



Pacific Fishery Management Council

COUNCIL OPERATING PROCEDURES

As Amended through June, 2023

Introduction

These Council Operating Procedures (COPs) have been developed and adopted by the Pacific Fishery Management Council (Council) to guide the process for development of fishery management plans, plan amendments, and regulatory measures for ocean fisheries off the coasts of Washington, Oregon, and California. COPs are specific to Council operations, rather than fishery regulations or management specifications. They specify how the Council and its advisory entities will run their meetings including how public comments will be entertained. They document the schedules for developing plan amendments and annual management measures, and they cover special processes of importance to the Council.

These procedures provide detailed specificity to the broader policies and procedures found in the Statement of Organization, Practices and Procedures (SOPP), adopted by the Council in amended language September 2004. Whereas revisions to the SOPP document require Secretarial approval, revisions to a COP may occur through Council review (including advisory body and public input) and adoption. This may occur with proper notice before a Council meeting or may occur over the course of two Council meetings, with preliminary action at the first meeting and final action at the second. After final Council action the revised COP would enter into effect. However, changes to existing COPs or the addition of a new COP must be consistent with the broader policies and procedures in the Council SOPP document.

The operating procedures are structured into two categories: Administrative and Process. Administrative COPs (1-8) are those that apply to the structure and function of the Council and advisory committees. Process COPs (9 and above) cover aspects of Council activities, for example management cycles, fishery management plan amendment cycles, and process reviews.

On November 9, 2010 the Council formally designated the following advisory bodies as being established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act:

- Coastal Pelagic Species Advisory Subpanel
- Ecosystem Advisory Subpanel
- Groundfish Allocation Committee, nonvoting members
- Groundfish Advisory Subpanel
- Groundfish Essential Fish Habitat Committee
- Habitat Committee
- Highly Migratory Species Advisory Subpanel
- Salmon Advisory Subpanel
- Coastal Pelagic STAR Panels
- Groundfish STAR Panels”

List of Council Operating Procedures (COP)

Administrative

1. [General Council Meeting Operations](#)
2. [Advisory Subpanels](#)
3. [Plan, Technical, and Management Teams](#)
4. [Scientific and Statistical Committee](#)
5. [Enforcement Consultants](#)
6. [Habitat Committee](#)
7. [Groundfish Allocation Committee](#)
8. [Ad-Hoc Committees](#)

Process

9. [Management and Activity Cycles](#)
10. [Preseason Salmon Management Process](#)
11. [Plan Amendment Cycles](#)
12. [Update and Communication of Research and Data Needs](#)
13. [Confidentiality of Statistics](#)
14. [Documentation of Outside Agreements](#)
15. [Salmon Estimation Methodology Updates and Review](#)
16. [Weather-related Adjustment to Salmon Fisheries](#)
17. [Foreign Fishing Permit Review Procedure](#)
18. [Protocol for Industry Sponsored Salmon Test Fishery Proposals](#)
19. [Protocol for Consideration of Exempted Fishing Permits for Groundfish Fisheries](#)
20. [Protocol for Consideration of Exempted Fishing Permits for Highly Migratory Species Fisheries](#)
21. [Highly Migratory Species Management Recommendations to Regional Fishery Management Organizations](#)
22. [Essential Fish Habitat Review Process](#)
23. [Protocol for Consideration of Exempted Fishing Permits for Coastal Pelagic Species Fisheries](#)
24. [Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species](#)
25. [Groundfish Methodology Reviews](#)
26. [Methodology and Data Review Process for Coastal Pelagic Species](#)
27. [Process for Initiating Allocation Reviews](#)

COUNCIL OPERATING PROCEDURE

General Council Meeting Operations

Approved by Council: 04/06/95

Revised: 03/07/97, 06/25/99, 04/03/00, 12/15/03, 03/11/05, 11/09/07, 09/12/08, 06/13/11, 06/28/16, 04/11/17, **04/16/19.**

PURPOSE

To establish general procedures for the Council meetings and administrative matters.

MEETINGS

The Council shall, generally, meet five times per calendar year. At the call of the Council Chair or upon request of a majority of its voting members, emergency meetings may be held. Upon receiving a request for an emergency meeting from any Council member or upon the Council Chair's own instigation, the Council Chair shall instruct the staff to conduct a poll of available voting Council members. If a quorum agrees, the Council Chair shall call such a meeting.

Public Participation

Council meetings are held for the purpose of conducting official Council business. However, the public will be provided an opportunity to address the Council at its meetings and submit information relevant to matters under consideration. To further encourage public participation, the Council, when practicable, shall establish a period at each meeting during which the public shall be granted an opportunity to address the Council on matters of concern to them. These discussions need not necessarily be related to items on the current meeting agenda. The following procedures shall be observed.

Written

The public shall be permitted to file written statements with the Council at any time before or after a meeting. Written statements will be accepted in either hard copy or through an electronic portal. This submission of written statements by the public is a statutory right which cannot be administratively hampered by arbitrary conditions of length, format, numbers of copies, typography, etc. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information and a brief description of the background and interests of the person in the subject of the written statement. To ensure adequate review and timely action, the following procedure will be followed:

1. Written comments regarding matters on the Council agenda received at the Council office no later than a published deadline (approximately four weeks before a Council meeting), will be included in the Council members' briefing materials distributed prior to the meeting. If appropriate, these comments will be summarized by staff at the Council meeting.

2. Written comments submitted after the above deadline and by a published deadline during the week prior to the Council meeting will be made available at the meeting as supplemental briefing material.
3. Written comments received after the deadline specified in number 2, will only be accepted at the Council meeting and must be in support of oral testimony. In order to be available to the Council during an agenda item, written comments must be brought to the Secretariat no later than 5 pm the day before the corresponding agenda item is scheduled on the Council's agenda. Comments received by 5:00 p.m. will be uploaded by staff to the Council's E-Portal shortly thereafter. Any written comments received after that time will be uploaded the following day after 5:00 p.m. The public should be aware that the Council and its advisory bodies may not have time to thoroughly review written comments submitted at the meeting. The Council will not pay for comments transmitted to the meeting hotel. Comments submitted that are not in support of oral testimony will need to be resubmitted during an open comment period for a future Council meeting.
4. When multiple copies of the same or similar written public comment is received, Council staff will provide one copy of the material with a notation indicating the total number of copies received. This procedure will be used for written material received in advance of the Council meeting, per numbers 1 and 2 above.

Oral

Interested persons will be allowed to present oral statements or to participate in the discussion subject to such reasonable rules or procedures as may be established by the Council. Time limits on oral comments may be prescribed. Every effort should be made to set aside a portion of every meeting for public participation. Any oral statement shall include a brief description of the background and interests of the person in the subject of the oral statement. The following procedures will be followed:

1. The Council will publish in the *Federal Register* and Council meeting notices the public comment opportunities for each agenda item, as appropriate, and provide a time for public comment on items not on the agenda of the Council meeting.
2. ~~Registration cards will be provided at the entrance of the meeting room for i~~Individuals wishing to address the Council may register via e-portal, or by using a registration card provided at the meeting room entrance. The following information shall be included, (1) name, (2) address, (3) affiliation, and (4) agenda item/subject of testimony. After public comment begins on each agenda item, ~~additional cards~~further public comment registration will not be accepted for that agenda item.
3. For each agenda item, only one opportunity to testify per person will be allowed. Testimony on behalf of another person not in attendance will only be allowed within the period allowed for the person in attendance.
4. At his or her discretion, the Council Chair may establish a sequence for calling on individuals, according to topics to be discussed. Generally, oral testimony is limited to five minutes for individuals and ten minutes for groups or individuals representing

organizations.

5. Depending upon time and Council wishes, the Council Chair may ask for comments from the public on subjects of interest to the Council after all comments have been made by individuals ~~from the comment registration cards~~ whom have registered.
6. When there are numerous public comments, the Council Chair may decide to use an alternative approach to expedite the comment process. The following procedure may be used when there are two opposing factions:
 - The Council Chair requests, in advance of the public comment period, that each side choose a panel to present the arguments.
 - Each panel makes its presentation.
7. If new information from a state or Federal agency or from a Council advisory entity is accepted by the Council, the Council Chair shall insure that the Council gives comparable consideration to new information offered at that time by interested members of 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 (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act).
8. Council members shall be allowed to ask questions of individuals addressing the Council.

Public Notification of Meetings

News Releases

Timely public notice of each regular meeting and each emergency 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 in the major fishing ports of Washington, Oregon, and California (and in other regional areas having a direct interest in the affected fishery, e.g., Idaho). 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.

Federal Register Notices

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 of the notice to NMFS (at least 23 calendar days prior to the meeting) for publication in the *Federal Register*.

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.

Voting Procedures

Robert's Rules of Order will be strictly enforced. Makers of motions must first be recognized by the Council Chair, and if an action is to be reconsidered, the motion for reconsideration must be made by an individual who originally cast a vote for the prevailing side.

Motions

The maker of a motion must clearly and concisely state and explain the ~~motion~~motion and will typically be asked to provide a written version of the motion to Council staff for broadcasting. Prior to receiving a second to the motion, the Chair will ask the motion maker to verify that the text of the motion as displayed is accurate and complete. After affirming accuracy and completeness, the Council Chair shall ask for a second. Upon receiving a second, the motion maker shall be invited to speak to their motion. Council discussion and a call for the question shall follow. After discussion and a call for the question, the motion must be restated clearly and concisely by the Council Chair before the vote is taken.

Motions must be recorded in written form visible to each Council member ~~present in attendance~~ and the public if the action 1) requires approval or amendment of a fishery management plan (including any proposed regulations), 2) requests an amendment to regulations implementing a plan, or 3) is a recommendation for responding to an emergency. The written motion, as voted on, must be preserved as part of the record or minutes of the meeting, and include the exact vote of the Council members.

In the case of a telephonic vote, the Council Chair 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 up for vote. 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.

Votes

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 record of any Council meeting shall identify all roll call votes held, the name of each voting member ~~present in attendance~~ 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 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 (NOAA General Counsel) 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.

For a vote on a Council finding that an emergency exists in a fishery, the exact number of votes

(for, against, and abstaining) must be preserved as part of the record of the meeting.

Measures to Improve Meetings

Report Presentation

- Council staff, advisory body representatives, invitational speakers, and Council members should shorten all oral reports to the extent possible. For lengthy written reports, provide brief executive summaries highlighting major points.
- Provide written reports on items that are only informational and do not require Council action.
- Advisory subpanel reports should describe areas of consensus and differences. Individual subpanel members shall not provide public testimony as part of the subpanel presentation.
- In general, lengthy detailed presentations will be provided during joint advisory body meetings (e.g., Scientific and Statistical Committee, Groundfish Management Team, Groundfish Advisory Subpanel joint meetings to review stock assessment information) rather than during the Council session. Council members should endeavor to attend these advisory body meetings.

SSC Reviews for Scientific Merit

- The SSC requires good documentation and ample review time in order to provide the best possible advice to the Council. Agencies and review document authors should be responsible for ensuring materials submitted to the SSC are technically sound, comprehensive, clearly documented, and identified by author. If there is any uncertainty on the part of authors regarding SSC expectations, authors should clarify assignments and expectations of deliverables 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 will then provide copies to appropriate SSC members at least five working days prior to the meeting. 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.

Public Comments

- The Council Chair will limit the length of oral testimony to five minutes per individual and ten minutes per group or individual representing a group. At the discretion of the Council Chair, less time may be allotted. If less time is to be provided, the Council Chair shall announce this prior to the start of public testimony on an agenda item.
- The Council Chair will urge members of the public to not repeat comments provided by a previous public commenter.
- Council member debate and record development should be avoided during the public

testimony period. Questions should be for clarification only.

Structure of Agenda

- As appropriate, the Council Chair will advise Council members of time limits for each agenda item. Time limits will not be rigidly enforced, but they may serve as a guide or reminder to focus discussion and be concise.
- Avoid placing too many weighty issues near the end of the meeting. Intersperse major items throughout the agenda to the extent possible.
- Review workload and next meeting agenda at or near the end of each meeting. Establish priorities for activities. Priorities should be publicized.
- Provide time for advisory subpanels to complete their work.

Council Discussion and Debate

- Debate should be complete and not be arbitrarily limited, but it should be focused on the motion. (Robert's Rules limit members to two speeches per topic and ten minutes per speech.)

Decorum

Participants in the Council process are expected to participate in a manner that is professional and respectful of Council members, staff, advisors, committee members, and the public. Harassment will not be tolerated. Preventing harassment is everyone's responsibility and individuals who experience or observe harassment are strongly encouraged to come forward to ensure a safe working environment for everyone involved in the Council process. Council process participants who observe, experience, or receive a report of harassment, including but not limited to sexual harassment or assault, should report the matter as soon as possible to an appropriate official as described in the [Harassment Procedures Policy](#).¹

MEETING RECORD

A detailed meeting record of each Council meeting, including summary minutes, except for any closed session, shall be kept and shall contain a record of the persons ~~present~~in attendance, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. At a subsequent meeting, the Council will review and adopt the meeting record. A copy of the official meeting record shall be submitted to NMFS. The Council Chair shall certify the accuracy of the record of each such meeting and submit a copy thereof to the Secretary. The meeting record shall be made available to any court of competent jurisdiction.

STAFF RESPONSIBILITIES

In addition to drafting meeting record, the staff will prepare brief, pre-Council meeting issue

¹ For purposes of this policy, harassment includes unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). This policy does not cover allegations of incivility not based on a protected characteristic. However, this policy is not intended to limit in any way the Council's ability to address incivility, inappropriate behavior, or other issues in an appropriate manner for the context.

summaries, identifying issues and options for each agenda action item. These summaries are provided in the briefing books.

NEW MEMBER ORIENTATION

New Council members will be provided with a one-day to two-day briefing session with appropriate Council members, staff, and advisory Chairs (Scientific and Statistical Committee, advisory subpanels, and plan development/management Teams) prior to their first Council meeting. During this session, both mechanics of operation and management issues and techniques will be addressed. In addition, new members will attend at least one Council Chair's briefing during their first year of service on the Council in coordination with the Executive Director.

COUNCIL CHAIR'S BRIEFING

The Council Chair's briefing is for the purpose of briefing the Council Chair and not a forum for debate or discussion of the issues.

QUICK RESPONSE PROCEDURE

This procedure addresses Council comments to other entities on actions proposed by those entities. It does not include fishery management action items that are the responsibility of the Council and must be approved by the Council at a regular or emergency meeting.

For new policy matters that will be implemented or have a comment deadline prior to the next Council meeting, the Council Chair is authorized to send a letter on behalf of the Council using the following procedure:

Staff will distribute a summary of the issue and a proposed response to all Council members. If the Council Chair receives a response from at least one voting member from each state, staff may send an official Council comment letter taking into account the responses received from members. Consensus is not required.

OFFICERS

The Council Chair and up to two Vice Chairs of the Council shall be elected by majority vote of Council members ~~present in attendance~~ and voting. Generally, elections are held during the June Council meeting. Officers shall serve one-year terms, which commence August 11 and end August 10 of the following year. Appointments may be renewed for additional one-year terms by majority Council vote at the next June meeting. The Council Chair normally serves two consecutive one-year terms.

STANDING COMMITTEES

Standing committees can consist of Council members or a combination of Council and non-Council members. Members are appointed by the Council Chair and serve indefinite terms.

Budget Committee

The Budget Committee shall be composed of Council members or Council-member designees and have no more than seven voting members, among whom include:

- The Council Chair;
- One voting member from each state, which could be an agency director/designee, an obligatory or at-large appointee. The Council Chair could serve as one of these members;
- One at-large member
- A representative of the Pacific States Marine Fisheries Commission and;
- A representative of the National Marine Fisheries Service West Coast Region.

The Budget Committee shall elect its chair and vice-chair from among its members. Appointments and election of officers shall generally occur at the June or September Council meetings.

Legislative Committee

The Legislative Committee shall be composed of no more than seven voting Council members or Council member designees appointed by the Council Chair and membership should represent a variety of geographic areas. Legislative Committee membership and elected officers will be reviewed after June Council meetings to account for possible turnover in Council membership.

FISHERY REGULATION DEEMING PROCESS [Procedure for Implementing MSA Section 303(c)]

In taking final action on Pacific Fishery Management Council (Council) recommendations to adopt a fishery management plan (FMP) or FMP amendment, or to revise regulations implementing an FMP, the Council is deeming that regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In so doing, the Council implicitly requests the appropriate National Marine Fisheries Service (NMFS) Region complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, after NMFS has prepared the regulatory language, the Council authorizes the Executive Director to review the regulations to verify that they are consistent with the Council action before submitting them, along with his determination, to the Secretary on behalf of the Council.

The Executive Director is authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in his determination, the proposed regulations are not consistent with the Council action.¹

¹ In cases where the consistency is in question, the Executive Director is expected to work with NMFS to resolve the issues. Returning the regulations to the Council would be a last resort when questions cannot be resolved without involving the whole Council.

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, **09/15/21**

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 in attendance 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 areas of consensus and differences. If necessary, reports will present the divergent views of the subpanel. The Subpanel Chair will present 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.

4. 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.

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

REPRESENTATION ON SUBPANELS ^{1/}

Subpanel and Total Number of Members	Affiliation or Representation
<p>Highly Migratory Species (14)</p>	<p>1 Commercial Troll Fisheries 1 Commercial Purse Seine Fisheries 1 Commercial Gillnet Fisheries 1 Commercial Deep-Set Buoy Gear Fisheries 1 Commercial north of Point Conception 1 Commercial south of Point Conception 1 Processor north of Cape Mendocino 1 Processor south of Cape Mendocino 1 Northern Charter Boat Operator 1 Southern Charter Boat Operator 1 Private Sport Fisheries north of Point Conception 1 Private Sport Fisheries south of Point Conception 1 Conservation Group 1 Public At-Large</p>
<p>Salmon (16)</p>	<p>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</p>

^{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, **09/15/21**

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 in attendance** 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>

CURRENT REPRESENTATION ON TEAMS

<i>Team and Total Number of Members</i>	<i>Affiliation</i>
<i>Highly Migratory Species (8)</i>	<ul style="list-style-type: none"> <i>2 NMFS Southwest Fisheries Science Center</i> <i>2 NMFS West Coast Region</i> <i>3 State Fish Management Agency (one each from Washington, Oregon, California)</i> <i>1 Tribal Representative</i>
<i>Salmon (8)</i>	<ul style="list-style-type: none"> <i>3 State Fish Management Agency (one each from Washington, Oregon, California)</i> <i>3 NMFS</i> <i>1 USFWS</i> <i>1 Tribal Representative</i>
<i>Model Evaluation Workgroup (7-9)</i>	<ul style="list-style-type: none"> <i>3 State Fish Management Agency (one each from Washington, Oregon, California)</i> <i>1 NMFS</i> <i>1 Northwest Indian Fisheries Commission</i> <i>1 Columbia River Inter-Tribal Fish Commission</i> <i>1 USFWS</i> <i>1 SSC (may be filled by one of the state or tribal agency representatives)</i> <i>1 STT (may be filled by one of the state or tribal representatives)</i>
<i>Groundfish Endangered Species Work Group (13)</i>	<ul style="list-style-type: none"> <i>3 State Fish Management Agency (one each from Washington, Oregon, California)</i> <i>2 NMFS West Coast Region</i> <i>1 West Coast Groundfish Observer Program</i> <i>1 Fish taxon expert</i> <i>1 Marine mammal taxon expert</i> <i>1 Seabird taxon expert</i> <i>1 Sea turtle taxon expert</i> <i>1 USFWS</i> <i>1 Tribal Representative</i> <i>1 Groundfish Advisory Subpanel Representative (appointed every two years consistent with the meeting schedule)</i> <i>Other representatives as necessary (may be short-term appointments)</i>

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, **09/15/21**

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 meetings, but members may, with prior approval by the Executive Director, request an alternate. When an appointed member will not be able to attend a meeting, an alternate may be appointed by the Executive Director if notified in advance in writing with the name, contact information, and a description of the individual's qualifications 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 alternates may participate in committee deliberations as a regular member and non-federal alternates shall be reimbursed for expenses per the Council travel rules.

Officers

The Chair and Vice Chair of the SSC shall be elected by majority vote of SSC members **present in attendance** 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.

COUNCIL OPERATING PROCEDURE

Habitat Committee

Approved by Council: 04/06/95

Revised: 04/12/96, 03/05/97, 04/08/97, 09/18/98, 09/15/00, 11/01/02, 10/17/03, 03/11/05, 09/16/10, 11/09/10, 11/19/15, 11/08/18, **04/16/19**

PURPOSE

To establish procedures for the Habitat Committee (HC) which has 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 HC shall:

1. Facilitate communication and coordinated action on important habitat issues which have regional significance to fisheries managed by the Council.
2. Work with key agency and public representatives to develop strategies to resolve present habitat problems and avoid future habitat conflicts.
3. Make recommendations to the Council for actions which help achieve the Council's habitat objectives as defined in its fishery management plans.
4. Make recommendations to the Council for actions which help achieve the Essential Fish Habitat mandates in the Magnuson-Stevens Fishery Conservation and Management Act.

COMPOSITION

The HC shall consist of 16 members as specified from each entity or category below. The representatives selected for the HC should have experience in habitat issues and/or expertise in strategic planning.

- One member from NMFS Northwest or Southwest Fisheries Science Center.
- One member from National Marine Fisheries Service (NMFS West Coast Region).
- One member from U.S. Fish and Wildlife Service (USFWS).
- One member from Pacific States Marine Fisheries Commission (PSMFC).
- Four members from among the four state fishery agencies (Washington, Idaho, Oregon, and California).
- Two tribal representatives (one Klamath, one Northwest or Columbia River).
- Two members representing the fishing industry - one commercial and one sport.
- One member representing a conservation group.
- One member from National Marine Sanctuaries (NMS).
- Two members at-large.

MEMBERSHIP

Terms

The HC members representing NMFS, USFWS, PSMFC, NMS, and the state agencies will be appointed for indefinite terms and replaced only as needed or at the pleasure of the Council Chair. The other HC members (tribal, industry, conservation, and at-large) will be appointed for three-year terms. The Council Chair may select members that best serve the needs of the HC and Council rather than adhering to a strict rotation among the entities represented by each position.

Termination of Membership

A committee 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 without giving adequate notification to the HC Chair or Council executive director; or 3) appears unable to fulfill their obligations as a committee 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, expiration of three-year terms, or after Council action to remove a member, the Executive Director shall, depending on the member's position, do one of the following; 1) contact the agency which the former member represented for a nominee or 2) advertise for replacement of the industry, conservation, or public at-large members. Announcements for nominations shall be distributed widely and be specific about the duties and responsibilities.

Alternates

Committee members should attend all meetings, but may request an alternate with appropriate expertise if unable to attend a meeting. Members may request an alternate for a meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval by 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 HC meeting, or the first day of the Council meeting held in conjunction with the

HC 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

A Chair (or co-chairs) will be recommended by the HC to be appointed by the Council Chair from among the HC members for a one-year term. Officers will rotate to ensure sharing of the workload and diverse representation.

MEETINGS

With the approval of the Executive Director, the HC will meet in conjunction with each Council meeting or as determined by the HC Chair to achieve Council habitat objectives. The Council will reimburse travel costs for nonfederal HC members while on official Council travel as per the *Council Travel Rules* document.

Public Notification of Meetings

Timely public notice of each HC 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*.

STAFF RESPONSIBILITIES

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, 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

The HC Chair or designee will report to the Council on all HC actions.

ISSUE SCREENING AND REVIEW PROCEDURES

The following criteria will guide HC and Council procedures:

- All issues must have a significant impact on Council managed fisheries. This may include habitat policy issues of regional or national scope as well as effects of specific projects or resource developments.
- Direct presentation of issues to the HC should be at the request of the Council or the HC Chair and coordinated with the appropriate individual fishery management entities.
- Private individuals or organizations may submit requests for Council action directly to the HC.
- Direction and assignments to the HC shall originate from the Council.
- Habitat Committee-related, Council action will require approval of a majority of Council members when a quorum is present in attendance (except as noted under the "Quick Response Procedures" in Council Operating Procedure 1).
- All issues submitted to the HC should include the HC Proposed Action Form and have sufficient supporting information to allow clear identification of the issue(s) and evaluation of the need for Council action and/or support.