



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

DRAFT

STATEMENT OF ORGANIZATION  
PRACTICES AND PROCEDURES

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## INTRODUCTION

The Western Pacific Fishery Management Council, established in 1976 by the Magnuson-Stevens Fishery Conservation and Management Act (Act), hereby presents its Statement of Operating Practices and Procedures (SOPP). This SOPP describes the practices and procedures to carryout the Council's functions under the Act. Copies may be obtained by writing to the Executive Director, Western Pacific Regional Fishery Management Council, Suite 1400, 1164 Bishop Street, Honolulu, Hawaii 96813, and are available for download at the Council's website at <http://www.wpcouncil.org>.

This SOPP supersedes the previous version, published on [insert date].

## COUNCIL PURPOSE

The Council shall:

- A. Prepare and submit to the Secretary of Commerce a Fishery Ecosystem Plan (FEP<sup>a</sup>) with respect to each fishery in need of management surrounding its geographical area of authority and, from time to time, such amendments to each such plan as necessary;

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<sup>a</sup> 2010 implementation of the five place-based FEPs (American Samoa, Mariana Islands, Hawaii, Pelagics and PRIAs) replaced the Council's existing species-based Fishery Management Plan (FMP).

- B. Prepare comments on any application for foreign fishing transmitted to it by the Secretary of State, and any Fishery Ecosystem Plan or amendment transmitted to it by the Secretary of Commerce;
- C. Conduct public hearings, in the geographic area concerned, to allow interested persons an opportunity to be heard in the development of Fishery Ecosystem Plans and amendments to such plan, and with respect to the administration and implementation of the provisions of the Act;
- D. Prepare reports as the Council deems appropriate, as requested by the Secretary of Commerce, or as required by Congress;
- E. Review on a continuing basis, and revise as appropriate, the assessments and specifications made with respect to the optimum yield, domestic annual processing, joint venture processing, domestic annual harvesting and the total allowable level of foreign fishing for each fishery under a Fishery Ecosystem Plan within its geographic area of authority;
- F. Prepare comments on any FEP plan or amendment prepared by the Secretary which is transmitted by the Council under Section 304(c)(4).
- G. Establish annual catch limits for each of its managed fisheries, as appropriate, that may not exceed the fishing level recommendations established by mechanisms and processes under the Act.
- H. Establish the organizational structure and procedures to carry out the Magnuson-Stevens Act provisions relating to Pacific Insular Area Fishery Agreements, Community Development Program, Western Pacific Demonstration Projects and the Western Pacific Sustainable Fisheries Fund;
- I. Develop multi-year research priorities for fisheries, fisheries interactions, habitats and other areas of research that are necessary for management purposes, in the manner prescribed in the Act; and
- J. Participate in international negotiations concerning any fishery matters under the cognizance of the Council. The Council also expects to be consulted during preliminary discussions leading to U.S. positions on international fishery matters, including the allocation of fishery resources to other nations within its area of authority.
- K. Conduct any other activities which are necessary and appropriate to the foregoing functions.

## COUNCIL COMPOSITION

The Western Pacific Regional Fishery Management Council has 16 members (13 voting and three non-voting) from the State of Hawaii, the Territories of Guam and American Samoa, the Commonwealth of the Northern Mariana Islands, and Federal agencies, and has management authority over the fisheries seaward of these islands and all US remote islands and atolls in the Pacific Ocean as set forth in the Magnuson-Stevens Act.

A. Voting Members. The voting members of the Council are:

1. Eight members appointed by the Secretary of Commerce from American Samoa, Guam, Hawaii and the Northern Mariana Islands (at least one of whom shall be appointed from each).
2. The officials with principal fishery management responsibility in the governments of American Samoa, Guam, Hawaii and the Northern Mariana Islands, or the designee of such officials;
3. The Administrator of the Pacific Islands Regional Office of the National Marine Fisheries Service, or his or her designee; and

B. Non-Voting Members. The non-voting members of the Council are:

1. The Regional Director of the U.S. Fish and Wildlife Service, Region 1, or his or her designee;
2. The District Commander, 14th Coast Guard District, or his or her designee;
3. A representative of the Department of State, or his or her designee.

## OATH OF OFFICE

As trustees of the nation's fishery resources, each member appointed to the Council must take the following oath of office:

I, [name of the person taking oath], as a duly appointed member of a Regional Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the Council for the greatest overall benefit of the Nation. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the Nation's marine fisheries resources, being careful to balance competing private or

regional interests, and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is given freely and without mental reservation or purpose of evasion.

### **AUTHORITY OF THE COUNCIL**

The Council selects its officers: the Chair and Vice Chairs from among its members representing each member State.

The Council shall approve all appointments to the positions of Executive Director, Scientific and Statistical Committee, Advisory Panels, Plan Teams and any other group or committee necessary for the purpose of its function. Compensation shall be determined by the Council as allowed under the Magnuson-Stevens Act.

Authorization of expenses for travel, compensation, and participation for Council, staff, Scientific and Statistical Committee, Advisory Panel, Plan Team members and any other person, will be approved by the Council at its meetings and implemented by the Executive Director. The Chair may authorize travel compensation and participation between meetings.

### **OFFICERS AND TERMS OF OFFICE**

The officers of the Council shall be the Chair and Vice Chairs, each elected for one-year terms. Officers may succeed themselves. The Chair is elected by a majority of the voting members present and voting. A Vice Chair will be elected from each State, Territory, and Commonwealth represented on the Council.

### **AUTHORITY OF THE CHAIR**

The Chair, or in his or her absence, the Vice Chair named by the Chair, shall convene and preside over Council meetings. The Chair may designate Council members to serve on committees. The Chair may also designate Council members to officiate at public hearings.

The Chair shall function as the Chief Executive Officer with general charge and supervision over and responsibility for the business affairs of the Council.

The Chair, at the direction of the Council, may enter into and execute in the name of the Council, contracts and other instruments in the regular course of business. The Chair, after consulting with the Executive and Budget Committee, appoints Chairs of all Council Committees, the Scientific and Statistical Committee, the Advisory Panels and the Plan Teams.

## **REMOVAL OF COUNCIL MEMBERS**

The Council may recommend to the Secretary that a member be removed for cause after not less than two-thirds of the Council voting members vote for removal in accordance with Section 302(b)(6) of the Act. Removal requires that the Council provide a written removal recommendation to the Secretary together with a statement of the basis for the recommendation. Removal for cause may be based on, but not limited to, the following: failure to participate meaningfully in matters before the Council; actions which are contrary to a Council member's oath of office; or, actions which discredit the Council and the office of Council member.

A Council member may also be removed if the member is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 16 U.S.C. § 307(1)(O).

## **DESIGNEES**

The Act authorizes only the principal State (including Territory and Commonwealth) officials, the Regional Administrator, and the non-voting members to designate individuals to attend Council meetings in their absence. The Chair of the Council must be notified in writing, in advance of any meeting at which a designee will initially represent the Council member, of the name, address, and position of the individual designated. A designee may not name another designee. However, such officials may submit to the Chair, in advance, a list of several individuals who may act as designee, provided the list clearly specifies who would serve if more than one designee attends. A designee may be elected as Chair or Vice-Chair of the Council, and as Vice-Chair would serve as Chair in the absence of the elected Chair; however, a designee for an elected Chair cannot serve as Chair. Additional requirements for principal State officials and their designees include the following:

- (1) Only a full-time state employee of the state agency responsible for marine and/or anadromous fisheries shall be appointed by a constituent state Governor as the principal state official for purposes of Section 302(b) of the Act;
- (2) A principal state official may name his/her designee(s) to act on his/her behalf at Council meetings. Individuals designated to serve as designees of a principal state official on the Council, pursuant to Section 302(b)(1)(A) of the Act, must be a resident of the state and be knowledgeable and experienced, by reason of his or her occupational or other experience, scientific expertise, or training, in the fishery resources of the geographic area of concern to the Council; and
- (3) New or revised appointments by state Governors of principal state officials and new or revised designations by principal state officials of their designees(s) must be delivered in writing to the appropriate NMFS Regional Administrator and the Council chair at least 48 hours before the individual may vote on any issue before



the Council. A designee may not name another designee. Written appointment of the principal state official must indicate his or her employment status, how the official is employed by the state fisheries agency, and whether the official's full salary is paid by the state. Written designation(s) by the principal state official must indicate how the designee is knowledgeable and experienced in fishery resources of the geographic area of concern to the Council, the County in which the designee resides, and whether the designee's salary is paid by the state.

### **COUNCIL STAFF**

- A. Composition. The staff of the Council shall include the Executive Director and such other staff as are authorized by the Council.
- B. Executive Director. The Executive Director is appointed by the Council and reports to the Chair. The Executive Director is authorized to appoint other staff.
- C. Function. The staff is responsible for administration and execution of Council operations under the supervision of the Executive Director. Functions include participation in Fisheries Ecosystem Plan development; preparation of Council reports, statements, and correspondence; financial management, budget preparation and procurement; record keeping; meeting logistics; and other administrative activities.

### **COUNCIL STANDARDS OF CONDUCT**

Council members, as Federal office holders, and Council employees are subject to most Federal criminal statutes covering bribery, conflict-of-interest, and disclosure of confidential information. Among other statutes, the following provisions apply:

18 U.S.C. § 201 - prohibits offer or acceptance of anything of value to influence any official act.

18 U.S.C. §§ 203, 205 - prohibits officials from contacting any Federal agency or Federal court on behalf of others concerning a particular matter involving specific parties with the intent to influence Government action if they participated personally and substantially in the matter as a Council member. Furthermore, officials may not receive compensation for the representational activities of others regarding such matters.

18 U.S.C. § 207 - prohibits a former official permanently from representing others before a Federal agency or Federal court concerning a particular matter involving specific parties in which the official participated personally and substantially as a Federal official or for two years concerning a matter which was under the person's official responsibility during their last year of Government service.

18 U.S.C. § 208 - which prohibits official acts in a matter in which the Federal employee has a personal financial interest, does not apply to a financial interest of a Council voting member if he obtains a waiver under 18 U.S.C. 208 (b), or if the disclosure of financial interest form has been filed under § 302 (j) of the Act, and that individual is in compliance with regulations promulgated under said section.

18 U.S.C. § 209 - prohibits an official from receiving compensation for performing Federal duties from a source other than the United States Government. This restriction does not apply to an official who has served for 130 days or less in a 365-day period.

18 U.S.C. §§ 210, 211 - prohibits offer or acceptance of value to procure appointment to public office.

18 U.S.C. §1905 - prohibits disclosure of trade secrets or confidential commercial information except as provided by law.

31 U.S.C. § 1352 - generally prohibits the use of Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with the Federal award. The Council must also complete Form SF-LLL “Disclosure of Lobbying Activities” and submit it to the Grants Office quarterly as necessary.

In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Council must comply with the following standards of conduct:

### **GENERAL STANDARDS OF CONDUCT**

In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Council may comply with the following standards of conduct:

- (1) No employee of the Council may use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, state, county or municipal elections.
- (2) Council members, employees, and contractors must comply with the Federal Cost Principles Applicable to Regional Fishery Management Council Grants and Cooperative Agreements, especially with regard to lobbying, and other restrictions with regard to lobbying.
- (3) No employee of the Council may be deprived of employment, position, work, compensation, or benefit provided from or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.

- (4) No Council member or employee may pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining for any person, any appointive office, place or employment under the Council.
- (5) No employee of the Council may have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.
- (6) No Council member or employee of the Council may use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment which has not been made available to the general public.
- (7) No Council member or employee of the Council may engage in criminal, infamous, dishonest, notoriously immoral or disgraceful conduct prejudicial to the Council.
- (8) No Council member or employee of the Council may use Council property for other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.
- (9) No Council member may participate (A) personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in a particular matter primarily of individual concern, such as a contract, in which he or she has a financial interest; or (B) in any matter of general public concern which is likely to have a direct and predictable effect on a member's financial interest. For purposes of this subsection, the member's financial interest includes that of the member's spouse, minor child, partner, organization in which the members is serving as officer, director, trustee, partner or employee, or any person or organization with whom the member is negotiating or has any arrangement concerning prospective employment.

### **FINANCIAL DISCLOSURE**

Council nominees and voting members appointed to the Council by the Secretary under subsections 302(b)(1) and 302(b)(2) of the Act (“Affected Members”) and members of the SSC shall disclose any financial interest of the reporting individual; the individual's spouse, minor child, or partner; and any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee, in harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction or with respect to an individual or organization with a financial interest in such activity. The information required to be reported must be

disclosed on NOAA Form 88-195, "Statement of Financial Interests for Use by Voting Members and Nominees of Regional Fishery Management Councils and Members of the Scientific and Statistical Committee," or such other form as the Secretary, or designee, may prescribe. The report must be filed by nominees for Secretarial appointment before the date of appointment as prescribed by the Secretary. Affected Members must file the report with the Council office within 45 days of taking office. SSC members must file financial disclosures with the Regional Office within 45 days of taking office. Individuals must update the form within 30 days of the time that any such financial interest is acquired or the financial interests are otherwise substantially changed. The information required to be submitted by Council members will be kept on file by the Council, and made available on the Internet and for public inspection at reasonable hours at the Council offices. Information from SSC members will be kept on file by the NMFS Regional Office. A copy of the form may be obtained from the appropriate Regional Office.

It is unlawful for Council nominees, Affected Members, and members of the SSC to knowingly and willfully fail to disclose, or to falsely disclose any financial interest or to knowingly vote on a Council decision in violation of 50 CFR § 600.235. In addition to the penalties provided under 50 CFR §600.735, a violation may result in removal of the individual from Council membership.

### **RECUSAL**

Affected Members may not vote on any Council decision that would have a significant and predictable effect on a disclosed financial interest. Any individual who believes that a Council decision would have such an effect may, at any time before a vote is taken, announce to the Council an intent not to vote on the decision and identify the financial interest that would be affected. An individual who is recused from voting may participate in Council and committee deliberations relating to the decision, after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

At the request of an affected individual or upon the initiative of an appropriate designated official, such official shall determine for the record whether a Council decision would have a significant and predictable effect on that individual's financial interest. The determination will be based upon a review of the information contained in the individual's financial disclosure form and any other reliable and probative information provided in writing. All information considered will be made part of the public record for the decision. At the beginning of each Council meeting, or during a Council meeting at any time reliable and probative information is received, the designated official shall announce the receipt of information relevant to a determination concerning recusal, the nature of that information, and the identity of the submitter of such information. If the designated official determines that the affected individual may not vote, the individual may state for the record how he or she would have voted. The Council Chair may not allow such an individual to cast a vote.

## STANDING COMMITTEES OF COUNCIL MEMBERS

The Western Pacific Regional Fishery Management Council has established the following Standing Committees, each of which shall have not less than 3 members:

- A. An Executive and Budget Committee consisting of the Chair of the Council and the Vice Chairs of the Council. A member of the Executive Committee may designate another Council member to serve as his or her alternate. Meetings of the Executive Committee may be held between regular Council meetings as necessary. The functions of the Executive and Budget Committee are to determine policy, make rulings on administrative matters, determine what meetings and conferences should have Council representation and develop the Council budget and prepare long range programs.
- B. A Program and Research Committee, whose members shall serve for a term of one year. The function of the Program and Research Committee is to review and identify program and research priorities to help achieve the Council's goals and objectives.
- C. A standing committee for each Fishery Ecosystem Plan of the Council. The function of these committees is to provide specialized review of annual reports and management issues, and to recommend Council action on such issues, related to their respective FEPs.
- D. Standing committees on Fishery Rights of Indigenous People, Enforcement/Vessel Monitoring System and International Affairs. These committees maintain continuing involvement in and make recommendations for Council action on their respective subject areas relative to FEPs or other issues.
- E. Ad Hoc Committees. The Council may establish Ad Hoc Committees to address issues not addressed by any of the Standing Committees described in A through D, above. These Ad Hoc Committees will report to the Council as directed and will be dissolved by the Council once their purpose has been fulfilled.

## MEETINGS OF THE COUNCIL

- A. Frequency. The Council shall meet as often as necessary to discharge its duties, but must meet in plenary sessions once every six months.
- B. Duration. Council meetings shall vary in duration according to the actions and matters that are to be considered.
- C. Location. Council meetings shall be conducted throughout the area of jurisdiction of the Council. Meeting locations shall consider among other things, ease of transportation for both Council members and the public and the cost of holding such meetings. The Council shall attempt to meet in the area in which persons reside who might be

immediately affected by actions taken by the Council at that particular meeting. The Council shall conduct all meetings and hearings within its geographic area of authority, except when interregional resources are concerned.

- D. Agenda or Order of Business. Timely notice of each Council meeting, SSC, AP, FIAC, or other committee meeting with agendas will be published in the Federal Register prior to the meetings. In addition, notice shall be provided by any means that will result in wide publicity in the major fishing port of the region, except that email notifications and website postings alone are not sufficient. The Council will also issue press releases to announce time, location and agenda for each meeting, providing timely notice prior to the meeting. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless modification is to address an emergency action under section 305(c), in which case public notice shall be given immediately. The published Federal Register notice and agenda of the meeting will notify the public of the process to request language interpreters or other auxiliary aids consistent with the Department Administrative Order (DAO) 209-8, Access for People with Disabilities to Meetings and Other Group Events.].
- E. Minutes. Detailed minutes of each meeting of the Council, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chair shall verify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction. Subject to the confidentiality procedures established by the Council on January 28, 1986, and the guidelines prescribed by the Secretary pursuant to Section 402(b) of the Act (50 CFR Part 600, Subpart E (Confidentiality of Statistics) and NAO 216.100), the administrative record and minutes of each meeting and records or other documents which were made available to or prepared for or by the Council, committee, or panel incident to the meeting, shall be available on the Council's internet website and for public inspection and copying at a single location **in the offices of the Council, or the Secretary, as appropriate.**
- F. Amendment to SOPP. Upon approval of a Council's SOPP amendment by the Secretary, the Council will publish a notice of availability in the Federal Register that includes an internet address from which the amended SOPP may be read and downloaded and a mailing address to which the public may write to request copies.
- G. General Rules of Procedure. The Council shall meet at the call of the Chair or upon request of a majority of the voting members. Meetings shall be conducted in a manner to permit the greatest possible participation by all members of the Council and the public. Decisions by consensus are permitted except where the issue is Council approval or amendment of a Fishery Ecosystem Plan (including proposed amendments and regulations), and comments on management plans prepared by the Secretary. In these cases, a vote is required. Each motion must be recorded in writing and be visible to each Council Member and the public prior to the vote. A roll call vote may be taken on any

matter as requested in writing by any voting member of the Council or by the Chair. The official minutes shall identify each voting Council member and how they voted on each roll call vote. The majority of voting members present and voting shall prevail in such votes. Absent Council members/designees may not vote by telephone.

1. Quorum. A majority of the voting members of the Council shall constitute a quorum for Council meetings.
2. Minority Reports. The Council shall include any minority reports by Council members on Fishery Ecosystem Plan actions in its formal submissions to the Secretary of Commerce.
3. Emergency Meetings. Upon receiving a request for an emergency meeting from any Council member, or upon his own instigation, the Council Chair shall instruct the staff to conduct a telephone poll of available voting Council members. If a quorum agrees, the Chair shall call an emergency meeting, which can be conducted by teleconference. Notice of the emergency meeting will be promptly announced and widely publicized as described in 50 CFR 600.135. (It is the policy of the Council to limit emergency meetings in order to ensure public participation in its deliberations.)
4. Parliamentary Rules. Meetings shall be conducted under Robert's Rules of Order.
5. Closed Meetings. Any meeting or portion thereof must be closed that concerns information that bears a national security classification. Any meeting or portion thereof may be closed that concerns employment matters or briefing on litigation in which the Council is interested, or that concerns matters or information that pertains to unclassified national security matters. If a meeting or a portion of a meeting is closed, the Council shall *consult with NOAA GC* and notify local newspapers in the major fishing ports in the Council's region, and in other major affected fishing ports of the time and place of the meeting. Notification, however, is not required for any brief closure (*less than 2 hours*) of a portion of a meeting to discuss employment matters or other internal administrative matters.
6. Consideration of New Information. At any time when a Council determines it appropriate to consider new information from a state or Federal agency or from a Council advisory body, the Council shall give comparable consideration to new information offered at that time by interested members of the public. Interested parties will have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation and management measures.
7. Background information submittal. Any interested persons presenting oral or written statements regarding matters on the agenda shall include a brief

description of their background and interests and the subject of the oral and written statement. All written information submitted to the Council shall include the source and date of such information.

8. Voting. In accordance with 50 CFR 605, 14(a)(d)(f), as amended, (see Federal Register, Vo. 59, No. 146, Monday, August 1, 1994, Rules and Regulations 38943) guidelines on conduct of meetings of the Council require that each motion must be recorded in writing and be visible to each Council member and the public prior to a vote on measures subject to Secretarial consideration. This procedure must also be followed for amendments to regulations implementing a fishery ecosystem plan, and recommendations for responding to an emergency.
  - a. Voting in Regular Council Meetings  
The member making the recommendation will draft, either typed or handwritten, or will dictate to staff for distribution or view of the recommendation to Council members before the vote.
  - b. Voting by Teleconference or Videoconference Meetings  
The member making the recommendation will clearly read the motion aloud immediately prior to the vote, so that everyone on the call understands the wording of the motion being voted on. 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.

## **PUBLIC HEARINGS**

The Council may hold public hearings in order to provide the opportunity for interested persons to be heard with respect to the development of Fishery Ecosystem Plans or plan amendments, and with respect to the administration and implementation of the Act. The Council may use its judgment regarding when and where such hearings should be held, provided they are held in the particular geographic area concerned. The Council may dedicate a portion of a meeting to a public hearing on FEP issues under consideration at that meeting.

- A. Conduct. When it is determined that a hearing is appropriate, the Chair of the Council will designate at least one voting member of the Council to preside. Conduct of the hearing, beyond the stipulation that all persons be afforded an opportunity to present their views and be given a chance for expression, is within the discretion of the hearing official under whatever instructions the Council may wish to provide.
- B. Notice. Timely notices of each hearing that is not part of a Council meeting will be published in the Federal Register prior to the hearing. Advance notice will be given in the local media with the place and time, providing timely notice prior to the hearing. The publicity should be sufficient to assure that all interested parties are made aware of the opportunity to make their views known.



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

### **SCIENTIFIC AND STATISTICAL COMMITTEE**

As required by Section 302(g)(1) of the Act, the Western Pacific Regional Fishery Management Council shall have a Scientific and Statistical Committee composed of experts with scientific or technical credentials and experience from State and Federal agencies, academic institutions, and other sources. Members shall represent a wide range of disciplines required for preparation and review of Fishery Ecosystem Plan. The Chair of the committee shall be appointed by the Chair of the Council after consultation with the Executive and Budget Committee. No Council member, voting or non-voting, or Council member designee may serve a simultaneous term as a member of the Scientific and Statistical Committee.

The Committee shall:

- A. Identify scientific resources required for the development of management plans and amendments and recommend resources for Plan Teams;
- B. Provide ongoing multi-disciplinary review of management plans or amendments and advise the Council on their scientific content, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures and sustainability of fishing practices;
- C. Assist the Council 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 activities, and recommend methods and means for the development and collection of such information;
- D. Recommend to the Council the composition of Plan Teams; and
- G. Meet in conjunction with the meetings of the Council, to the extent practicable.

### **ADVISORY PANEL**

The Western Pacific Regional Fishery Management Council shall establish an Advisory Panel that includes representation from various sectors of the fisheries. Members of the Sub-panels shall be selected by the Council and shall serve for *four-year terms* expiring December 31st. An overall Advisory Panel Chair, a vice-Chairperson for each island area and a Chair for each Advisory Sub-panel shall be appointed by the Council Chair after consultation with the Executive and Budget Committee. The Council has discretion to select one Vice Chairman in

lieu of four vice chairs. The Advisory Panel and Sub-panels are accountable to and report to the Council. The Chair may change any Advisory Panel Chair after consultation with the Executive and Budget Committee, and may remove any advisory panel member with the concurrence of the Council Members from the representative areas.

Advisory Sub-panels shall have representation from user groups and interests concerned with management of the fishery for which a plan is being prepared or reviewed, including fair representation of commercial fishing interests in the Council's geographical area of authority. The functions of the Sub-panels shall be to advise the Council on fishery management problems; to provide input to the fishery management planning efforts; and to advise the Council on the content and effects of management plans, amendments, and, pre-season and in-season management measures.

The basic criteria for AP membership is interest in the fishery; at least one year of fishing, processing, marketing, commercial, recreational or subsistence experience; and a willingness to participate. Membership is limited to 48 members but can be modified by the Chair after consultation with the Executive and Budget Committee. Subpanels shall consist of membership as follows, although members may serve on two or more subpanels:

Samoa Arcipelago	8
Marianas Archipelago	16
Hawaii Archipelago	8
Pelagics Ecosystem	16

The category of "Interested Party" consists of those individuals who are not on the Advisory Panel, but who receive notices of specific committee meetings. These individuals are not reimbursed for expenses when they attend meetings. This category was established to avoid excessively large subpanel lists and to keep costs at reasonable levels.

#### **FISHING INDUSTRY ADVISORY COMMITTEE\*\***

The Western Pacific Regional Fishery Management Council shall establish a Fishing Industry Advisory Committee in accordance with MSRA section 302(g) that includes representation from various fishing sectors from the Western Pacific Region. Members of the Committee shall be selected by the Council and shall serve four year terms. Fishing Industry Advisory Committee Chairs for each island area shall be appointed by the Council Chair after consultation with the Executive and Budget Committee. The Advisory Committee is accountable to and reports to the Council. The Council Chair may change any Fishing Industry Advisory Committee Chair after consultation with the Executive and Budget Committee, and may remove any Fishing Industry Advisory Committee member with the concurrence of the Council Members from the representative areas.

Fishing Industry Advisory Committee shall have representation from industry user groups concerned with management of the fishery for which a plan is being prepared or reviewed, including fair representation of fishing industry interests in the Council's geographical area of authority. The functions of the Fishing Industry Advisory Committee shall be to advise the Council on fishery management problems; to provide input to the fishery management planning efforts; and to advise the Council on the content and effects of management plans, amendments, and, pre-season and in-season management measures.

The basic criteria for Fishing Industry Advisory Committee membership is interest in the commercial fishery; at least one year of commercial fishing, processing or marketing experience; and a willingness to participate. Membership is limited to 10 members but can be modified by the Chair after consultation with the Executive and Budget Committee. Subpanels shall consist of membership as follows, although members may serve on two or more subpanels:

Samoa Archipelago	10
Marianas Archipelago	10
Hawaii Archipelago	10
Pelagics Ecosystem	10

#### **FEP PLAN TEAMS**

A Plan Team shall be established by the Council for each geographic management area. Plan Teams shall be working teams of Federal, State and non-government specialists. Members of the Plan Teams shall be appointed by the Council. The Chair of each Plan Team shall be appointed by the Council Chair after consultation with the Executive and Budget Committee. The Team Chair will report its team's findings to the Council.

#### **REGIONAL ECOSYSTEM ADVISORY COMMITTEE**

The Western Pacific Regional Fishery Management Council shall establish a Regional Ecosystem Advisory Committee. The primary role of the REAC is to provide a forum for government agencies, organizations and other entities to share information to better integrate and coordinate ocean and coastal management. Sub-committees for each area will be created with members that include representation from the Council, various Federal, State and local agencies, non-government specialists and private business from each respective area. Members of the REAC shall be appointed by the Council. The Chair of each area sub-committee shall be appointed by the Council Chair after consultation with the Executive and Budget Committee.

#### **MEETINGS OF SCIENTIFIC AND STATISTICAL COMMITTEE, ADVISORY**

## **PANELS AND COMMITTEES, PLAN TEAMS AND THE REGIONAL ECOSYSTEM ADVISORY COMMITTEE**

- A. Frequency. The Scientific and Statistical Committee, Advisory Panels, and the FEP Teams shall meet at the request of the respective Committee Chair, with the approval of the Council Chair or Executive Director, as often as necessary to fulfill their responsibilities.
- B. Public Notification. Timely notices of each meeting will be published in the Federal Register. Advance notice will be given in the local media with the time and place.
- C. Participation. The respective Committee shall receive comments from members of the public on issues under consideration. At the discretion of the respective Committee's Chair, testimony may be limited.
- D. Minutes. A record of each committee meeting shall be kept and shall contain a record of the persons present, an accurate description of matters and conclusions reached, and copies of all statements filed.
- E. Closed Meetings. Any meeting or portion thereof must be closed that concerns information that bears a national security classification. Any meeting or portion thereof may be closed that concerns employment matters or briefing on litigation in which the Council is interested, or that concerns matters or information that pertains to unclassified national security matters.

## **OTHER ADVISORY GROUPS**

The Council may establish other advisory panels as necessary and appropriate to assist it in carrying out its statutory functions, as provided under section 302(g)(2). The nature of the meetings will be publicized as appropriate.

## **SEA TURTLE ADVISORY COMMITTEE**

The Western Pacific Regional Fishery Management Council shall establish a Sea Turtle Advisory Committee. Members of the Advisory Committee shall be selected by the Council and serve *four year terms*. An Advisory Committee Chair shall be appointed by the Council Chair after consultation with the Executive Committee. The Chair may change or remove any member of the Advisory Committee after consultation with the Executive and Budget Committee. The Committee shall provide the Council with recommendations on sea turtle research, monitoring and policy development.

## **MARINE MAMMAL ADVISORY COMMITTEE**

The Western Pacific Regional Fishery Management Council shall establish a Marine Mammal Advisory. Members of the Advisory Committee shall be selected by the Council and serve *four year terms*. An Advisory Committee Chair shall be appointed by the Council Chair after consultation with the Executive and Budget Committee. The Chair may change or remove any member of the Advisory Committee after consultation with the Executive and Budget Committee. The Committee shall provide the Council with recommendations on marine mammal research, measures to minimize interactions with fishing gear, monitoring and policy development.

### **SOCIAL SCIENCE RESEARCH COMMITTEE**

The Western Pacific Regional Fishery Management Council shall establish a Social Science Research Committee. Members of the Advisory Committee shall be selected by the Council and serve *four year terms*. An Advisory Committee Chair shall be appointed by the Council Chair after consultation with the Executive Committee. The Chair may change or remove any member of the Advisory Committee after consultation with the Executive and Budget Committee. The Committee shall provide the Council with recommendations on social science research and policy development.

### **DEMONSTRATION PROJECTS ADVISORY PANEL**

The Western Pacific Regional Fishery Management Council shall establish a Demonstration Projects advisory panel as required under section 302(g) of the Magnuson-Stevens Act to evaluate and determine the relative merits of and annually rank applications for Community Demonstration Project grants. The Demonstration Projects AP shall consist of not more than 8 individuals who are knowledgeable or experienced in traditional indigenous fishery practices of western Pacific communities and who are not members or employees of the Western Pacific Fishery Management Council. Members shall be appointed by the Council for two-year terms expiring December 31st in even-numbered years. Members may be removed or reappointed to subsequent terms at the pleasure of the Council chair, after consultation with the Executive and Budget Committee. Vacancy appointments shall be for the remainder of the unexpired term of the member whose seat was vacated. New members shall be appointed or existing members shall be reappointed to the AP by the Council chair, after consultation with the Executive and Budget Committee.

The CDPP Advisory Panel is an ad hoc body of the Council and as such the Council or their designee will review, discuss and may modify recommendations of its advisory panels before transmitting the recommendations to NMFS/PIRO for secretarial review and approval.

### **COMMUNITY DEVELOPMENT PROGRAM ADVISORY PANEL**

The 1996 Magnuson-Stevens Act authorizes the Western Pacific Regional Fishery Management Council and the Secretary to establish a western Pacific community development program for any fishery under the authority of the Council in order to provide access to such fishery for western Pacific communities that participate in the program. The Council shall establish a Community Development Program Advisory Panel to advise the Council in the development and administration of this program. The Advisory Panel shall consist of not more than 12 individuals who shall be appointed by the Council for *four-year terms* expiring December 31st in even-numbered years. Sub-panels for each area will consist of members that are knowledgeable, actively engaged or experienced in community ocean activities or traditional indigenous fishery practices in their respective areas. The Chair of each area sub-panel shall be appointed by the Council Chair after consultation with the Executive and Budget Committee.

Members may be removed or reappointed to subsequent terms at the pleasure of the Council chair, after consultation with respective island areas and the Executive and Budget Committee. Vacancy appointments shall be for the remainder of the unexpired term of the member whose seat was vacated. New members shall be appointed or existing members shall be reappointed to the AP by the Council chair, after consultation with the Executive and Budget Committee. Panel members can not be Council members or employees of the Western Pacific Fishery Management Council.

### **PRACTICES AND PROCEDURES FOR PLAN DEVELOPMENT**

The Western Pacific Regional Fishery Management Council has established the following practices and procedures for Fishery Ecosystem Plan development.

- A. Work Plans/Scoping. The Council staff, in consultation with NMFS, shall be responsible for FEP work plans, the FEP scoping process, and will work on FEPs, amendments and associated documentation with the Teams.
- B. Team's Responsibility in Drafting Plans or Amendments. The Teams and the Council staff will work together on the draft of ecosystem plans or amendments, and necessary monitoring and reports under the direction of the Council. The Executive Director shall assign lead responsibility for major tasks. Contractors and consultants will be used as appropriate. The Scientific and Statistical Committee and Advisory Sub-panels shall advise the Teams ("teams" include use of Council staff, contractors, or consultants) and the Council on the adequacy of data and the analysis of alternatives and their effects. The Council shall decide if the plan or the amendment is to be modified and the Teams shall comply with Council directives.
- C. Public Participation. The Council will provide opportunities for public input and comments, including hearings when necessary on Plan activities as required by the FEPs and the Magnuson-Stevens Act.

## **COUNCIL POLICIES AND PROCEDURES**

### **DIVISION OF RESPONSIBILITIES**

- A. Purpose. To establish a clear understanding of the respective roles and responsibilities of the Western Pacific Regional Fishery Management Council (WPRFMC, also called Council), the Pacific Islands Regional Office (PIRO) of the National Marine Fisheries Service (NMFS) and the Pacific Islands Fisheries Science Center (PIFSC) of NMFS, so that collaboration may proceed smoothly and without confusion, conflict or duplication of effort.

The work of the Council must be carried on in close cooperation with the PIRO and the PIFSC if the objectives of the Magnuson Stevens Fishery Conservation and Management Act (MSA) are to be attained in the Western Pacific Region.

- B. Fishery Plan Preparation. The preparation of Fishery Ecosystem Plans (FEP) and amendments is primarily the responsibility of the Council. The Council, as necessary, will employ temporarily or contract for the services of individuals and firms or other agencies to compile and analyze the required information, draft plans, type manuscripts, prepare drawings, and copy and circulate the resulting documents. The PIFSC will detail its personnel and make its equipment and facilities available to assist in this work without charge to the Council. Staff of the PIRO and the PIFSC will, at the Council's request, be available to review Fishery plans and amendments plans in process and advise concerning their quality and adequacy.

- C. Mailing for Review of FEP's and Amendments: Following are the specifications to be followed in sending FMP's and amendments for review:

1. Transmittal letter and one (1) hard copy and an electronic copy of the documents to the Regional Administrator.

Regional Administrator  
National Marine Fisheries Service  
Pacific Islands Regional Office  
1601 Kapiolani Blvd. #1110  
Honolulu, HI 96814

2. Three (3) copies to the Director of the Pacific Islands Fisheries Science Center.
3. One (1) copy each to the following departments for CZM consistency review:

Director  
Department of Business and Economic Development  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804

Director  
Bureau of Planning  
Government of Guam  
Agana, Guam 96910

Director  
Development Planning Office  
American Samoa Government  
Pago Pago, American Samoa 96799

Director  
Coastal Resources Management Office  
P.O. Box 10007  
Second Floor Morgen Building, San Jose  
Saipan, MP 96950

4. Additional copies are sent to other agencies, organizations, industry, fishermen and other resource users as appropriate.
- D. Environmental Impact Statements  
The preparation of Environmental Assessments and Environmental Impact Statements to accompany FEPs and amendments are generally the responsibility of the Council. The Council may employ or contract with individuals or firms to draft such documents.
  - E. Economic Analysis. All FEPs and amendments prepared by the Council will include an analysis of the economic impacts of the recommended management measures and alternative measures. Appropriate guidance for preparation of the economic analysis will be provided.
  - F. Regulations. The Council will draft regulations to implement its FEPs. The PIRO may assist the Council with drafting regulations, as appropriate. Preparing the regulations in final form for consideration in Washington, D.C. and preparing a formal regulatory analysis, if required, will be the responsibility of the PIRO.
  - H. Deeming Proposed Regulations. When the Council takes final action on a regulatory action, the Council shall state in its motion:
    - a. The Council deems proposed regulations that clearly and directly flow from the provisions of the motion to be necessary and appropriate in accordance with section 303 (c); and
    - b. The Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions.



- I. Public Hearings. The holding of public hearings on Fishery Ecosystem Plans and their accompanying NEPA documents is the joint responsibility of the Council and the PIRO. The hearings will be jointly presided over and the costs, if any, will be shared approximately equally.
- I. Research. Biological and social economic research, resource surveys and experiments are primarily the responsibility of the PIFSC. The Council will seek to fund such work only in circumstances where the results are urgently needed for preparation or modification of a Fishery Ecosystem Plan or amendment, and only after ascertaining that there is no possibility that the work can be done in time by the PIFSC, HIMB, Sea Grant or any other research agency/organization.
- J. Observers. If observers placed aboard foreign or domestic fishing vessels, whether on a voluntary basis or as required by regulations, are primarily engaged in biological research, their employment and supervision are the responsibilities of the PIRO. The Council will employ observers only when the PIRO requests its assistance because of its inability to cover requirements for acquiring data needed for FEP's.
- K. Fishery Development. The Council will make every effort to see that its Fishery Ecosystem Plans and amendments allow for the maximum opportunity to develop new fisheries and expand existing fisheries, consistent with conservation of the resources and avoidance of economic disruption. The Council will advise the PIRO of opportunities for development and expansion of fisheries in the region and will inform the PIRO of the Council's views on the relative priorities of fisheries for Federal development assistance. The Council will review and comment on NMFS fishery development plans and projects. The Council may be represented on fishery development boards. The Council will provide for fisheries development in the Marine Conservation Plan that is supported through the Western Pacific Sustainable Fisheries Fund.
- L. Consultation. The PIRO and the PIFSC will consult with the Council each year concerning their planned programs of research and development in the region. Every effort will be made to schedule such consultations far enough in advance of final decisions on the programs to allow for consideration of the Council's views and recommendations. The Executive Director will be invited to the annual review of programs of the PIFSC.
- M. Appeal. If a disagreement between the Council and the PIRO concerning responsibility for carrying out a given activity, or the necessity or priority of an activity cannot be reconciled, the Council will appeal its position to the Undersecretary and Administrator of NOAA or the Assistant Administrator for Fisheries, as the Council deems appropriate.

- N. Budgets. The Council is responsible for preparing its own administrative and programmatic budgets, which the PIRO forwards to NOAA Grants Management for approval. The Council is also responsible for preparing grant applications and justifications for its programmatic projects, which are subject to review and approval by NMFS.

### **COMMUNICATION WITH FEDERAL, STATE OR OTHER AGENCIES/ORGANIZATIONS**

**a. Background**

In the course of business with Federal agencies that have formal relationships with this Council, only designated individuals shall carry on formal communication. If each staff person and Council member were to communicate individually with Federal agencies, there would be chaos and gross duplication of effort. It is the Council Chair's responsibility to provide a channel of communication through the Executive Director for Council business between the Council and Federal or State or any other agencies/organizations. It is the Chair's responsibility to provide complete and accurate reports of such communication to the Council and to staff members.

**b. Policy**

It is not appropriate for staff or Council members to communicate directly with any Federal or State or any other agency regarding Council business. All requests for such communications should be routed through the Chair or the Executive Director. This policy will assure that the Council speaks with one voice and conducts business in an accountable fashion.

1. No communications will be sent on Council letterhead that have not been either signed by the Chair or the Executive Director or approved by the Chair or Executive Director for another Council member or staff member's signature.
2. Staff members will give all correspondence to the Executive Director (or her designee in her absence) for signature.
3. Council members will give all correspondence to the Chair for signature.

**c. Requests from Federal and State Legislators**

Copies of all correspondence from federal, state, and territory legislators, and all Council responses, will be maintained to the extent required by OMB Circular A-122. Responses to requests for testimony or comment on pending legislation shall be promptly coordinated with the NOAA Office of General Counsel, Pacific Islands Section.

### **ESSENTIAL FISH HABITAT CONSIDERATION PROCEDURES**

The Council will review and make recommendations on Federal or state actions that may adversely affect the essential fish habitat (EFH) of species managed under its authority. Since Federal and state actions often follow specific timetables that may not coincide with scheduled Council meetings, the Council may follow abbreviated procedures for developing recommendations. Any proposed Federal or state actions impacting EFH requiring prompt

consideration from the Council will be distributed to Council members for review and comment. The Council chair, or his/her designee (i.e., the executive director), will review Council member comments and formulate recommendations to respond to the proposed action.

### **ADMINISTRATIVE MANAGEMENT SYSTEM**

Each Council's grant activities are governed by 2 CFR Part 215, 2 CFR Part 230, 15 CFR Part 14, and OMB Circulars A-122 and A-133 (Audit of States, Local Governments, and Non-Profit Organizations), which provide uniform administrative requirements applicable to the Western Pacific Regional Fishery Management Council, including standards for financial management, financial reporting, property management, and procurement. The Council will operate in full compliance with these standards, as amended.

- A. Conflict of Interest. Appointed public Council members, *SSC members* and administrative employees are subject to Federal laws and regulations concerning bribery and conflicts of interest. Appointed Council Members are required to report their financial interests in harvesting, processing and marketing activities, according to 50 CFR 600.235. Council members must recuse themselves from voting on matters that would have a significant and predictable effect on the financial interests reported as specified in 50 CFR 600.225 and 600.235. To the extent that interests are reported under 50 CFR 600.235, Council Members are exempt from 18 U.S.C.208.

Procedure for financial disclosure:

1. Council staff will send NOAA Form 88-195 to appropriate individuals informing them of the requirement and deadline for submitting the completed form.
  2. Administration will maintain and update at regular intervals a file on financial disclosure of those individuals named in Part 601.37.
- B. Procurement Procedures. The Council will follow OMB Circular A-122 and 15 CFR Part 14, as amended
- C. Property Management System. The Council will follow OMB Circular A122 and 15 CFR Part 14, as amended.
- D. Accounting and Budgetary Control Procedures. The Council's accounting and budgetary control system will be maintained in compliance with the U.S. Department of Commerce/NOAA General Provisions and Special Conditions which are included in the cooperative agreements for funding the Council's administrative and programmatic needs. A summary of the financial system follows:
1. Formal Books of Accounts. A cash receipts and disbursements journal, a general journal and a general ledger will be maintained to record financial transactions.

2. Chart of Accounts. The following general account number structure will be followed in recording financial transactions of the Council: Assets; Liabilities; Revenues; Expenses.
  3. Financial Reports and Performance Reports. The Council will provide financial and performance reports as required by NOAA and OMB Circular A-110.
- E. Travel Policies and Reimbursement Procedures. The Council follows the GSA Travel Regulations, as amended. To ensure proper accounting of Council funds, the Council will pay per diem costs to eligible meeting participants by check or money order to the extent practicable. The Council pays for coach fare; unless otherwise approved in writing in advance of the travel, the additional cost of a higher class ticket is at the individual's own expense. Justification for other than coach fare is listed in the GSA Travel regulations. For foreign travel, refer to the Fly America Act.

Travel Procedures as well as how to file your travel claim are listed in the Council's travel guideline handout this is attached to the travel order given to the traveler.

Attachments: Travel Advance Request  
Travel Guidelines  
Travel Order Log  
Travel Order/Voucher  
Travel Request

The current guidelines for reimbursing individuals are as follows:

1. All non-federal members of the Council, Scientific and Statistical Committee, Advisory Panels, Plan Development Teams, staff and special consultants performing authorized services for the Council shall normally be entitled to reimbursement subject to per diem limits established by the GSA Travel Regulations.
  2. Foreign travel must be approved in advance by the NOAA Grants Officer. Approval must be requested at least fifteen (15) days before the travel is to take place. Foreign travel itemized in the Council's budget as approved is presumed to be approved.
- F. Standards for Compensation and Other Personnel Actions. Salary and wage administration, fringe benefits, hours of work, etc. for the Council staff are described in the Western Pacific Fishery Management Council's Administrative Handbook.
- G. Council Member Compensation. In accordance with the provisions of MSRA, section 302(d), the voting members of the Council who are appointed by the Secretary of

Commerce and not employed by the Federal Government or any state or local government (that is, anyone who does not receive compensation from any such government for the period when performing duties as a Council member) will be compensated.

Non-government Council members may receive compensation for:

1. Days spent in actual attendance at a meeting of the Council or jointly with another Council.
  2. Meetings of Standing and Ad Hoc Committees of the Council when the meetings are approved in advance by the Council or by the Chairman between Council meetings.
  3. Individual member meetings with scientific and technical advisors when approved in advance by the Council or Executive and Budget Committee.
  4. Conducting or attending hearings when authorized in advance by the Council or Executive and Budget Committee.
  5. Other meetings involving Council business when approved in advance by the Council or Executive and Budget Committee.
  6. Meetings with the Executive Director.
  7. Council members may waive compensation for any of the above.
- H. SSC and Advisory Panel Stipends. In accordance with the provision of MSRA, Section 301(g)(1)(a) or 302(g)(2) and subject to the availability of funds, the Council may pay a stipend to members of the Scientific and Statistical Committees or Advisory Panels who are not employed by the Federal Government or a local marine fisheries agency.
- I. Confidentiality of Statistics. The Council has adopted procedures in compliance with 50 CFR 600.130 and 50 CFR part 600, subpart E to ensure the confidentiality of the statistics that may be submitted to it by Federal or State authorities and may be voluntarily submitted to it by private persons, including, but not limited to, procedures for the restriction of Council member, Advisory Panel, Plan Team, SSC and employee access and the prevention of conflicts of interest; except that such procedures in the case of statistics submitted to the Council by a State are consistent with the laws and regulations of the State concerning the confidentiality of such statistics.
- J. Security Clearance. Security clearances for Council members and staff, as appropriate, will be requested and processed according to the instructions and procedures set forth in

50 CFR 600.240. The Department of Commerce will issue security assurances to Council nominees and members following completion of background checks. Security assurances will be valid for 5 years from the date of issuance. A security assurance will not entitle the member to access classified data. In instances in which Council members may need to discuss, at closed meetings, materials classified for national security purposes, the agency or individual providing such classified information will be responsible for ensuring that Council members and other attendees have the appropriate security clearances.

The following forms are available online at [www.osec.doc.gov/osy](http://www.osec.doc.gov/osy) and must be filled out authorizing the Agency to conduct a background investigation. Council members must fill out Questionnaire for Non-Sensitive Positions (SF-85), Declaration for Federal Employment (OF-306), and submit two completed fingerprint cards (FD-258s). In addition to completing the forms, members must provide two acceptable documents of identification (I-9). Individuals may have their fingerprints taken at their local police department or at the personnel/security office of any Federal agency willing to provide the service. Any member whose assurance is due to expire, will need to complete the above forms and submit to the executive director of the council who will then forward to NMFS for processing.

- K. Record-keeping. Record-keeping shall conform to 15 CFR 14 and 50 CFR 600.150. The Council is required to maintain documents generally available to the public on its Internet site for immediate download at <http://www.wpcouncil.org>. Documents for posting must include: fishery ecosystem plans and their amendments for the fisheries for which the Council is responsible, drafts of fishery ecosystem plans and plan amendments under consideration, analysis of actions the Council has under review, minutes or official reports of past meetings of the Council and its committees, materials provided by the Council staff to Council members in preparation for meetings, and other Council documents of interest to the public. For documents too large to maintain on the Web site, not available electronically, or seldom requested, the Council shall provide copies of the documents for viewing at the Council office during regular business hours or by mail, as specified below.
- L. Disposition of Records. Council records must be handled in accordance with Department of Commerce and NOAA records management office procedures. The Council will abide by the terms of the NOAA Records Management Guide; the NOAA Records Disposition Handbook; and the following records management authorities: NAO 205-1 NOAA Records Management Program; DAO 205-1 Records Management; Federal Records Act of 1950; 44 U.S.C. Chapter 31 Records Management by Agency Heads; 44 U.S.C. Chapter 33 Disposal of Records; and 44 U.S.C. § 101 Federal Management and Promotion of Electronic Government Services

All records and documents created or received by Council employees, while in active duty status, belong to the Federal government. When employees leave the Council, they may not take the

original or file copies of records with them. Before any records are disposed of, Council members and employees will coordinate with the NOAA records management office.

- M. Requests for Public Records. Documents available for public inspection at the Council offices include the following: approved minutes, public briefing documents, reports and sign-in sheets from Council, Advisory Panels, Plan Teams, Regional Ecosystem Advisory Committee, Scientific and Statistical Committee and Other Council Ad Hoc Committees.

Members of the public wishing to review any of these documents may call (808-522-8220) or write to the Council office at 1164 Bishop Street, Suite 1400, Honolulu, HI, 96813 to schedule an appointment. Requests should identify the name of the individual, the specific records to be reviewed, and provide a contact number. The Council will ordinarily respond to a request within 10 business days. Reasonable restrictions may be placed upon the number of visitors and visiting hours to the extent necessary to facilitate Council operations. Members of the public wishing to obtain copies of these records should follow the procedures for submitting a Freedom of Information Act request, as set forth below.

- N. Freedom of Information Act. Requests for copies of records maintained by the Council will be processed in accordance with the requirements of the Freedom of Information Act and Department of Commerce regulations set forth in 15 CFR Part 4. Requests must be addressed to NMFS and may be sent to the following:

NOAA FOIA Officer  
1305 East-West Highway, Suite 8536  
Silver Spring, MD 20910-3281

FOIA requests received by the Council will be promptly forwarded to the appropriate NMFS Regional Office. The Regional Office will forward the request to the NMFS FOIA Officer so that the request can be logged into a centralized database and assigned a tracking number. The FOIA Officer will execute a CD-244, "FOIA Request and Action Record," which will include the tracking number and the due date. A search for responsive documents must begin immediately upon receipt of the search tasker from the FOIA office. All responsive documents must be reviewed for disclosure on a line-by-line basis, and segregable portions must be released. Council members may make recommendations regarding potential exemptions to be asserted; however, only a Federal employee can make a disclosure determination. The original documents must be retained by the originating office. Copies of the responsive records must be provided to the FOIA office, in accordance with the instructions on the tasker, and redacted and unredacted versions will be maintained by that office in accordance with DOC policy.

The Region will obtain clearance from the NOAA General Counsel's Office concerning the initial denial of requested information. In the event the Regional Office determines that requested

information is exempt from disclosure, in full or in part, under the FOIA, the denial letter prepared for the Assistant Administrator's signature and a list of the documents to be withheld must be cleared through the NMFS FOIA Officer. Upon completion, a copy of the signed CD-244 and cover letter transmitting the information should be provided to the NMFS FOIA Officer and the NOAA FOIA Officer.

Any fees collected from requesters are transferred to the U.S. Treasury, and the Council does not recover its costs.

Additional information concerning the NMFS FOIA program is available at the Pacific Islands Region website at: [www.fpir.noaa.gov](http://www.fpir.noaa.gov).

### **VARIATIONS FROM THESE GUIDELINES**

The Council may deviate, where lawful, from the guidelines described in this SOPP with appropriate supporting rationale and consistent with 50 C.F.R. § 600.115.