

April 2021

# AP Handbook

*for members of the*

North Pacific Fishery Management Council's  
Advisory Panel



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# 1 Introduction

This handbook has been written to provide a more comprehensive reference manual for the Advisory Panel (AP), expanding on the Council’s Statement of Organization, Practices, and Procedures (SOPPs, dated 2020). It is also intended to increase efficiency of AP meetings and to provide additional information for new AP members. Section 2 of the handbook provides the overarching terms of reference for the AP. Sections 3 and 4 provide additional details and guidance on AP membership and AP meeting procedures. Section 5 provides guidance on AP member compensation, travel rules and reimbursement for expenses. Section 6 provides reference material on Council operations generally, as well as the Council’s decision-making process and the types of recommendations the AP provides. Finally, Section 6.5 provides the contact information for primary Council staff administrative contacts.

# 2 Terms of Reference

*From the Council SOPPs:* The Council has established, and maintains, a permanent fishing industry advisory committee (FIAC) under Sec. 302(g)(3), as required by the Magnuson-Stevens Fishery Conservation and Management Act. The Council’s FIAC is known as its ‘Advisory Panel’ (AP) and performs the functions of a section 302(g)(2) advisory panel.

The North Pacific Fishery Management Council appoints this Advisory Panel (AP/FIAC) of recognized experts from the fishing industry and several related fields, and which represents 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.

## Objectives and Duties

The Council relies on the AP for comprehensive 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.

The Council relies on the Advisory Panel to review potential Council management actions from the perspective of the various fishing industry sectors and stakeholders that are represented on the Advisory Panel. Because of the diverse membership of the Advisory Panel, Council members can feel confident that any potential concerns that may be felt by a sector or interest group will be highlighted through the AP discussion and report. As such, the Council often uses the AP motion as the starting point for considering what action to take on any given policy issue.

The Council also recognizes that AP members provide a direct link to fishermen, processors, communities, subsistence harvesters, and other stakeholders with interest in the ecosystems, fishing industry, and fishery management issues. For a diverse range of stakeholders, their first in-person interactions with the Council process occur at the AP, and the Council looks to the AP to recognize this diversity, to welcome participation, and to help promote the importance of public input, and accessibility and transparency in the process. Creating and maintaining a welcoming environment is achieved through their respectful consideration and treatment of diverse viewpoints by testifiers and other AP members. Members are also expected to communicate meeting discussions and the rationale for the decisions back to members of their community or associations.

### 3 AP Membership

*From the Council SOPPs:* The AP will consist of approximately 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. 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.

The Council's [website](#) identifies the current members of the AP, including a table identifying the representation of each member of the AP.

#### 3.1 Membership criteria

*From the Council SOPPs:* 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.
- 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 others with interests in maintaining and managing Council fisheries. 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.

#### 3.2 Appointment and reappointment process

*From the Council SOPPs:* AP members will serve for three-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 two subsequent consecutive terms. Appointments will be staggered to provide for the appointment of 1/3 of the membership of the AP each year.

A call for nominations to serve on the Advisory Panel will be issued after each October Council meeting, and announced on the Council website. Resumes and requests to serve will not be retained after the annual appointment process. The Council may use this list of candidates in choosing AP 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.

AP members serve at the pleasure of the Council and can be removed by a majority vote of the Council prior to the completion of a full 3-year term. Cause for removal may include, but is not limited to, change in affiliation or status or poor attendance. The Council Chair is authorized 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 or until the end of the calendar year.

Prospective AP members should submit a letter of interest and a resume in response to the Council's call for nominations in October. Prospective members may also choose to solicit and submit letters of support. The Council will review prospective members and appoint them as appropriate at the December Council meeting. AP terms are generally for 3 years, but the Council may also appoint members for a one or two year period, and the Council also has the flexibility to invite other individuals with a specific expertise as necessary to work with the AP on an ad hoc basis. The Council will announce the available vacancies on the AP, and their associated terms, in the call for nominations letter. The names of those who submit their nomination will be made public.

For members requesting reappointment, it is not necessary to resubmit a letter of interest or resume. Rather, AP members should respond to an email from the Council office identifying whether they would like to submit their names to be reappointed. Members may be appointed to serve a maximum of 3 consecutive 3-year terms. If an AP member is appointed to complete the remainder of a term that has been vacated, or is appointed to a 1- or 2-year special term, this participation does not count towards the three consecutive term limit.

### **3.3 Standards of Conduct**

AP members are expected to maintain a high standard of conduct, and act in a professional and courteous manner during AP meetings. The AP often addresses highly contentious issues, and members represent varied interests and perspectives on management policy advice. It is important to maintain a professional and collegial demeanor even during vigorous debate, and to be respectful both during public testimony and AP discussion.

AP members are prohibited from misusing government resources, Council information, or their affiliation with the Council. In other words, while it is acceptable to note your experience on the AP on your resume, you are prohibited from mentioning your AP affiliation on business cards, letters to editor, comment letters to the Alaska Board of Fisheries, etc. See Pages 6 and 7 of DOC/NOAA's [Rules of Conduct for Staff and Advisors of Fishery Management Councils](#).

Political campaigning or showing outward support for a political party or candidate for any election (e.g., wearing badges, buttons, pins, signs) is prohibited while the AP is in session<sup>1</sup>.

### **3.4 Attendance**

*From the Council SOPPs:* AP members are expected to attend all meetings and participate fully at these meetings including voting on each issue. Poor attendance will be cause for a member being removed. Generally, acceptable absences will be the result of or involve personal emergencies or unavoidable conflicts related to the member's area of expertise.

AP members are expected to attend all meetings and participate fully at these meetings. A record of daily attendance will be kept, and AP member attendance will be reviewed by the Council annually when making AP appointments. AP members wishing to be excused from a meeting, for personal emergencies or unavoidable conflicts, should contact the AP Chair, Council Chair, and Executive Director.

During a meeting, AP members are expected to be in the AP room when the AP is in session, rather than the Council or SSC room. If an AP member wishes to testify to the Council on an issue, the member should limit his or her time in the Council room waiting to testify (have someone let you know when your turn to testify is imminent). Additionally, AP members are expected to stay through the duration of the

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<sup>1</sup> In session means the time when the AP starts each morning until it adjourns in the evening (normally 8am-5pm daily), for the duration of the AP meeting.

AP meeting. If a member must leave before the meeting adjourns, he or she should email the AP Chair and the designated AP administrative staff.

### 3.5 Duties of Chair and Vice Chair(s)

*From the Council SOPPs:* The Chair and Vice Chair(s) of the AP are nominated for one-year terms by the AP from among its members and are confirmed by the Council.

The AP requires strong leadership, as the AP frequently addresses highly contentious allocation and conservation issues. The AP Chair and Vice Chair are elected among members of the AP for a one-year term, at the first meeting of the calendar year. Due to the workload involved, the AP may choose to elect two Vice Chairs, who can share duties during a single meeting.

The **AP Chair's** duties and responsibilities include, but are not limited to, the following:

- In consultation with the Executive Director and/or Deputy Director, establish an agenda and schedule for each meeting.
- Determine seating arrangement for AP members around the table.
- Officiate and conduct AP meetings in accordance with the AP terms of reference and the procedures outlined in this handbook.
- Provide leadership & ensure that AP members are aware of their obligations and that the AP complies with its responsibilities.
- Ensure there is sufficient time during the meeting to fully discuss agenda items, and address scheduling changes as needed.
- Ensure that discussion on agenda items is on topic, productive and professional.
- Approve AP minutes for final distribution after review.

The **AP Vice Chair's** duties and responsibilities include, but are not limited to, the following:

- Determine in advance who will be responsible for providing the oral report for each item to the Council, in consultation with the AP Chair.
- Keep records of AP motions, with assistance from the AP's Council staff.
- Keep a record of comments during deliberation to help with writing rationale and answering questions from the Council during oral reports.
- Edit or provide additional rationale bullets as needed to capture the AP deliberations on the issue.
- Ensure minutes are complete and accurate.
- As a designee of the AP Chair, present the AP report to the Council for assigned agenda items.

### 3.6 Duties of all AP members

The duties and responsibilities of **all AP members** include, but are not limited to, the following:

- Attend all AP meetings and stay through until the AP meeting adjourns.
- Arrive at the AP meeting prepared. Read the documents in advance so you understand the issue and are informed to effectively participate in the discussions.
- Act professionally during the meetings. Keep the discussions civil and respect others' viewpoints.
- Stay engaged, participate in the discussions, and vote on all issues.
- Make motions when appropriate. All motions must be written and include rationale when a motion is put on the table.
- Review draft AP minutes in a timely fashion when requested.

In addition to providing recommendations to the Council on fishery regulations, the AP provides several other important functions. Because AP members are a direct link to fishermen, processors, and others with interest in the fishing industry, members can help promote the Council process and communicate information on the various fishery management issues. AP members can also assist staff with better understanding of the operational aspects of the fisheries, providing images for use in Council publications, and reviewing outreach materials when requested.

## 4 AP Meeting Procedures

*From the Council SOPPs:* The AP meets as a whole, or in part, at the request of the Chair of the AP with approval of the Council Chair, as often as necessary to fulfill the AP's responsibilities, taking into consideration time and budget constraints. The Executive Director of the Council will, upon request of the Chair of the AP, provide such staff and other support as the Council considers necessary for AP activities, within budgetary limitations.

In general, the AP meets five times a year, in conjunction with the Council meetings. The AP begins the day before the Council plenary session starts, generally on Tuesday, and continues for four or five days depending on the length of the agenda<sup>2</sup>.

### 4.1 Agenda Items

*From the Council SOPPs:* The Executive Director, in consultation with the Council Chair, shall 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 and with the concurrence of the Council Chair or Executive Director. AP members should be given sufficient advance notice of these topics to allow adequate preparation before the meeting. Notice of meetings of the AP shall comply with the applicable notice requirements specified for Council meetings. Should the meeting run behind schedule, the AP Chair will consult with the Deputy Director, Executive Director, or Council Chair to determine priority issues for the AP to address in the time remaining.

The issues on the AP agenda for each meeting often include most of the items on the Council's agenda. Items not normally sent to the AP for its recommendations include agency reports, issues for which the AP previously provided recommendations, highly technical scientific issues, annual industry reports or updates, or high level policy decisions that are not based on evaluation of different alternatives. However, the AP may consider any topic or issue it deems important to bring to the Council's attention, time permitting and with the concurrence of the Council Chair, Executive Director, or Deputy Director. These issues are usually discussed under Staff Tasking.

Scheduling changes may be required to ensure a timely meeting. Schedule changes may require the AP to deliberate and vote on an issue prior to the originally scheduled time, taking agenda items out of order, or dropping agenda items due to prioritization of time remaining in the meeting. The AP Chair will consult with the Executive Director or Deputy Director regarding schedule changes to ensure staff availability.

### 4.2 Executive Sessions

Section 302(i)(3) of the MSA allows the AP to close a portion of the meeting to the public to address a limited number of issues (national security, internal administrative matters, employment matters, or briefings on litigation). If an AP meeting is closed, the Council shall provide advance notice, including in

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<sup>2</sup> Note, when the SSC and Council meet in virtual mode only, this timing may change (see Section 5.2)

that notification the time and place of the meeting. Notification is not required regarding any brief closure of a portion of a meeting in order to discuss employment or other internal administrative matters. The portion of a meeting that is closed without notice may not exceed two hours.

Examples of internal administrative matters include procedures on preparing AP minutes, election of officers, issues of public decorum, or medical conditions of members. In deciding whether to close a portion of a meeting to discuss internal administrative matters, the AP should consider not only the privacy interests of individuals whose conduct or qualifications may be discussed, but also the interest of the public in being informed of operations and actions.

Before closing a meeting or portion thereof, the AP Chair should consult with NOAA General Counsel (if not available, the Executive Director or Deputy Director) to ensure that the matters to be discussed fall within the exceptions to the requirement to hold public meetings described above. Actions that affect the public, although based on discussions in closed meetings, must be taken in public.

### 4.3 Process for developing recommendations

*From the Council SOPPs:* The AP is expected to conduct meetings in a timely fashion with the objective of presenting AP recommendations to the Council consistent with the Council's order of business. Generally, the AP should utilize Council procedures limiting the time allowed for public testimony and questions by AP members.

The decision-making process used by the AP reflects the normal Council process. For each agenda item, staff will provide an overview of the issue and summary of the analysis or discussion. AP members may ask staff questions of clarification as needed. [Note that the SSC does not report to the AP].

Following the staff report, the AP will take public comment. Public testimony should follow Council guidelines (signup sheet, limits on time allowed for testifiers, two question maximum per AP member per testifier, no "softball" questions from AP members). The time limit allowed for each testifier is determined by the AP Chair, and in recent years has been limited to five minutes for everyone (for individuals as well as persons representing an organization).

Following public comment, AP members may make motions on the issue, provide rationale, and begin deliberations. To the extent practicable, as determined by the AP Chair, the AP will normally use parliamentary procedures (i.e., Roberts Rules of Order) to make and amend motions. For reference, this [short guide](#) for Roberts Rules of Order may be helpful.

AP members are responsible for drafting the text of any motions they make. Motions which are not contained in written materials available in the Council documents, or are complex in nature (e.g. longer than a couple of sentences), should be emailed to the designated Council staff administrative support prior to announcing the motion. If not received by email, staff will transcribe the motion as it is spoken out loud. In this case, the AP Chair will ask whether the text as projected correctly represents your motion – this is your opportunity to correct grammar and language. The maker of a motion must provide rationale for their motion before AP deliberations and vote.

The AP will use Google Docs to share, project, and review AP motions, and subsequently develop the AP report. This is an efficient platform that allows AP members and Council administrative staff assigned to the AP to view and review the document while it is simultaneously being projected for the public. AP members can view motions in real time on their own devices; to do so, request access to the Google Drive folder from Council staff before the start of the AP meeting. The folder will be private, and only shared with members of the AP. The general public will be able to view the draft motion on the projector screen, and once the motion is complete and voted on, and rationale bullets developed, it will be posted and copied.

The most common motions used in the AP are:

- **main motion:** brings new business before the AP for consideration. Once seconded by another member, the AP member will speak to his/her motion to provide rationale for why it is being introduced, and then debate ensues.
- **motion to amend:** members may offer an amendment to the main motion under debate. The AP will debate the amendment, and the Chair will convene a vote on the amendment before discussion resumes on the main motion. There is no limit to how many amendments may be offered in the AP.
- **substitute motion:** an AP member may offer a substitute to the main motion for consideration. If it passes, the substitute motion dispenses with the original main motion.

Typical AP motions

The following is a short summary of typical AP motions for the kinds of actions that generally come before the AP. Further background on each of the stages of the Council’s decision-making process is also included in Section 6.2.

AP agenda item	Possible AP motions
Discussion paper	<ul style="list-style-type: none"> <li>● The AP recommends that the Council initiate an analysis of this topic with the following purpose and need statement and alternatives...</li> <li>● The AP recommends that the discussion paper be expanded to include the following additional information...</li> <li>● The AP recommends taking no further action on this agenda item.</li> </ul>
Initial Review	<ul style="list-style-type: none"> <li>● The AP recommends that the Council release the document for Public Review...               <ul style="list-style-type: none"> <li>○ with the following the revisions/additions...</li> <li>○ with the following changes to the purpose and need statement...</li> <li>○ with the following changes to the alternatives...</li> </ul> </li> <li>● The AP further recommends that the Council identify ___ as its preliminary preferred alternative.</li> <li>● The AP recommends that the document come back for initial review after the following clarifications/additions/ changes...</li> <li>● The AP recommends taking no further action on this agenda item.</li> </ul>
Final Action <i>(formerly “Public Review”)</i>	<ul style="list-style-type: none"> <li>● The AP recommends that the Council select ___ as the preferred alternative.               <ul style="list-style-type: none"> <li>○ with the following the revisions/additions...</li> </ul> </li> <li>● The AP recommends that [the document] come back for public review after the following changes/additions...</li> <li>● The AP recommends taking no further action on this agenda item.</li> </ul>
Harvest specifications	<ul style="list-style-type: none"> <li>● The AP recommends the Council approve the ___ Stock Assessment and Fishery Evaluation (SAFE) report               <ul style="list-style-type: none"> <li>○ and Ecosystem Status Report/Economic SAFE report.</li> </ul> </li> <li>● The AP recommends that the Council adopt final [fishery and year(s)] specifications for OFL(s) and ABC(s) as recommended by the SSC               <ul style="list-style-type: none"> <li>○ and set TAC as follows...</li> </ul> </li> <li>● The AP recommends that the Council adopt [PSC limits and halibut DMRs] as follows...</li> </ul>

AP agenda item	Possible AP motions
Staff Tasking / New issue	<ul style="list-style-type: none"> <li>• The AP recommends the Council initiate a discussion paper on ____.</li> <li>• The AP recommends that the Council initiate an analysis of ____ with the following purpose and need statement and alternatives...</li> <li>• The AP recommends that the Council establish a Committee to ____.</li> </ul>
Reports <i>(Plan Teams, Committees, exempted fishing permit applications, salmon genetics)</i>	<ul style="list-style-type: none"> <li>• The AP received [the report] and no action was taken.</li> <li>• The AP supports [something from the report] and recommends the Council [do it].</li> </ul>
Council documents <i>(Fishery Ecosystem Plans, research priorities, workplans, cooperative research)</i>	<ul style="list-style-type: none"> <li>• The AP recommends the Council adopt/approve ____ ... <ul style="list-style-type: none"> <li>○ as presented.</li> <li>○ with the following the revisions/additions...</li> </ul> </li> <li>• The AP recommends the Council take no further action on this agenda item.</li> </ul>

#### 4.4 Preparation of AP Minutes

The AP minutes provide a voting record of the meeting of the AP, as well as rationale for the AP’s actions. As such, it is important the AP minutes provide an accurate picture of the agenda items considered and discussed by the AP at the meeting. The following guidelines are intended to guide the AP in preparation of their minutes.

The AP minutes will include any motions that are passed by a majority vote, including any amendments made. The AP minutes will also include any motions that fail on a close call vote. Determination of whether a vote qualifies as a “close call” will be made by the AP Chair. The AP minutes will include the result of votes taken (for-against-abstentions). The AP minutes will include rationale for motions that are passed in the form of bullet points. For “close call” votes, the AP minutes will include rationale both for and against the motion. The Vice Chair(s) of the AP, with assistance from the AP’s Council staff, and approval of the AP Chair, have primary responsibility for keeping records of AP motions. Rationale points are included in the written AP minutes, but are not read into the record during the oral report to the Council.

Minority reports may be included in the minutes if signed by 3 members who voted in the minority. Minority reports are included in the written AP minutes in italicized print, but are also not read into the record during the oral report to the Council. The length and complexity of the rationale points and minority reports should reflect the length and complexity of the underlying motion. In most cases this will consist of a few rationale points or paragraphs, but more complex motions may justify more extensive rationale points and/or minority reports. Final determination as to the appropriate length lies with the AP Chair in consultation with the AP Vice Chair(s).

AP members must provide written rationale to the AP Vice Chair(s) and Council staff in support of motions they make as soon as possible after the motion has been made. AP Vice Chair(s) may supplement rationale for the minutes as practicable based on AP discussions and deliberations. Only matters discussed at the AP table in the course of the meeting will be included in the minutes, including rationale points and minority reports.

AP minutes will be circulated for review by AP members via Google docs throughout the AP meeting to ensure that minutes are ready in a timely manner for consideration by the Council as they consider each agenda item. AP members are expected to review the minutes as they are distributed. Any edits or changes should be noted to the AP Vice Chair(s) and AP Council staff. Any changes of a substantive

manner will be discussed by the AP as a whole before such changes are made. Until the AP minutes for a particular agenda item have been approved by the AP Chair for distribution to the Council, they are not to be distributed to members of the public (though draft language may be shared with staff from the Council or agency).

The AP Chair has responsibility for final editing of the AP minutes. The AP Chair may edit the minutes to ensure it accurately reflects the actions of the AP, noting that any substantive changes require approval by the AP as a whole.

#### **4.5 Reporting of AP Minutes**

*From the Council SOPPs:* The AP Chair or designee will be responsible for reporting the AP's recommendations (AP minutes) to the Council. The AP minutes shall include a record of passed motions and close call votes (even if the motion failed). This report shall be submitted in writing and include the results of votes taken, including minority reports which are signed by at least 3 of the members voting in the minority at the time of the vote. All minority reports consistent with the above standard will be included in the written AP report to the Council, but not read into the record during the oral report to the Council. Minutes of the AP meeting will be made available to the public on the Council's website after the meeting.

Although the Council SOPPs note that the AP Chair or designee is responsible for reporting the AP minutes, that duty generally falls to the AP Vice Chairs as the designees. In advance of the meeting, the AP Vice Chairs, in consultation with the AP Chair, will determine who will be responsible for providing the oral report for each item to the Council.

In giving the oral report, the Vice Chair will read the final motion(s) verbatim, as well as the vote count, without commenting what different motions mean. The Vice Chair will also reference that rationales for and against are provided in the minutes, along with minority reports (if any), and then ask if there are any questions.

Reporting to the Council can be very challenging, particularly on complex and contentious issues. The AP reporter not only has to convey the final AP motions, but also be able to capture the essence of the AP discussions when requested and provide unbiased responses to Council member's questions, and at the same time be able to answer questions about all the details of the motion and how and why each piece was developed and the impacts it has on the overall motion.

The oral report on the AP deliberations is important to the Council's decision-making. The report is important not only to Council members, but also to the public trying to understand the issue prior to testimony. The oral report provides information that gives context to the written AP minutes.

Council members frequently want to understand how and why the AP came to its recommendations. They want to know the extent of the AP deliberations – Was the AP aware of all the information? How were the different pieces of information weighed in the AP recommendation? What were the different viewpoints of AP members? Was there a particular aspect or option that caused divisiveness in the vote, or just that there were two completely different sides of the issue? Did the AP discuss how a new AP recommendation would work with other options within the alternative? How would the AP recommendation address such-and-such issue?

The AP Vice Chair, in giving this report, shall take care to provide complete and unbiased answers to Council members' questions. AP Vice Chairs should take notes during the AP discussions to assist them with answering questions during the oral report to the Council.

## 5 Compensation, travel, and virtual meetings

### 5.1 Compensation

*Change to the Council's SOPP:* AP members shall serve without compensation, except that (subject to the availability of appropriations), a stipend may be paid to members of the AP who are not employed by the Federal government or a state marine fisheries agency.<sup>3</sup>

The Council's compensation policy for AP members is as follows:

- The current rate for AP stipends is \$150.00 per day.
- Compensation is limited to attendance at formal meetings of the AP (actual meeting days), or to the Chair, Vice-Chair, or designee while officially finalizing<sup>4</sup> and reporting AP minutes during the course of a Council meeting.
- Compensation may be paid on a per day basis whether attendance was in excess of eight hours a day or less than eight hours a day.
- "Homework" time in preparation for any meeting, or attendance of any meeting other than those specified above, is not compensable nor is travel time to or from such meetings.
- Stipend payments are subject to annual tax reporting through Form 1099/1096. All new AP members are required to submit signed form W-9 to the Finance Officer prior to receiving any compensation.
- Disbursement of compensation may be dependent on AP member's completion of training modules, if requested by the Executive Director.

### 5.2 Travel

*From the Council's SOPPs:* AP members who are not federal employees will be reimbursed for travel expenses incurred in the performance of their duties, including transportation, room, meals, and incidental travel expenses, at per diem limits established by the federal government for the applicable geographic locale during the days in which the panel is in session. The chair, vice-chair, or the AP member designated to report to the Council may be paid expenses for additional days when necessary and approved by the Executive Director. Security clearances for AP members are requested as necessary. Subject to the availability of appropriations, a stipend may be paid to members of the AP who are not employed by the federal government or a state marine fisheries agency<sup>5</sup>.

AP members travel reimbursement shall be limited to attendance at formal meetings of the AP, or to the Chair, Vice-Chair(s), or designee while officially representing the AP with the advance approval by the Executive Director. AP members shall follow the same general travel rules set forth for Council employees. In extenuating circumstances, which must necessarily be related to their fishing or processing activities and with advance notice, the Executive Director may authorize travel reimbursement to and from locales other than a AP member's normal home location.

AP members will be reimbursed for travel expenses when attending AP meetings, in accordance with applicable law and Council policy.

<sup>3</sup> as defined in 50 CFR 600.134

<sup>4</sup> In general, compensation for finalizing minutes will be limited to 1 day per meeting in excess of actual meeting days, plus days on which an AP report is provided to the Council, unless prior authorization is granted by the Executive Director.

<sup>5</sup> as defined in 50 CFR 600.134

### Hotel Reservations

Reservations for the hotel should be made under the Council room block, in advance of each meeting. The Council's travel coordinator will email details, and members are asked to make reservations accordingly. These rooms are part of a contract for the whole meeting, and to meet our room block obligations, AP members are expected to stay at that hotel.

### Airline Reservations

All airfares must be booked as coach class, and economy fares are strongly encouraged. There are many coach airfare options, please book your airfare to result in the best economic value. We understand that flexibility is necessary to engage effectively in the Council process. Therefore, you do not have to buy the cheapest ticket available, but rarely is it necessary to purchase the most expensive coach fare. We intend to remain as flexible as possible in this regard, as long as overall travel costs remain within our budget.

Purchase of first-class airfare is not allowed except in extenuating circumstances, and always needs prior approval from the Council Executive Director. If you purchase a first class fare you will only be reimbursed for the coach fare equivalent. Upgrading flights to first class is allowed using an individual AP member's points, credits, or elite mileage plan standing, so long as the original purchased fare was for coach class.

The Council's travel coordinator will set up a user account for each AP member through the Alaska Airlines EasyBiz program. EasyBiz allows for airfare to be booked at the Council's expense, thus avoiding the need for reimbursement. The program operates the same as other Alaska Airlines purchases, you will still be eligible to earn miles, mileage program upgrades, and any other perks you may have associated with your flyer status. You must still submit flight itinerary copies with your travel claim regardless of the use of the EasyBiz program.

In extenuating circumstances and with advance notice, the Executive Director may authorize travel reimbursement to and from locales other than your normal home location.

### Travel Expenses and Reimbursement

AP members will be reimbursed for travel expenses to AP meetings, including transportation, room, meals, and incidental travel expenses, at per diem limits established by the Federal government for the applicable geographic locale. However, there will be situations when standard limits for hotel room rates must be exceeded, for example, for last minute travel or during the busiest tourist season in some locations.

The Finance Officer will send out a travel claim form in advance of each meeting, showing daily per diem limits, including per diem for travel days. All expense items other than per diem (for example, baggage fees or taxis) should be itemized, no matter the value. Receipts are required for reimbursement for all airline tickets (including those purchased through EasyBiz), hotel expenses, and other expense over \$75. Advance approval is necessary from the Executive Director for any rental car reimbursement. Typically, we do not reimburse for rental cars for Council meetings. If a rental car is preapproved for your travel, the receipt is required for reimbursement.

Travel expenses will be paid for each day an AP member attends the AP meeting. In some cases, the AP meeting will end ahead of schedule; in these cases, travel expenses will be paid for the scheduled days of AP meetings should an AP member wish to stay and attend some of the Council meeting. AP members may also choose to depart immediately after the AP meeting adjourns. The Council will also pay travel expenses on the additional days that the Chair, Vice-Chair, or designee is reporting AP minutes to the Council after the AP meeting adjourns. Fees associated with changing flight reservations or hotel stays may be approved by the Executive Director or Deputy Director.

If the AP is scheduled to end at noon, members are expected to travel home in that afternoon (for expense purposes, this is considered a travel day). If the AP is scheduled to end at 5pm, AP members can stay overnight and hotel expenses will be reimbursed for that evening (and the following day will be considered a travel day for expense purposes).

If the meeting is in your hometown, and thus you are commuting, then expenses are reimbursed for mileage, parking, and lunch. Breakfast and dinner expenses are authorized if you are attending a Council-related post-meeting workshop or session, or arriving early or staying late to work on minutes or attend to other critical AP business.

Personal travel combined with Council travel is generally allowed, with hotel, airfare, and rental car (if applicable) expenses prorated for your personal travel days. For airfare, provide documentation as to what travel would have cost for work alone at the time you booked your ticket. You are responsible for the difference between that and the actual cost for personal airfare. You are not eligible for per diem on personal travel days.

Travel forms will be emailed to AP members in pdf format, and can be completed and signed digitally. The forms, with scanned receipts, can be submitted via email to the Finance Officer, or sent by mail. Claims for reimbursement are to be submitted within 30 days following completion of travel. Claims received later than 30 days following completion of travel may not be reimbursed unless there are exceptional circumstances, and reimbursement is approved by the Executive Director. In no case will claims be reimbursed 30 days after the end of a funding year (normally December 31), so AP members will need to be quickly submit travel claims following the December meeting.

### **5.3 Virtual meetings**

At times, the Council may need to hold AP meetings by teleconference or webconference. For regularly-scheduled AP meetings, this may mean that the AP needs to meet longer than the typical four- to five-day meetings identified in Chapter 4, or on a different schedule. The Executive Director will make changes in consultation with the AP Chair, and will provide as much advance notice as possible when changing meeting dates. Meeting protocols for virtual meetings will be distributed in advance to AP members, but may include AP meetings being recorded and livestreamed or archived on the Council's website for some period of time. AP members should not provide personally identifiable information (PII) or business identifiable information (BII) during the meeting, as any such information shared during the meeting will be publicly available. In general, remote participation will not be available if the meeting is also being held in person.

The Council will reimburse costs incurred for internet or phone use during AP online meetings, up to an established amount determined by the Executive Director. The Council may not reimburse costs for Federal employees. Claims for reimbursement should be submitted within 30 days of the meeting, and late claims are subject to the same constraints as travel claims (Section 5.1). Subject to available funds, the Council may also loan any equipment necessary for participation in the meeting. Reference materials The following sections provide some general information about Council and AP operations and guiding principles, and primary contacts on Council staff.

### **5.4 General information on Council operations**

Regional fishery management councils were established by the Magnuson-Stevens Fishery Conservation and Management Act (also known as the Magnuson-Stevens Act, or MSA). Title III of the [Magnuson-Stevens Act](#) (beginning on page 58) sets the national standards, applicable requirements for councils, requirements for fishery management plans, and other requirements and authorities. You can find out more about the regional councils on the all-councils website ([www.fisherycouncils.org/](http://www.fisherycouncils.org/)). NOAA Fisheries also has developed a training course for newly appointed council members which covers a

variety of topics such as provisions of the MSA and other applicable laws, stock assessment science and procedures, and council operations. While attendance at the training is limited, many of the materials are available online (<https://www.fisheries.noaa.gov/national/partners/council-training>).

The Council's website, [www.npfmc.org](http://www.npfmc.org), also provides useful information about the Council process, current issues, and upcoming meetings. The AP generally meets five times each year, in conjunction with the Council and Scientific and Statistical Committee (SSC). The "[Three-Meeting Outlook](#)" provides our best estimate of issues to be addressed at upcoming meetings, as well as a list of meeting dates for the next two years. The AP generally meets for 4 or 5 days, beginning on the Tuesday of the meeting week.

The Council's [Statement of Organization, Practices, and Procedures](#) (SOPP) provides details on the Council's function, organization, procedures for Council meetings, standards of conduct, and information about the employment practices for the staff.

We also post a list of commonly used [acronyms](#) on our website. We use quite a few acronyms in our documents and discussion, so you might find this a useful reference.

Complete meeting materials since 2013, and some earlier documents, are available in the [meeting archive](#) on the website, along with the Council newsletter that reports on Council actions at each meeting. There is also a specific archive of all meeting minutes, including [AP minutes](#).

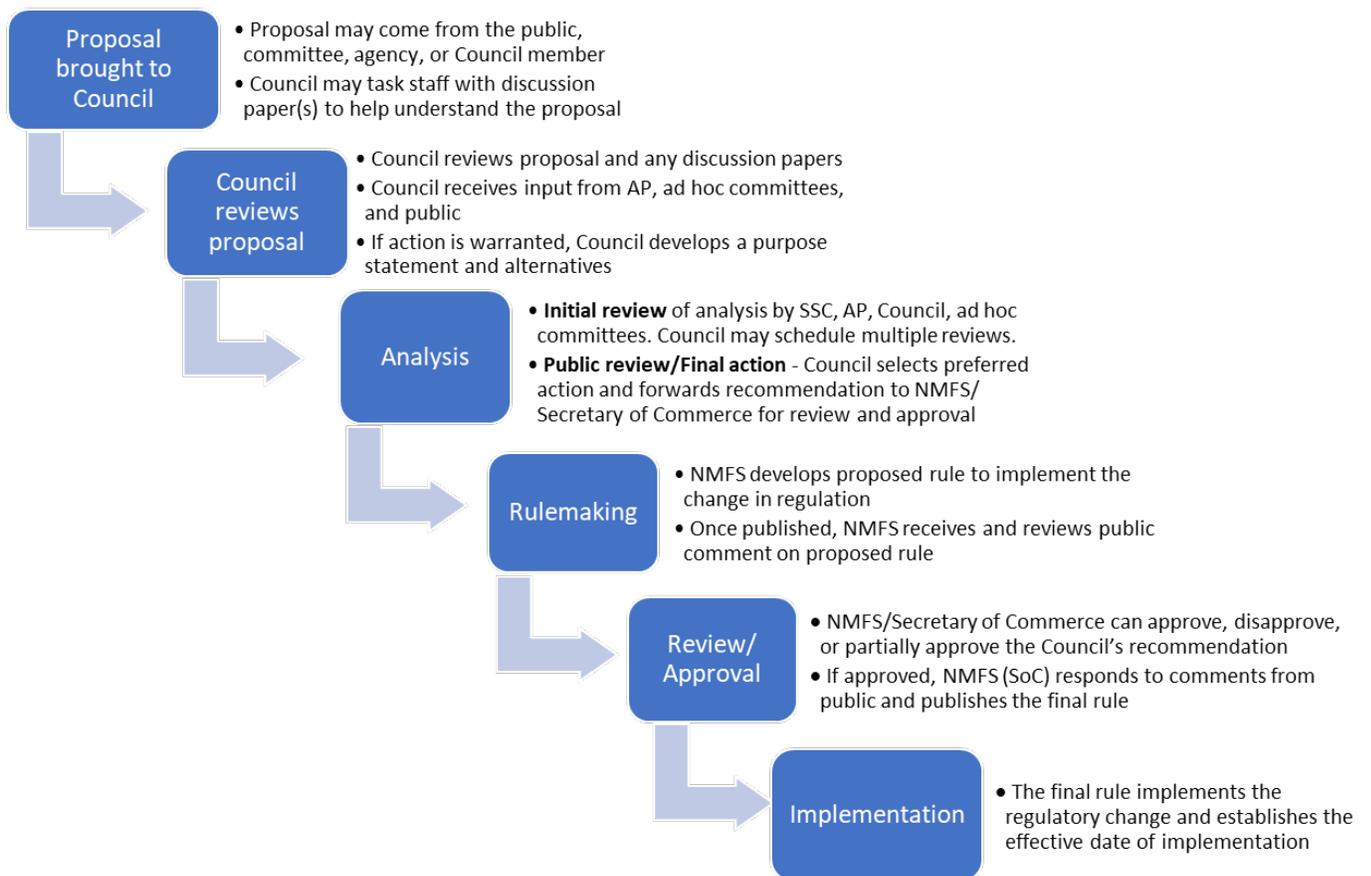
Our website also provides information about the current composition of the [Council](#), [AP](#), and [SSC](#), together with a list of [NPFMC Committees](#) and membership and a list of Council [staff](#). Collectively, along with long-term stakeholders, you will hear this group referred to as the Council 'family.'

## **5.5 Overview of the Council's Decision-making Process**

The procedure for changing Federal fishing regulations follows a standardized process, set forth by a combination of laws, regulations, operational guidelines, policies, as well as adjustments and adaptations developed by the Council to increase efficiency, provide public participation, and produce quality outcomes. As shown in Figure 1, and discussed below, there are several key steps in the process. The AP plays a very important role in the development of fishery regulations.

The process follows several distinct steps, as detailed below.

**Figure 1 Council decision-making process**



Proposal for Change

Concerns and proposals for change are brought to the Council's attention by the public through the AP, SSC or other committee, or directly to the AP or Council via written or oral public comment during the 'Staff Tasking' agenda item at each Council meeting. For example, at the AP meeting during discussion of an agenda item, testimony or deliberations may reveal a related issue that the AP feels should also be addressed, and the AP may recommend initiating an analysis or discussion paper to explore the issue. Additionally, new issues on unrelated matters frequently come up during the staff tasking agenda item, and the AP may recommend some level of analysis of these issues with a discussion paper or analysis. It is helpful to the Council if the AP provides rationale for recommending new scientific issues to be addressed.

Discussion Paper

A discussion paper is frequently prepared by staff as a first step to flesh out the scope of the problem identified, and discuss issues that may be of concern in the development of alternatives. For very complex issues, several discussion papers may be necessary to explore the full scope of an issue before reasonable alternatives can be developed. For relatively simple changes, where the problem and alternatives are self-evident, a discussion paper may not be necessary, and the issue can go straight to analysis, even without developing a problem statement and range of alternatives. The AP (and other committees if appropriate) provides recommendations to the council at this stage as to whether the issue should proceed further in the process, an expanded discussion paper is needed, or the issue is ready for analysis (and recommend alternatives to be evaluated).

When the AP is reviewing a discussion paper, there are several actions the AP can take. The AP can recommend: 1) no further action be taken, 2) another discussion paper for more information or related issues, or 3) initiation of a full analysis, including AP-recommended draft alternatives and purpose and need statement. While the AP has not often drafted a full purpose and need statement (in part due to the challenges and pitfalls associated with group editing), it could do so, or simply provide recommendations to the Council about what should be included in the problem statement or in the purpose and needs section of an analysis.

#### Initial Review of Analysis

Normally, the Council adopts a problem statement (or thoroughly describes the problem) and identifies alternatives to be considered, and then staff prepares a draft analysis that integrates analytical requirements of applicable laws and executive orders. The analysis is released for review about 2-3 weeks before the meeting. The analysis is reviewed by the SSC for scientific merit, and by the AP to make recommendations regarding any missing information and the suite of alternatives and options evaluated. If the SSC has deemed the analysis inadequate and not ready for public review, or if the Council determines that additional alternatives or other substantial changes to the analysis are required, another initial review may be scheduled before the issue is scheduled for final action. If the analysis is to be released, the Council may designate a preliminary preferred alternative to focus public comments on their indicated course of action.

At the Initial Review stage, the AP can recommend: 1) no further action be taken on this issue; 2) additional alternatives or options be added, modified, or dropped from analysis (and why); 3) changes to the problem statement or other revisions or information that would assist in future decision-making; 4) another initial review if a substantial amount of information or new alternatives; or 5) the Council move forward and release the document for final review. At this stage, the AP may also recommend a preliminary preferred alternative.

#### Final ('Public') Review of Analysis

After initial review, staff revises the analysis based on SSC, AP, and Council comments, and the analysis is posted on the Council website about 3-4 weeks before the meeting. When an issue is scheduled for Final Action, the AP can recommend: 1) no further action be taken on this issue; 2) an additional public review draft be reviewed before final action is taken (in cases when the AP find that critical additional information may be needed and/or new information indicates that additional alternatives should be analyzed); or 3) a preferred alternative. The Council makes a final decision by roll call vote on the motion.

#### Rulemaking

The NMFS regional office prepares draft regulations based on Council action, and, once cleared by the region and OMB, a proposed rule is published in the Federal Register. The public is provided time to comment on the proposed rule. After the comment period closes, NMFS regional staff summarize comments, and may make adjustments to the rule based on these comments. These comment summaries, the revised rule, and final approval decision are published in the Federal Register, and the action is implemented.

## **5.6 Resources in support of AP agenda items**

#### Fishery management plan amendments

The Council prepares and modifies fishery management plans (FMPs) for fisheries under its jurisdiction. Each FMP contains a suite of management tools that together characterize the fishery management regime. These management tools are defined in the FMP or its implementing regulations, and require a

formal plan or regulatory amendment to change. Amendments to the FMPs or regulations are considered at each meeting by the Council. As a result, the FMPs and fishery regulations are dynamic and are continuously changing as new information or problems arise.

The Council has prepared and implemented six FMPs for fisheries off Alaska, described below. The Council spends much of its time on amendments to the groundfish FMPs, which have each been amended more than one hundred times. Summary reports provide an overview of the amendments for the [BSAI Groundfish FMP](#) and the [GOA Groundfish FMP](#). Similar reports are being developed for the BSAI Crab FMP and the IFQ program.

- **Bering Sea/Aleutian Islands Groundfish FMP:** this FMP includes all species of groundfish (pollock, cod, flatfish, sablefish, rockfish, etc.) and management measures for vessels using trawl, longline, pot, and jig gear. Inseason management of these fisheries is conducted by NMFS in Juneau.
- **Gulf of Alaska Groundfish FMP:** The GOA groundfish FMP also includes the major groundfish target species except for a few that are management by the State of Alaska. Many management measures mirror the BSAI groundfish FMP.
- **Bering Sea/Aleutian Islands King and Tanner Crab FMP:** This FMP includes all species and fisheries for king and Tanner crab (red, blue, and brown king crab, Tanner crab, and snow crab). Inseason management of these fisheries is provided by ADF&G in Kodiak.
- **Alaska Scallop FMP:** This FMP was developed to control fishing effort in the weathervane scallop fishery. Only 9 vessels are permitted under a license limitation program. Inseason management of the fishery is provided by ADF&G in Kodiak.
- **Alaska Salmon FMP:** The Salmon FMP was developed to prohibit fishing for salmon in the EEZ except by a limited number of vessels using troll gear in Southeast Alaska. The Council is revising the salmon FMP to manage any salmon fishing occurring in the EEZ, beginning with Cook Inlet. All salmon fisheries conducted in State waters are managed by the State of Alaska.
- **FMP for Fish Resources of the Arctic Management Area:** The FMP includes snow crab, Arctic cod, and saffron cod, and was developed in response to the different and changing ecological conditions of the Arctic which could create conditions leading to commercial fishery development in the U.S. Arctic Exclusive Economic Zone (EEZ).

#### Program reviews, LAPP and allocation reviews

The Council is required under the Magnuson-Stevens Act to conduct periodic reviews of its limited access privilege programs (LAPPs) and fisheries allocations. The purpose of these reviews is to evaluate whether the programs have been and continue to meet the programmatic objectives with which they were implemented, and also to ensure that optimum yield is being achieved under current conditions. NMFS has developed [criteria](#) to guide the development of these types of reviews, and the role of the AP is to advise the Council on whether changes to the program are required.

Additionally, the Council periodically sets itself an objective to review new programs after a set amount of time. For example, the Council requested a 5-year review of the restructured observer program, and has set 3-year reviews for each of the amendments that allow sablefish fishing with pot gear in the GOA and BSAI. In these instances, it is the role of the AP to advise the Council on whether changes to the program are warranted based on the review.

## 5.7 Annual cycle of routine Council agenda items

The following represents a typical cycle of routine Council issues that come before the AP. This does not reflect discussion papers, initial review and final actions analyses that are reviewed throughout the year, or other items reports or agenda items (e.g. exempted fishing permits) that may also require AP advice.

<b>February</b>	<ul style="list-style-type: none"> <li>• Norton Sound crab specifications, Crab Plan Team report</li> <li>• Research priorities (every 3 years)</li> </ul>
<b>April</b>	<ul style="list-style-type: none"> <li>• Scallop specifications, Plan Team report</li> <li>• Salmon genetics reports</li> </ul>
<b>June</b>	<ul style="list-style-type: none"> <li>• BSAI Crab specifications (AIGKC, others every 3 years)</li> <li>• Annual Observer Report</li> <li>• Social Science Planning Team report</li> <li>• Bering Sea Fishery Ecosystem Plan Team report</li> </ul>
<b>October</b>	<ul style="list-style-type: none"> <li>• BSAI Crab specifications (BBRKC, snow crab, tanner crab, SMBKC)</li> <li>• Preliminary groundfish specifications</li> <li>• Observer Annual Deployment Plan</li> <li>• Ecosystem Preview (periodically)</li> </ul>
<b>December</b> <i>(meeting may be scheduled for 4 days)</i>	<ul style="list-style-type: none"> <li>• Groundfish specifications</li> <li>• Ecosystem Status Report</li> <li>• Annual Charter halibut management measures</li> </ul>

## 5.8 Primary Council staff administrative contacts

Council Staff	Person to talk to about...	Contact info
David Witherell, Executive Director 	Council administration Issues of concern Approval of alternate travel procedures in extenuating circumstances	<a href="mailto:David.witherell@noaa.gov">David.witherell@noaa.gov</a> (907) 271-2809
Diana Evans, Deputy Director 	AP agenda, schedule Coordination of the presentation of the AP report to the Council	<a href="mailto:Diana.evans@noaa.gov">Diana.evans@noaa.gov</a> (907) 271-2815
Sarah La Belle, Administrative Assistant 	AP administrative issues, AP minutes, technical or logistical issues Council meeting email updates, newsletter Council electronic agenda, release of documents	<a href="mailto:Sarah.labelle@noaa.gov">Sarah.labelle@noaa.gov</a> (907) 271-2505
Shannon Gleason, Administrative Assistant 	Travel arrangements, including hotel and flight reservations and EasyBiz	<a href="mailto:Shannon.gleason@noaa.gov">Shannon.gleason@noaa.gov</a> (907) 271-2812
Nicole Schmidt, Finance Officer 	Travel reimbursements, claim forms	<a href="mailto:Nicole.schmidt@noaa.gov">Nicole.schmidt@noaa.gov</a> (907) 271-2818
Maria Davis, Communications/ IT Specialist <i>Lead for administrative team</i> 	Council electronic agenda, accessing review documents Technical or communications issues	<a href="mailto:Maria.davis@noaa.gov">Maria.davis@noaa.gov</a> (907) 271-2808