

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: November 27, 1991

SUBJECT: AP, SSC, Pacific Northwest Crab Industry Advisory Committee (PNCIAC)
Memberships

ACTION REQUIRED

Approve memberships of the Advisory Panel, Scientific and Statistical Committee and PNCIAC.

BACKGROUND

The AP Nominating Committee will review nominations to the Advisory Panel and the PNCIAC and forward their recommendations to the Council. The twenty AP members serve a one-year term and may be reappointed. The Council's AP policy is under item C-7(a). The PNCIAC will have nine members from Washington and Oregon who will serve for two years. Item C-7(b) explains the committee and its operations.

The Council also needs to approve SSC memberships. There are eleven seats on the SSC and members serve one-year terms and may be reappointed.

December 13, 1988

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Policy on Advisory Panel Structure and Operations*

The North Pacific Fishery Management Council appoints an Advisory Panel of recognized experts from the fishing industry and several related fields.

Recognizing that to best serve the Council the AP should represent a variety of gear types, industry and related interests as well as a spread of geographic regions of Alaska and the Pacific Northwest having major interest in the fisheries off Alaska; and

Recognizing that the Council relies on the AP for comprehensive industry advice on how various fishery management alternatives will affect the industry and local economies, on potential conflicts between user groups of a given fishery resource or area, and on the extent to which the United States will utilize resources managed by the Council's fishery management plans; and

Recognizing that gear conflicts and allocations will be the issue of greatest concern for the next few years;

The Council approves the following with respect to its Advisory Panel's structure and operations:

Size

The AP will consist of 20 members. However, the Council will not necessarily keep all seats filled. This arrangement should allow sufficient flexibility in funding so the Council can invite as necessary other individuals with particular expertise to work with the AP on an ad hoc basis.

Qualifications

The Council will give highest priority to the following considerations when selecting AP members:

- (1) Of paramount importance is the demonstrated ability of the candidate to be objective and to consider all aspects of an issue.
- (2) The AP members should be of top quality and caliber and be committed to full and active participation for each meeting during their term.
- (3) The candidate should be considered because of the experience he/she brings to the Council rather than his/her political clout or connection.
- (4) The candidate should be an active, involved member of his/her community and business to ensure the best and most pertinent input into the Council and likewise be responsible and diligent in reporting Council decisions and concerns back to his/her community/business.

*Approved by the Council in December 1988.

- (5) The AP membership should represent a broad geographic spread both for Alaska and the Pacific Northwest. Representation for the three states should be in the same proportions as those of the voting membership of the Council. However, recognizing that issues and priorities will change, the Council cautions that no seat is reserved for a particular area.
- (6) The AP membership should represent a variety of interests within the fishing industry and other related fields. While it is hoped that major gear types from the harvesting sector will be broadly represented, as with geographic representation, no particular seat is guaranteed to a gear type or fishery.
- (7) In addition to the above mentioned interests, the AP will include representatives having an interest in recreational fishing, environmental concerns, and consumer/marketing issues.

Note: It is expected that as the issues and concerns of the Council change and evolve so, too, will the profile of the membership of the AP.

Terms

To allow maximum flexibility in making appointments, AP members will serve for one-year terms beginning with the first meeting each calendar year. All members will be appointed by and serve at the pleasure of the Council and may be reappointed to subsequent terms. Persons wishing to serve on the Advisory Panel may submit their names with a short resume to the Executive Director who will keep for the calendar year a list of candidates at the Council headquarters. Resumes and requests to serve will not be retained after the annual appointment process. The Council may use this list of candidates in choosing Panel members to fill full-year terms or interim vacancies, but may also solicit individuals not on the list if a particular combination of experience and expertise is deemed desirable. The Council Chairman is authorized to remove members from the Panel and to fill interim vacancies on the AP subject to confirmation by the Council at the next regular meeting. Interim appointments are for the remaining unexpired term of the vacancy.

Members of the Panel serve without compensation. They may be paid their actual expenses for travel and per diem incurred in the performance of their duties during the days in which the panel is in session, except for the chairman or vice-chairman when necessary. Security clearances for Panel members are requested as necessary.

Operations

The Chairman and Vice-Chairman of the AP are nominated for one-year terms by the Panel from among its members and are confirmed by the Council.

The Panel meets as a whole, or in part, at the request of the Chairman of the Panel with approval of the Chairman of the Council, as often as necessary to fulfill the Panel's responsibilities, taking into consideration time and budget constraints. Panel members are expected to participate fully at these meetings and poor attendance will be cause for a member being removed.

In addition, the Panel, or members thereof, will attend Council meetings at the request of the Council Chairman to advise the Council on particular fisheries problems. Panel members will also attend public hearings on Council-related activities, as requested by the Council Chairman. Expenses will be approved for any such attendance requested by the Council Chairman.

The Panel will set up such workgroups as the Chairman of the Panel and the Council deem necessary to carry out the Panel's duties. Additional members outside the Panel may be added to these workgroups as deemed appropriate by the Council Chairman.

The Council or the Council Chairman may assign the agenda topics for the Advisory Panel to discuss at its meetings. These topics will not normally include all items on the Council's agenda, but the AP may consider any topic or issue it deems important to bring to the Council's attention, time permitting. The panel members should be given sufficient advance notice of these topics to allow adequate preparation before the meeting.

The Advisory Panel Chairman or designee will be responsible for reporting the Panel's recommendations to the Council. This report should focus on the full discussion of the pros and cons of the issues in addition to the results of any vote that was taken, including minority reports which are signed by more than one member and submitted in writing.

The Executive Director of the Council shall, upon request of the Chairman of the Panel, provide such staff and other support as the Council considers necessary for Panel activities, within budgetary limitations.

**Pacific Northwest Crab Industry
Advisory Committee Framework**

SEPTEMBER 1989

ADVISORY COMMITTEES

WHAT ARE ADVISORY COMMITTEES?

Advisory Committees were created in 1959 to provide local public input into the regulatory process of the Boards of Fisheries and Game. As of March 1983, there were 72 fish and game advisory committees statewide.

WHAT ARE THE ADVISORY COMMITTEE'S RESPONSIBILITIES?

A special means of access to the Bering Sea/Aleutian Islands king and Tanner crab regulatory process for nonresidents of Alaska will be provided through an advisory committee. This Pacific Northwest Crab Industry Advisory Committee (PNCIAC) shall be sanctioned by and operate under the auspices of the Council. This is necessary because State law does not provide for the formation of a Board advisory committee located outside the State. This PNCIAC shall be recognized by the State as occupying the same consultative role on preseason and inseason management measures as all other existing State of Alaska Fish and Game Advisory Committees, no more and no less. The Council shall establish general guidelines and membership qualifications for the advisory group which shall be substantially similar to those guidelines established by the State pertaining to existing advisory committees. Within this framework the advisory committee shall establish its own by-laws and rules of procedure.

The PNCIAC shall be industry funded, but may request staff support from the Council, NMFS, and ADF&G as needed.

The PNCIAC shall meet at appropriate times and places throughout the year to review and advise the State and the Council on crab management issues, stock status information, and biological and economic analyses relating to the Bering Sea/Aleutian Islands king and Tanner crab fisheries.

In addition, the PNCIAC shall report to the Council on any relevant crab management issue by filing reports as appropriate. The Council will also review reports as appropriate from other crab advisory committees that normally report to the Board. The PNCIAC shall review and advise the State on proposed preseason management measures. During the fishing season, the PNCIAC, on the same basis as any other board advisory committee, shall monitor ADF&G reports and data, may recommend to ADF&G the need for inseason adjustments, and may advise on decisions relating to inseason adjustments and "emergency-type" actions.

The PNCIAC may request review of any relevant matter to the Crab Interim Action Committee and may bring petitions and appeals in its own name pursuant to Chapters 9 and 10 to the Bering Sea/Aleutian Islands King and Tanner Crab Fishery Management Plan, as may any other Board advisory committee.

A quorum must be established before a committee can conduct business. A quorum is a majority of the committee members. For example, if your committee has ten members, then six must be present to conduct business.

Committees should hold meetings at least twice a year to comply with Joint Board regulations. The best time to hold meetings is when the boards call for regulatory proposals, and after members have received copies of the proposed changes.

HOW DO COMMITTEES SUBMIT PROPOSALS TO THE BOARD?

A proposal will be accepted if it is received by the published proposal deadline and is a subject that is open for consideration. A proposal cannot be considered if it is not listed in the legal notice of subjects open for discussion. When committees meet to formulate regulatory proposals to the Board they should:

1. Be clear and concise when wording the proposal. For instance, instead of saying "change the season for king crab" say "change the season for king crab to April 1 - May 1." Or, to October 2" rather than "extend the trapping season in Unit 20D." It is important to specify what change you want.
2. Provide a valid justification for the proposal.
3. Use proposal forms provided by the Division of Boards (forms are available from the Alaska Department of Fish and Game).
4. Indicate whether the proposal is being submitted by an individual or on behalf of a committee or other organization.
5. Keep in mind the deadline for receiving proposals and allow time for mailing.

WHAT PROPOSALS SHOULD COMMITTEES COMMENT ON?

Committees may comment on any published proposal, but should limit their comments to those proposals that affect their own areas. When commenting on proposals, committees should state their reasons for opposing or supporting a particular proposal. Board members need to know why your committee supports or opposes a proposal, not simply that you do or do not.

CAN WRITTEN COMMENTS BE SUBMITTED AFTER THE COMMENT DEADLINE?

Yes. Because of the tight time frames involved in holding meetings, some committees are forced to meet after or very close to the comment deadline. That date, however, does not prelude anyone from making comments. The committee representative attending the Board meeting can bring the comments to the meeting and they will be copied and given to the Board members. If no one from your committee will be attending the meeting, the comments can be mailed to the hotel where the meeting is being held, or to the Division of Boards office in Juneau.

CAN COMMITTEES MEET FOR OTHER REASONS?

Committees may find it useful, if time permits, to hold a meeting after the Board meetings. This would give the committee representative who attended the Board meeting an opportunity to report back to committee members on any action taken by the Board that affects their area. Again, this would be an optional meeting, and should only take place if committee members are interested.

DO COMMITTEE MEETINGS HAVE TO BE ADVERTISED?

YES. To ensure maximum public participation in the process, meetings should be well advertised at least thirty days before the meeting and open to the public. In some circumstances, an emergency meeting of the advisory committee may preclude 30-day advance notice. A 24-hour announcement of a meeting is not enough notice. Committees can use a meeting notice published in the Federal Register, flyers posted around the community, association newsletters, radio public service announcements, and newspaper ads. It is important to be sure everyone has a chance to participate in advisory committee meetings. Meetings may be held by teleconference when appropriate.

HOW MANY MEMBERS CAN BE ON A COMMITTEE?

The Pacific Northwest Crab Industry Advisory Committee will consist of nine members from the states of Washington and Oregon and appointed by the Council.

The term for the PNCIAC will be for two years. Members absent for two consecutive committee meetings may be removed from the committee.

If possible, at least three user groups (i.e., one representative of crab harvesters, catcher/processor, processor/marketing sectors) should be represented on the committee.

WHAT ARE THE COMMITTEE OFFICERS' DUTIES?

Committee officers include a chair, vice-chair, and secretary.

The chair is the presiding officer of the committee and the main contact for information from the Division of Boards. The chair receives Board meeting agendas, notification of Board action on committee proposals, etc. The committee chair is responsible for forwarding information to committee members. For instance, if the chair will not be attending the Board meetings, meeting agendas should be given to the committee representative that will be attending.

The vice-chair assists the chair and assumes his or her duties when the chair is absent.

The secretary is the committee's record keeper. This includes keeping the minutes of meetings, recording attendance, and informing the Division of Boards and Council of any changes in membership. Officers are elected from the membership of the committee, with the exception of the secretary. The secretary does not have to be a member of the advisory committee. However, if the secretary is not an advisory committee member that person has no vote in committee business and cannot be counted to establish a quorum.

WHAT KIND OF RECORD SHOULD BE MADE OF COMMITTEE MEETINGS?

All committee business should be recorded in meeting minutes. The minutes are the only record of committee activity. It is extremely important that committee minutes be sent to the Division of Boards office when they are completed. Without this record of committee activity, the Board has no way of knowing that the committee is meeting and can only assume that it is not.

Minutes should show members present at and absent from meetings, any change in committee membership (new members or members to be deleted), any change in officers, and discussion taken

up at meetings. Minutes may be handwritten, but should be legible. Division of Boards staff will send copies of committee minutes to the appropriate State's regional Council members, Board members, and to the Council office.

WHO ATTENDS BOARD MEETINGS AND WHAT DO THEY DO?

The committee chair is invited to attend Board meetings. The chair may appoint another person to attend in his or her place; however, the appointee must be a member of the committee. It is important for a committee representative to attend the meetings to express the committee's views to the Board.

The representative tells the Board the committee's opinions on proposals when the Board is voting on proposals. It is very important to be clear and to the point when you are talking to the Board. The Board wants to know the reasons why the committee voted a certain way on a particular proposal, not simply what the vote was. If a committee submitted written comments, the Board members will have copies of those comments, so there is no need to read them. Board members want to hear what happened at the committee meeting during discussion of a particular issue, and what the public opinions expressed were. This is the kind of information that is most useful to Board members in helping them to make their decisions. Sometimes it may be helpful to give a brief history of a problem in your area to familiarize the Board members with the problem.

WHAT KIND OF FINANCIAL ASSISTANCE DO COMMITTEE MEMBERS RECEIVE?

None. Members of the PNCIAC will pay their own costs of attending meetings. Board, ADF&G, NOAA Fisheries, and Council staff will be available when necessary to assist the committee during its meetings.