

# **COUNCIL OPERATING PROCEDURE**

## **Groundfish Allocation Committee**

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Approved by Council: 03/11/05

Revised: 10/31/05, 9/14/06, 09/16/10, **11/09/10**

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### **PURPOSE**

The purpose of this Council Operating Procedure is to specify the role, responsibilities, and function of the Groundfish Allocation Committee which has been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

### **OBJECTIVES**

Per the Groundfish Fishery Management Plan, direct allocation decisions must be made through a Council process over the course of at least two meetings to allow the Council to fully consider the alternatives and comments from its advisory entities and the public.

The Groundfish Allocation Committee is charged with developing options for allocating certain groundfish species (e.g., “overfished” species) among the commercial and recreational sectors, and among gear groups within the commercial sector.

The purpose of the Groundfish Allocation Committee is to distribute the harvestable surplus among competing interests in a way that resolves allocation issues on a short or long-term basis.

National Standard 4 of the Magnuson-Stevens Fishery Conservation and Management Act (50CFR600.325) requires that “allocations shall be: (1) fair and equitable to all such fishermen; (2) reasonably calculated to promote conservation; and (3) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.” Moreover, National Standard 4 states “conservation and management measures shall not discriminate between residents of different states.”

### **COMPOSITION**

The Groundfish Allocation Committee will be composed of voting and nonvoting members. Voting members will include the Council Chair, and one representative each from Washington, Oregon, and California management agencies, National Marine Fisheries Service, and Pacific States Marine Fisheries Commission. Nonvoting members will include one advisor representing each of the following sectors: non-whiting trawl, whiting fishery, open access, fixed gear, recreational, processor, and conservation. NOAA General Counsel will provide legal advice.

### **Member Terms**

Groundfish Allocation Committee members (voting and nonvoting members) serve indefinite terms. However, a Committee 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 Committee Chair or Council Executive

Director, or 3) appears unable to fulfill their obligations as a Committee member. The Council Chair is authorized to appoint nonvoting members and replacements on an interim basis to avoid a lack of representation for any of the nonvoting advisory sectors at a GAC meeting. In so far as possible, the Council Chair will consult with the Council prior to such appointments.

#### Alternate Members

A Committee member may send an alternate to a meeting no more than twice per calendar year under the following stipulations. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least two weeks prior to the first day of the meeting, or the first day of the Council meeting held in conjunction with the Allocation Committee meeting. The alternate will be reimbursed for travel expenses per the Council travel rules. Exceptions to these stipulations 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.

#### Officers

The Council Chair will act as Chair of the Groundfish Allocation Committee.

#### MEETINGS

The Groundfish Allocation Committee shall meet at the request of the Council Chair as often as necessary to fulfill its responsibilities. Committee members may request the Council Chair to convene a Committee meeting, but the Council Chair ultimately decides whether a meeting is necessary. The Council will reimburse travel costs for nonfederal Committee 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 at a time to be announced in the *Federal Register* and a Council news release. Comments may be limited if deemed necessary by the Committee 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 Chair or a Committee member. Members of the public may be asked to leave the meeting at the 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 Committee Chair and such permission shall be obtained in advance of the meeting.

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

### Public Notification of Meetings

Timely public notice of each Groundfish Allocation Committee 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 and Reports

A Council staff member shall attend and draft minutes of each committee meeting. Such minutes shall be submitted for approval by the majority of committee members prior to or at the next committee meeting.

The Groundfish Allocation Committee 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 present the divergent views of the Committee. The Committee Chair will present both majority and minority 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 Chair.

### STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and meeting logistics (e.g., *Federal Register* and meeting notices), and to provide other expertise needed by the Committee on a case-by-case basis.