



Pacific Fishery Management Council

PROPOSED CHANGES to COUNCIL OPERATING PROCEDURES 2, 3, and 4

Public Review Draft - September, 2021

COUNCIL OPERATING PROCEDURE

Advisory Subpanels

Approved by Council: 07/20/83

Revised: 11/17/89, 11/13/90, 04/06/95, 04/17/96, 10/25/96, 09/12/97, 09/18/98, 09/15/00, 11/01/02, 03/11/05, 09/14/06, 11/07/08, 09/17/09, 04/15/10, 06/17/10, 09/16/10, 11/09/10, 11/07/12, 11/08/18, **04/16/19**

PURPOSE

To establish procedures for advisory subpanels which have been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

OBJECTIVES AND DUTIES

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

1. Offer advice to the Council on the assessments, specifications, and management measures pertaining to each fishery management plan (FMP) with particular regard to: a) the capacity and the extent to which the U.S. commercial and recreational fisheries will harvest the resources managed under their respective FMPs, b) the effect of such management measures on local economies and social structures, c) potential conflicts among groups using a specific fishery resource, or d) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.
2. Offer advice to the Council on: a) FMPs, FMP amendments, and regulatory amendments during preparation of such FMPs or amendments by the Council, b) FMPs prepared by the U.S. Secretary of Commerce and transmitted to the Council for review, and c) the effectiveness of the FMPs, amendments, regulations, and other measures which have been implemented.
3. Attend public hearings on FMPs or amendments.
4. Attend Council meetings at the request of the Council Chair or Executive Director to advise the Council on specific fisheries, with particular reference to the socioeconomic implications of managing those fisheries.
5. Keep the Council advised of current trends and developments in fishery matters.
6. Identify specific legal or enforcement questions on proposals and request response through the Executive Director from the appropriate parties. (Note: The Council staff will attempt to anticipate the need for enforcement and legal advice and arrange for the Enforcement Consultants and/or National Oceanic and Atmospheric Administration general counsel to attend subpanel meetings.)

7. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Sustainable Fisheries Act, and other applicable law.

COMPOSITION

1. Subpanels shall consist of not more than 21 members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of the subpanel.
2. The Council may establish or abolish subpanels as it deems necessary to perform the Council's duties as specified under the Magnuson-Stevens Act and other applicable law.

MEMBERSHIP

Terms

All members shall be appointed by the Council for three-year terms commencing January 1 and expiring December 31 three years thereafter and may be reappointed at the pleasure of the Council. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

Termination of Members

A subpanel member will be replaced at the Council's discretion if the member: 1) transfers employment or moves to a different location; 2) is absent from two meetings in any 12-month period; 3) appears unable to fulfill their obligations as a subpanel member; 4) their area of expertise is no longer required; 5) violates the *Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils, U. S. Department of Commerce*; or 6) The Council Chair, in consultation with the Executive Director, determines that an Advisory Panel 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 an advisory panel member who repeatedly fails to adhere to proper decorum and to show respect for other panel members, or the panel 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 advisory panel in carrying out its business of providing recommendations to 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, completion of three-year terms, or following Council action to remove a member, the Executive Director shall advertise for qualified nominees. Announcements will be distributed widely and be specific about the duties, responsibilities, and approximate time commitment involved.

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

The Council Chair is authorized to appoint replacement members on an interim basis to avoid a lack of representation for any of the advisory sectors at an advisory body meeting. In so far as possible, the Council Chair will consult with the Council prior to such interim appointments

Alternates

A subpanel member should attend all meetings, but may request an alternate with appropriate expertise for the position if unable to attend a meeting. Members may request an alternate for a subpanel meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval of the Executive Director. The Executive Director must be 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. The alternate will be reimbursed for travel expenses per the Council travel rules. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences.

Officers

The Chair and Vice Chair of each subpanel shall be elected by majority vote of subpanel members present and voting. Such officers shall be confirmed by the Council Chair and shall serve one-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 subpanels may establish such subcommittees as they deem necessary to facilitate their duties.

Public-at-large Position

For those Subpanels with a position for “Public-at-large,” the person selected for such a position should meet the following criteria:

1. Person has interest in and is knowledgeable about the fishery which is the subject of the subpanel’s deliberations.
2. Person is not an appointed, elected, or paid representative of a recreational, commercial, or environmental organization.
3. Priority consideration will be given to individuals who represent port districts, coastal community businesses, seafood safety experts, or individuals who have expertise not

otherwise represented on the committee and would provide a valuable contribution to the advisory group.

4. Individual will not be considered solely on the basis of their participation in the sport or commercial fishery (including processing) or environmental activities.

MEETINGS

The subpanels shall meet at the request of the Council Chair or Executive Director, as often as necessary to fulfill their responsibilities. The Council will reimburse travel costs for non-Federal advisory body members while on official Council travel as per the *Council Travel Rules* document.

Public Participation

The public will be permitted to comment on items relative to the agenda, but may be limited if deemed necessary by the Subpanel Chair. Written statements also may be submitted prior to and during the meeting. The public may be permitted to interject comments during the meeting at the discretion of the Subpanel Chair. Members of the public may be asked to leave the meeting at the Subpanel 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 Subpanel Chair and such permission must be obtained in advance.

Upon request, copies of this operating procedure will be distributed to the public attending subpanel meetings.

Public Notification of Meetings

Timely public notice of each subpanel 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.

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, Council staff shall attend and draft summary minutes of each subpanel meeting.

STAFF RESPONSIBILITIES

Council staff has responsibility for guiding, assisting, and coordinating activities of Advisory Subpanels 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 these Subpanels on necessary matters; supporting preparation of committee reports, minutes, 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.

REPORTS TO COUNCIL

Subpanels shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe ~~both~~ areas of consensus and differences. If necessary, ~~majority and minority~~ reports ~~may be drafted to~~ will present the divergent views of the subpanel. The Subpanel Chair will present ~~both majority and minority~~ the reports to the Council.

Draft reports or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Subpanel Chair.

NEW MEMBER ORIENTATION

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

GROUND FISH PERMIT REVIEW

When requested by the Council Chair or Executive Director, the Groundfish Advisory Subpanel (GAP) has the responsibility to review and comment on the groundfish limited entry permit system, in accordance with Amendment 6.

Note: Responsibility for making reports to the Council on the progress of the groundfish license limitation program and need for adjustments was assigned to the GAP at the April, 1996 Council Meeting. If a subcommittee of the GAP is appointed to carry out this responsibility, membership on the subcommittee will be determined by the Council Chair in consultation with the GAP Chair.

Objectives and Duties

1. Review appeals related to issuance of permits and gear endorsements, make recommendations through the Council to the regional director as to whether the appeal should be granted, and explain how the recommendation is consistent with the implementing regulations.

1. Make recommendations to the Council on whether non-Federal/non-state limited entry systems should be certified as being consistent with the goals and objectives of the limited entry program established by Amendment 6 to the groundfish FMP, as described in Section 14.3.1.4 of that amendment.

Meetings

1. The GAP-comprised review board shall meet at the request of the Council Chair or Executive Director as often as necessary to fulfill their responsibilities.
2. Notice of these meetings shall be published in the *Federal Register*, distributed to the news media, and via other means to ensure wide distribution.

Public Participation

Testimony on Appeals

The GAP-comprised review board shall receive testimony from appellants and members of the public on appeals under consideration. Testimony by the appellants shall be submitted to the limited entry office of NMFS in written form at least four weeks prior to the meeting.

Appellant written testimony will be made available to all interested persons in a timely manner prior to the meeting. At the meeting, the appellant may provide an oral summary of written testimony and additional oral testimony in response to questions by members of the GAP-comprised review board and public comment. Public comment shall be in written form and be provided to the NMFS Northwest Region limited entry office at least ten days in advance of the meeting. Members of the public may present oral summaries of written testimony. Time for oral testimony by both the appellant and the public may be limited by the Council Chair.

Testimony on Other Issues Considered by the Review Board

The GAP-comprised review board shall receive comments from members of the public on issues under consideration not related to appeals at a time specified on the agenda. Time for such testimony may be limited by the Council Chair.

Reports to the Council

The GAP-comprised review board shall report to the Council as directed by the Council Chair or Executive Director. Reports to the Council will be written and will describe both areas of consensus and differences. Both majority and minority positions will be presented.

Council's Role

The Council will consider GAP-comprised review board reports on appeals and forward recommendations to the NMFS West Coast Regional Administrator. This function is delegated to

the Council Chair when prompt action is required for timely rulings by the NMFS Regional Administrator. All testimony to the Council on permit appeals will be in written form.

REPRESENTATION ON SUBPANELS ^{1/}

Subpanel and Total Number of Members	Affiliation or Representation
Coastal Pelagic (10)	<ul style="list-style-type: none"> 3 California Commercial Fisheries 1 Oregon Commercial Fisheries 1 Washington Commercial Fisheries 3 Processors (California, Washington, or Oregon) 1 California Charter/Sport Fisheries 1 Conservation Group
Ecosystem (9)	<ul style="list-style-type: none"> 3 California at-large 3 Oregon at-large 3 Washington at large
Groundfish (21)	<ul style="list-style-type: none"> 3 Fixed Gear Fisheries (at-large) 1 Bottom Trawl Fisheries 1 Mid-Water Trawl Fisheries 2 At-Large Trawl Fisheries 1 Open Access Fisheries north of Cape Mendocino 1 Open Access Fisheries south of Cape Mendocino 2 Processors (at-large) 1 At-Sea Processor 1 Washington Charter Boat Operator 1 Oregon Charter Boat Operator 1 California north of Pt. Conception Charter Boat Operator 1 California south of Pt. Conception Charter Boat Operator 3 Sport Fisheries (at-large) 1 Tribal Fisheries 1 Conservation Group
Highly Migratory Species (13 14)	<ul style="list-style-type: none"> 1 Commercial Troll Fisheries 1 Commercial Purse Seine Fisheries 1 Commercial Gillnet Fisheries <u>1 Commercial Deep-Set Buoy Gear Fisheries</u> 2 Commercial At Large

REPRESENTATION ON SUBPANELS ^{1/}

Subpanel and Total Number of Members	Affiliation or Representation
Salmon (16)	1 <u>Commercial north of Point Conception</u>
	1 <u>Commercial south of Point Conception</u>
	1 Processor north of Cape Mendocino
	1 Processor south of Cape Mendocino
	1 Northern Charter Boat Operator
	1 Southern Charter Boat Operator
	1 <u>Private Sport Fisheries north of Point Conception</u>
	1 <u>Private Sport Fisheries south of Point Conception</u>
	1 Conservation Group
	1 Public At-Large
	† At-Large
	1 Washington Troll Fisheries
	1 Oregon Troll Fisheries
	1 California Troll Fisheries
	1 Gillnet Fisheries
	1 Processor
	1 Washington Charter Boat Operator
	1 Oregon Charter Boat Operator
	1 California Charter Boat Operator
	1 Washington Sport Fisheries
1 Oregon Sport Fisheries	
1 Idaho Sport Fisheries	
2 California Sport Fisheries	
1 Tribal Fisheries (Washington Coast)	
1 Tribal Representative (California)	
1 Conservation Group	

1/ These subpanels have been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

COUNCIL OPERATING PROCEDURE

Plan, Technical, and Management Teams

Approved by Council: 07/20/83

Revised: 09/16/87, 11/13/90, 04/06/95, 6/17/03, 03/11/05, 0/07/06, 9/14/06, 09/17/09, 11/05/09, 09/16/10; 11/07/12, 06/25/2013, 11/06/2013, 04/10/2014, 03/12/2015, 06/16/2015, 09/12/18, 11/08/18, **04/16/19**

PURPOSE

To establish procedures for plan, technical, and management teams and workgroups (Teams).

OBJECTIVES AND DUTIES

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

1. Furnish objective, scientific appraisals of particular fisheries and associated biological resources as assigned by the Council (for example, fisheries for salmon, groundfish, coastal pelagic species, or highly migratory species). It will not be the Team's responsibility to recommend preferred management options to the Council. However, Teams have the discretion to note Team Preferred Alternatives and the rationale for the preferred alternative to facilitate Council decision making.
2. Contribute to the development of fishery management plans (FMP) and FMP amendments, and develop proposed changes to regulations when it is determined by the Council that such FMPs or amendments are required.
3. In preparing a draft FMP, present alternative management goals and objectives to the Council for adoption. Management goals and objectives should be operational and as specific as possible. Goals and objectives should be based on measurable criteria, which will provide a basis for evaluating if management programs are meeting stated goals and objectives.
4. Present analyses that examine short-term and long-term tradeoffs, particularly when policy decisions have long-term implications (e.g., rebuilding rates).
5. In drafting the FMP or amendment, make decisions with regard to what is included in the successive drafts to be presented to the Council. The Scientific and Statistical Committee (SSC) and other advisory bodies may advise the Teams and Council, but their advice is not binding on the Teams. The Council shall decide if the FMP is to be modified and Teams shall comply with Council directives.
6. When presenting successive drafts of FMPs or amendments, submit in writing a list of problems and alternative solutions which require resolution by the Council. An analysis of

alternative management strategies shall be included prior to adoption of each FMP or amendment.

7. Contribute to documents and reports required by an FMP or the Council, such as Stock Assessment and Fishery Evaluation (SAFE) documents. In particular:
 - The Salmon Technical Team will compile annual abundance forecasts.
 - Council staff will prepare groundfish rebuilding plans, as required.
8. Evaluate, validate, document, and recommend changes to models used to estimate impacts of Council management proposals.
9. Assist the Council and National Marine Fisheries Service (NMFS) staff in the preparation of the necessary documentation required for Secretarial approval of a Council action by providing and reviewing appropriate written work elements from the duties described in items 1 - 9 above. This documentation may include an Environmental Assessment, Environmental Impact Statement, or other documents required under the National Environmental Policy Act, Regulatory Impact Reviews, Regulatory Flexibility Analyses, and all other documents required by applicable law. Except as directed by the Council, the Council staff shall be responsible for coordination of materials provided by the Teams into the necessary Federal documents and final submission to NMFS for Secretarial approval consideration.
10. Attend Council meetings at the request of the Council Chair or the Executive Director to advise the Council on specific fisheries, with particular reference to the biological and socioeconomic implications of managing those fisheries.
11. Be represented at meetings of the relevant advisory subpanel to provide technical information as requested by the subpanel, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.
12. Attend public hearings on the FMPs or amendments, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.
13. Present models, stock assessments, or fishery analyses of elevated scientific complexity for review by the SSC. When possible, the documents should be provided accordance with COP 4, SSC Objective and Duty 10.
14. Perform such other necessary and appropriate Team duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), National Environmental Policy Act, Endangered Species Act, and other applicable law.
15. Offer advice to the Council on the assessments, specifications, and management measures pertaining to each FMP with particular regard to (a) the capacity and the extent to which U.S. commercial and recreational fisheries will harvest the resources managed under their

respective FMPs, (b) the economic and social effects of such management measures, (c) potential conflicts among groups using a specific fishery resource, or (d) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.

16. Offer advice to the Council on (a) FMPs, FMP amendments, and regulatory amendments during preparation of such FMPs or amendments by the Council, (b) FMPs prepared by the Secretary of Commerce and transmitted to the Council for review, and (c) the effectiveness of the FMPs, amendments, regulations, and other measures which have been implemented.
17. Identify specific legal or enforcement questions on proposals and request response through the Executive Director from the appropriate parties. (Note: The Council staff will attempt to anticipate the need for enforcement and legal advice and arrange for the Enforcement Consultants and/or National Oceanic and Atmospheric Administration General Counsel to attend subpanel meetings.)

COMPOSITION

1. Teams shall consist of not more than 12 members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of their appointed Team.
2. The Council may establish or abolish such Teams as it deems necessary to perform Council duties as specified under the Magnuson-Stevens Act and other applicable laws.
3. Teams shall be composed of state, federal, tribal, and non-governmental specialists, as necessary. Areas of expertise may include stock assessment, economics, observer programs, fishery analysis, etc. Members are nominated by their agencies or organizations; qualifications of the members are reviewed by the SSC and Council members and are appointed by the Council.

MEMBERSHIP

Term of Members

Members shall be appointed by the Council and serve indefinite terms unless terminated by the Council per the procedure described below or the member resigns.

Termination of Membership

A Team member may be replaced at the Council's discretion if the member: 1) transfers employment or moves to a different location; 2) is absent from two or more consecutive meetings without giving adequate notification to the Team Chair or Council Executive Director; 3) appears unable to fulfill their obligations as a Team member; 4) is reassigned by sponsoring agency; 5) their area of expertise is no longer required; 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 Team 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 Team member who repeatedly fails to adhere to proper decorum and to show respect for other team members, or the Team 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 Team in carrying out its business of providing recommendations to 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 or following Council action to remove a member, the Executive Director shall contact the agency or organization the former member represented for a replacement nominee.

Alternates

A Team member should attend all meetings, but may request an alternate with appropriate expertise for the position if unable to attend a meeting. Members may request an alternate for a Team meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval of the Executive Director. The alternate is expected to fulfill the primary duties of the absent member and the Executive Director must be 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 Team meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences.

Officers

The Chair and Vice Chair of each Team shall be elected by majority vote of Team members present and voting. Such officers shall be confirmed by the Council Chair and shall serve one-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 Teams may establish such subcommittees as they deem necessary to facilitate their duties.

MEETINGS

The Teams shall meet at the request of Council Chair or Executive Director, or their respective Team Chair with the approval of the Council Chair or the Executive Director, as often as necessary to fulfill their responsibilities.

Public Participation

Scheduled meetings of Teams and Team subcommittees shall be announced in advance in the *Federal Register* and by other means to ensure wide distribution (described below). Meeting notices will describe the purpose of the meeting and topics to be discussed. Unless otherwise announced, a scheduled Team meeting shall be of the same duration as the Council meeting during which it is held. These scheduled meetings shall be open to the public. Public comments will be accepted by the Team during a public comment period or at the discretion of the Team Chair. Public comments shall be limited to items on the Team agenda. Policy issues and decisions concerning final choices among options are the province of Council deliberations. Therefore, it is in the Council forum that public comments on such matters shall be received, not in Team meetings.

Minutes reporting major Team actions, and records and documents prepared for the Council, shall be filed in the Council office, where they will be available for public review.

Because Team meetings are essentially working sessions for drafting materials for Council review, public taping of those proceedings shall be permitted only as specifically authorized by the Council Chair. Draft work product, reports, or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Team Chair.

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

Public Notification of Meetings

Timely public notice of each Team 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 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

If practicable, Council staff or a Team member shall draft summary minutes of each Team meeting

STAFF RESPONSIBILITIES

Council staff has responsibility for guiding, assisting, and coordinating activities of Teams 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 these Teams on necessary matters; supporting preparation of Team reports, minutes, or recommendations for presentation to the Council; and facilitating discussion among Team 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.

AGENCY OR ORGANIZATION POLICY POSITION ADVOCATES

Team members will not act as official policy advocates of agency or organization positions while acting in their capacity as Team members, which is not intended to prohibit Council members or their designees from serving on the Groundfish Endangered Species Work Group.

ADDITIONAL EXPERTISE

Teams are encouraged to invite individuals with specialized expertise to assist them as needed (e.g., when interpretation of observer program data is necessary). The Council Executive Director will consider reimbursing such experts for travel expenses on a case-by-case basis.

CURRENT REPRESENTATION ON TEAMS

<i>Team and Total Number of Members</i>	<i>Affiliation</i>
<i>Coastal Pelagic (9)</i>	<i>2 California Department of Fish and Wildlife Up to 4 National Marine Fisheries Service with at least one representing the Northwest Fisheries Science Center 1 Washington Department of Fish and Wildlife 1 Oregon Department of Fish and Wildlife 1 Tribal Representative</i>
<i>Groundfish (12)</i>	<i>6 State fish management agency (two each from Washington, Oregon, California) 1 NMFS Southwest Fisheries Science Center 2 NMFS Northwest Fisheries Science Center 2 NMFS West Coast Region 1 Tribal Representative One of the members should be an economist</i>

Highly Migratory Species
(8)
2 NMFS Southwest Fisheries Science Center
2 NMFS West Coast Region
3 State Fish Management Agency (one each from Washington, Oregon, California)
1 Tribal Representative

Salmon
(8)
3 State Fish Management Agency (one each from Washington, Oregon, California)
3 NMFS
1 USFWS
1 Tribal Representative

Model Evaluation Workgroup
(7-9)
3 State Fish Management Agency (one each from Washington, Oregon, California)
1 NMFS
1 Northwest Indian Fisheries Commission
1 Columbia River Inter-Tribal Fish Commission
1 USFWS
1 SSC (may be filled by one of the state or tribal agency representatives)
1 STT (may be filled by one of the state or tribal representatives)

Groundfish Endangered Species Work Group
(~~11~~13)
3 State Fish Management Agency (one each from Washington, Oregon, California)
~~2~~ NMFS West Coast Region
1 West Coast Groundfish Observer Program
1 Fish taxon expert
1 Marine mammal taxon expert
1 Seabird taxon expert
1 Sea turtle taxon expert
1 USFWS
1 Tribal Representative
1 Fishing Industry Representative
Other representatives as necessary (may be short-term appointments)

COUNCIL OPERATING PROCEDURE

Scientific and Statistical Committee

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. 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.