



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

STATEMENT OF ORGANIZATION  
PRACTICES AND PROCEDURES

Approved at 144<sup>th</sup> Council Meeting  
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## **LEGAL AUTHORITY**

The Western Pacific Regional Fishery Management Council, created by section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (Act), hereby publishes a revised Statement of Operating Practices and Procedures (SOPP), as required by section 302(f)(6) of the Act. This revised SOPP for carrying out the Council's functions under the Act, was adopted by the Council during its public meeting held on October 19, 2006. Copies may be obtained by writing to the Executive Director, Western Pacific Regional Fishery Management Council, Suite 1400, 1164 Bishop Street, Honolulu, Hawaii 96813.

## **COUNCIL PURPOSE**

The Council shall:

- A. Prepare and submit to the Secretary of Commerce a Fishery Ecosystem Plan (FMP) 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;
- 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 all 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. Establish the organizational structure and procedures to carry out the Magnuson-Stevens Act provisions relating to Pacific Insular Area Fishery Agreements, Community Development Program, and Western Pacific Demonstration Projects; and
- G. 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 Commander, 14th Coast Guard District, or his or her designee;
3. A representative of the Department of State, or his or her designee.

C. Designees. Designees may be named and reimbursed for travel only as provided in the GSA Travel Regulations.

## **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 Panel, 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 and representations, including request for travel, compensation, and participation in the name of the Council for the Council, staff, Scientific and Statistical Committee, Advisory Panel, Plan Teams and any other person, will be made to and approved by the Council at its meetings and implemented by the Executive Director. The Chair may authorize travel compensation and participation between meetings. The Chairman may consult the Council's Executive and Budget Committee.

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

The officers of the Council shall be the Chair and Vice Chairs, each elected for one-year terms. The Chair is elected by a majority of the voting members present and voting. A Vice Chair will be elected from each of the island areas 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, by 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 Panel and Sub-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. 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).

### **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, Staff, Advisors and Contractors shall maintain high standards of ethical conduct. Conduct shall comply with the standards detailed in the Department of Commerce Rules of Conduct for Staff, Advisors and Contractors of Regional Fishery Management Councils and Summary of Conduct Rules for Members of Fishery Management Councils.

### **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 and 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 workload.
- 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 notices of Council meetings with agenda will be published in the Federal Register prior to the meeting. The Council will also issue press Proposed 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.
- E. Minutes. Each Council meeting shall be recorded to provide a detailed record of the meeting as required by Section 302(i)(2)(E) of the Magnuson-Stevens Act. If the Council conducts a roll call vote, the minutes shall record how each voting member voted [M-S 302(e)(5)]. Summary draft minutes shall be prepared for all portions of Council meetings and will be made available to the Council within 30 days of the meetings, or within ten

working days if there are less than 30 days between meetings. The Chair shall certify the accuracy of the minutes and submit a copy thereof to the Assistant Administrator for Fisheries, NMFS.

- F. 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 Management Plan (including proposed 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. Conflicts and Recusal. A member must be excused from voting when the member believes he or she may have a conflict of interest in the matter at hand. Council members must recuse themselves from voting on matters that would have a significant and predictable effect on their financial interests 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 partially exempt from 18U.S.C.208.
  3. Minority Reports. The Council shall include any minority reports by Council members on Fishery Management Plan actions in its formal submissions to the Secretary of Commerce.
  4. 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. (It is the policy of the Council to limit emergency meetings in order to ensure public participation in its deliberations.)
  5. Parliamentary Rules. Meetings shall be conducted under Robert's Rules of Order.
  6. 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 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 need not be given regarding any brief closure of a portion of a meeting to discuss employment matters or other internal administrative matters.

7. 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.
8. 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.
9. 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 management 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 shall hold public hearings in order to provide the opportunity for all interested persons to be heard with respect to the development of Fishery Management 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**

The Western Pacific Regional Fishery Management Council shall have a Scientific and Statistical Committee composed of scientists and specialists from State and Federal agencies, academic institutions, and other sources. Members shall represent a wide range of disciplines required for preparation and review of management plans. 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 multi-disciplinary review of management plans or amendments and advise the

Council on their scientific content;

- C. Assist the Council in the evaluation 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; and
- D. Recommend to the Council the composition of Plan Teams.

**ADVISORY PANEL  
(Fishing Industry Advisory Committee)**

The Western Pacific Regional Fishery Management Council shall establish an Advisory Panel and/or a Fishing Industry Advisory Committee that includes representation from various sectors of the fisheries. Members of the Sub-panels shall be selected by the Council and shall serve for two-year terms expiring December 31st in even-numbered years. 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 Advisory Panel or appropriate Sub-panels shall meet at the direction of the Council to provide continuing involvement of industry advisors in the development of FEP amendments.

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:

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.

### **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.

### **COUNCIL COORDINATION COMMITTEE**

There shall be established a Council Coordination Committee consisting of the Chairs, Vice Chairs, and Executive Directors of each of the eight regional fishery management councils, other council members, and staff. The Chairs, Vice Chairs, and Executive Directors shall be voting members. The six NOAA Fisheries Regional Administrators or their designees, other council members, and staff shall be non-voting members. The Council Coordinating Committee shall meet from time to time as appropriate to discuss issues of relevance to all councils. The Council Coordinating Committee may establish such subcommittees as it deems appropriate.

## **MEETINGS OF SCIENTIFIC AND STATISTICAL COMMITTEE, ADVISORY PANELS, AND PLAN TEAMS**

- 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. Nature of meeting 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 indefinite 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 advice 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 indefinite 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 advice 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 indefinite 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 advice 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, 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.

### **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 sub-panels which shall include not more than 8 individuals who shall be appointed by the Council for two-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 Input. 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. Management Plan Preparation. The preparation of Fishery Ecosystem Plans (FEP) 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 management 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

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 the responsibility of the Council. The Council may employ or contract with individuals or firms to draft such statements.

- 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 and NOAA General Counsel will assist to the extent necessary. 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 and the NOAA Regional Counsel.

- G. 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. Strictly speaking, the Council is responsible for the FEP and amendments. The hearings will be jointly presided over and the costs, if any, will be shared approximately equally.

- H. 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, 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.

- I. 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.
- J. Fishery Development. The Council will make every effort to see that its Fishery Ecosystem Plans 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.
- K. 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.
- L. 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.
- M. 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.

## **VESSEL MONITORING SYSTEMS IN THE WESTERN PACIFIC REGION**

- A. **Background**  
The Western Pacific Fishery Management Council has adopted this policy to help it coordinate the development and use of electronic fishing vessel monitoring systems in the central and western Pacific, in support of regional fisheries management.

The Magnuson Fishery Conservation and Management Act of 1976 established US jurisdiction over fisheries in federal waters of an exclusive economic zone (EEZ, from 3 - 200

nautical miles offshore). The Western Pacific Council is one of eight councils created by the Act, and is the policy-making organization for the management of fisheries around American Samoa, Guam, Hawaii, the Northern Mariana Islands, Johnston Atoll, Kingman Reef and Palmyra Island, Jarvis Island, Howland and Baker Islands, and Wake Island, an area of nearly 1.5 million square miles.

The main task of the Council is to protect fishery resources while maintaining opportunities for domestic, commercial and recreational fishing at sustainable levels of effort and yield. To accomplish this, the Council identifies fish species and species groups that are in danger of over-fishing or otherwise need management. With the help of its member agencies, the Council then analyzes the biological, environmental, economic and social aspects of these fisheries, and prepares plans and regulations designed to protect them. The regulations are implemented by the National Marine Fisheries Service (NMFS) and enforced jointly by the NMFS and US Coast Guard, with assistance from state and territorial agencies. The Council encourages cooperative fishery management among the island governments throughout the Pacific so that management is carried out in a manner that is effective, and sensitive to the cultures and traditions of native people.

Western Pacific fisheries are in constant flux. Fishing fleets are increasingly mobile and technologically advanced. Fleets that face expanding restrictions in other areas are appearing in the central and western Pacific fisheries in ever-increasing numbers. In addition, compliance with fishery regulations often varies with national flag of the fleet, and experience within the fishery.

Western Pacific fisheries operate in a region of multiple island areas and nations, each with its own EEZ. These EEZ's are very large in comparison to the islands' land area, and are often non-contiguous. The size of the EEZ's create problems for fisheries surveillance and enforcement due to the distances involved and the scarcity of suitable logistic support throughout the region. Resources to conduct surveillance and enforcement are constrained by limited budgets and other information for fisheries management is generally insufficient and/or unreliable. As pressures on fishery resources increase, managers must adopt new technology to encourage the proper use of the resource to avert stock depletion. A significant part of this management endeavor is conducting surveillance and enforcement activities based on better knowledge and cost-effective methods.

Remote fishing vessel monitoring systems provide additional tools to meet today's management requirements and provide benefits to the fishing industry. This policy was formulated to assure that the development and application of vessel monitoring systems in the central and western Pacific are carried out in a manner that is comprehensive and organized on the part of management authorities, and cost-effective and fair to the fishing industry.

## **B. Policy Statement**

The Western Pacific Fishery Management Council recognizes that electronic remote vessel monitoring systems are a viable and desirable technology for use in fisheries management. The Council also recognizes that fishery management needs and available technologies may differ among fisheries and geographical areas. Thus, it is the policy of the Council to:

- ◆ Where appropriate and desired, implement satellite-based fishing vessel monitoring systems (VMS) to assist fishery management programs in the region.
- ◆ Develop specific technical and operational guidelines for VMS programs under the authority of each FMP, as appropriate and in consultation with the domestic and foreign fishing industry and relevant government agencies.
- ◆ Concentrate VMS programs on the enforcement of area and seasonal closures (i.e., automated, real-time reporting of vessel identification and location) until such time when the Council, NMFS and state/territorial agencies decide that real-time reporting of fisheries and research data is desirable and feasible.
- ◆ When developing VMS programs, consider efficiency and cost-effectiveness for the fishing industry and management agencies.

### **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.

## **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**

Section 15 CFR Part 14 Uniform Administrative Guidance for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations and the Office of Management and Budget Circulars No. A-122 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.

- A. Conflict of Interest. Appointed public Council 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 18U.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 Circulars A-122 and 15 CFR 14.

- C. Property Management System. The Council will follow OMB Circulars and A122 and 15 CFR 14.
- 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.
- D. Travel Policies and Reimbursement Procedures. The Council follows the GSA Travel Regulations. 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

**No Foreign travel w/out prior approval  
 Provide actual expenses & per diem for food  
 Travel Reimbursement policies**

The 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 detailed in the Personnel Rules approved by the Council.

G. Council Member Compensation. 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) shall receive compensation at GS 15 (Step 7) when engaged in the actual performance of duties. Actual performance of duties, for the purposes of compensation, may include travel time when approved by the Chair. Council members whose eligibility for compensation has been established in accordance with 50 CFR 600.245 may be paid on a contract basis without deductions being made for FICA or Federal and State income taxes. Employees and Council members whose post of duty is Hawaii, Guam and the CNMI are provided a cost of living allowance not exceeding that paid by the Federal government. Council members from American Samoa will receive post differential. Compensation is paid on a full day's basis for each day spent traveling or working on Council business for any time less than 8 hours. The time is compensable where the individual member is required to expend a significant private effort for work or travel which substantially disrupts the member's daily routine to the extent that a personnel day is lost. "Homework" time in preparation for formal Council meetings is not compensable. Council members must provide a written trip report for every authorized trip taken other than regular Council meetings, Regional Chairmen's meetings, and if Council staff are on the same trip and prepare a report for the Council.

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. 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.
- I. 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.

- J. Record-keeping. Record-keeping shall conform to 15 CFR 14 and 50 CFR 600.125.

**FOR INFORMATION CONCERNING THE COUNCIL**

If additional information on Council procedures is needed, please contact the Western Pacific Regional Fishery Management Council.

Freedom of Information Act (FIOA) requests should be addressed to:  
NOAA FOIA Officer  
1305 East-West Highway, Suite 8536  
Silver Spring, MD 20910-3281