecutive meetings or has excessive non-consecutive absences without giving adequate notification to the SSC Chair or Council Executive Director; 3) appears unable to fulfill their obligations as an SSC member; 4) their area of expertise is no longer required; 5) is reassigned by sponsoring agency; 6) violates the *Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils, U. S. Department of Commerce*; or 7) The Council Chair, in consultation with the Executive Director, determines that a member should be removed for just cause (e.g., violation of marine resource regulation, felony conviction, investigated reports of sexual harassment, etc.; these examples are not all-inclusive.). This also includes removal of a member who repeatedly

fails to adhere to proper decorum and to show respect for other Committee members, or the Committee itself, as evidenced by rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment or harassment of other members and/or Council staff assigned to assist the Committee in carrying out its business of providing recommendations to other committees and the Council. Reports of such behavior should be made to the Executive Director or Council Chair so that the incidents(s) can be properly investigated.

Replacement of Members

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

Alternate Members

Members should attend all meeting, but members may, with prior approval by the Executive Director, request and alternate. When an appointed member representing a Federal, state, or tribal agency (categories 1, 2, and 3) will not be able to attend a meeting, a designee may be appointed if the Executive Director is notified in advance in writing with the name of and contact information for the proposed alternate at least 30 days prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the advisory body meeting. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences. Such designees may participate in committee deliberations as a regular member and non-federal alternates shall be reimbursed for expenses per the Council travel rules. Designees for at-large committee members are not authorized.

Officers

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

Subcommittees

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

Disclosure of Financial Interest

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

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

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

MEETINGS

The subcommittee shall meet at the request of the Committee Chair, with the approval of the Council Executive Director, as often as necessary to fulfill its responsibilities. Generally, the SSC will meet for two days at each Council meeting, typically the day before and day of the first day of the Council meeting.

Public Participation

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

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

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

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

SSC Closed Sessions

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

Public Notification of Meetings

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

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

MINUTES

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

STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, Council staff has responsibility for guiding, assisting, and coordinating activities of the Committee including ensuring that Council policy, schedules, guidelines, and direction are followed; preparing agendas, and *Federal Register* notices; attending meetings; conducting supportive analyses of complex technical and policy matters; presenting briefings to the Committee on necessary matters; supporting preparation of committee reports, or recommendations for presentation to the Council; and facilitating discussion among committee members to achieve consensus and maintain decorum. Council staff also facilitates communication and coordination among the various Council advisory bodies to resolve issues and promote consistency.