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New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

April 15, 2010

TO: Council
FROM: Paul J. Howard, Executive Director
SUBJECT: SSC Policy Recommendations forwarded by the Executive Committee

The following issues were addressed at the March 23, 2010 Executive Committee in Newburyport, MA.

1. The Executive Committee approved Dr. Steve Cadrin and Jean-Jacques Maguire as Chair and Vice Chair, respectively, of the SSC for 2010, per the Council's SSC Policy. Both were named to these positions via acclamation by the committee through an email vote. This item does not require full Council approval.
2. The SSC requested the addition of both a social scientist and an individual with ecology/EBFM background to the committee. The Executive Committee approved the addition of Dr. Patricia Pinto-De-Silva and Dr. Michael Fogarty (NEFSC). See revised SSC Policy attached.
3. The Council is being asked to consider defining the number for a quorum at SSC meetings as eight, (different than the majority quorum listed in the Council's SSC policy). See revised SSC Policy attached.
4. The Council is being asked to consider a change to the Council Members Compensation Policy to include compensation for attending SSC meetings. See revised Compensation Policy attached.
5. The Council is being asked to adopt the attached policy to formalize issues remanded back to the SSC.

Scientific and Statistical Committee

The purpose of the Scientific and Statistical Committee (SSC) is to assist the Council in the development, collection and evaluation of statistical, biological and other scientific information relevant to the development and amendment of any fishery management plan (Magnuson-Stevens Reauthorization Act §302).

The SSC shall:

- Assist the Council in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information relevant to the development and amendment of fishery management plans;
- Provide the Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices;
- Provide guidance to ensure that fishery management plans, amendments and framework adjustments are based on the best scientific information available (National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act);
- Review stock assessment updates as requested through the Stock Assessment Workshop or Council. One or more SSC members also shall be requested by the Council to serve on or Chair Stock Assessment Workshops/Stock Assessment Review Committees and other appropriate peer review committees;
- Provide input into the development of Terms of Reference for peer reviews to support the needs of the SSC (e.g. for purposes of obtaining projected catch associated with overfishing and quantification of scientific uncertainty for determining Acceptable Biological Catch);
- Upon request, advise the Council on the preparation of comments for any FMP or amendments prepared by the Secretary or other bodies which are transmitted to the Council pursuant to the Magnuson-Stevens Act; and
- Perform other appropriate tasks as may be required by the Council.

Organization The Executive Director shall announce SSC vacancies through the available communication and media outlets, the mail and in other ways he determines appropriate. Additionally, the SSC shall be given the opportunity to recommend SSC nominees to the Council Executive Committee, based on desired skill sets. Interested persons will be required to submit their resumes and other information requested by the Executive Director. The Executive Director shall prepare a list of nominees.

Prior to their appointment, a list of SSC nominees and qualifications shall be made available to the full Council. Members of the Council shall, in turn, have the opportunity to make recommendations to the Executive Committee prior to the selection of SSC members. Subsequently, the five voting members of the Executive Committee shall appoint SSC members on the basis of their expertise in fisheries science, ecology and social sciences.

SSC Membership and Operations The SSC should have no less than ~~45~~ **17** members. Nine of the members should have expertise in fisheries stock assessments, ~~three~~ **four** in fisheries ecology and three in social sciences related to fisheries management. SSC members shall serve for renewable ~~three~~ **four**-year terms. Committee members shall not represent their agencies or institutions, but will function as independent scientists on the SSC.

The SSC shall nominate from its members a Chair and Vice Chair who both will be confirmed by the Executive Committee for one-year, renewable terms. Members may be compensated when funding is available and will be paid for travel expenses in accordance with the Council's travel policy. SSC members also may be compensated for participation in peer reviews, based on available funding.

The Executive Committee may appoint additional SSC members on an ad hoc basis, or the SSC may call upon additional expertise if needed, with the approval of the Executive Director.

SSC Priorities The SSC is tasked with the development of Acceptable Biological Catch recommendations. In doing so, it shall avoid duplication of official peer reviews and consider the larger aspects of the 'spirit of the act' (e.g., ecosystem-based fishery management, socio-economic benefits and other relevant issues identified in the Magnuson-Stevens Reauthorization Act).

Meetings To the extent practicable, the SSC shall meet regularly, either before or in conjunction with Council meetings, and the SSC chair (or appropriate representative) should attend Council meetings. The Committee also should meet as a whole, or in part, at its own request or at the request of Executive Director, with the approval of the Council Chair whenever necessary to fulfill its responsibilities. The SSC may schedule additional meetings, as needed, for the review of fishery management plan items and to address longer-term issues at workshops that may require SSC recommendations in the form of "white papers." The Executive Director shall provide staff and other support to the committee.

Council Requests for SSC Recommendations The SSC shall be primarily responsive to Council requests, and shall set its own annual and monthly agendas based on these requests and other issues as time allows. All Council requests for SSC recommendations should be forwarded from the Council through its Executive Committee or Chairman.

Council requests should be clearly communicated in a memorandum from the Executive Director, including the specific issues that require SSC review and the development of recommendations to the Council.

All available background information and analyses from the appropriate organizations (e.g., Plan Development Team, technical committee) should be provided by a representative of the organization through technical documents and a visual presentation that addresses the major issues, background information, analyses and conclusions.

- To the extent possible, documents shall include the “best scientific information available” and meet the criteria specified by the National Research Council (2004): relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review.
- Background documentation should include a concise summary of previous scientific and management episodes related to each issue.

Meeting Agendas The SSC should meet in conjunction with Council meetings, and request other meetings as needed. The SSC should consider each request at least one month before the Council deliberates on the issue. Where possible, the following schedule should be followed:

- Month 1 – “new business”
 - Documents are available for SSC review before the meeting
 - Critical issues are identified
 - SSC recommendations are discussed and drafted, if possible
 - Tasks are delegated for intervening month
- Intervening work
 - Critical issues are reviewed further, if necessary
 - Draft recommendations are developed (by correspondence or within subgroups)
- Month 2 – “old business”
 - Intervening review and draft recommendations are discussed
 - SSC consensus is developed
 - SSC recommendations are reported to the Council

SSC Recommendations A majority quorum, defined as eight SSC members, shall be sought **is necessary for the development of any SSC ABC recommendations** to the Council. The committee’s recommendations should be consensus statements. Consensus statements shall identify the greatest common perception with caveats. Majority and minority reports could be included in a consensus statement as a last resort. Only matters of process shall be voted on (chair, vice-chair, agenda, etc.). Public comment is invited at the discretion of the SSC chair. SSC reports shall consist of concise recommendations, identification of supporting documents and technical appendices that document SSC analyses.

Annual Agendas Prior to the requirement date for Annual Catch Limits (2010 if overfishing, 2011 all others), the SSC shall review the scientific basis of all NEFMC fishery management plans with a focus on methods to derive catch associated with overfishing (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs) and Accountability Measures (AMs). The annual schedule of fishery management plans, amendments and framework adjustments for Council deliberation shall be provided by Council staff. An SSC member should be assigned to lead the review of each Council agenda item at least one month in advance of the SSC meeting. The SSC lead should work with the SSC Chair to identify issues for SSC discussion.

Council Member and Other Compensation

Voting Council members who are not state, local or federal employees are entitled to receive compensation at the daily rate for GS-15, step 7 of the General Schedule, while actually engaged in the performance of Council duties including travel as assigned by the Council Chairman.

Compensation is paid on a full day basis. The time is compensatory because the individual member is required to expend a significant amount of personal effort that substantially disrupts his/her daily routine to the extent that a work day is lost to the member. Members will not receive compensation unless present at a meeting for at least ½ day. Homework time in preparation for formal Council meetings is not compensatory.

Authorization The Executive Director is extended blanket authority to compensate Council members for attendance at regular meeting of the Council and at meetings of committees of which they are members, (as well as meetings of the Science and Statistical Committee.)

Compensation will not be paid for attendance at regular committee meetings of which the Council member is not assigned. Compensation will not be paid to members attending public hearings.

Compensation is authorized if an eligible Council member chairs a public hearing, and when a committee chairman attends an authorized PDT or Advisory Panel meeting. Compensation is also authorized for the designated liaison to Mid-Atlantic Council to attend Mid-Atlantic Council and committee meetings.

Eligible Council members may be authorized for compensation for other activities such as working group sessions of species-oversight and other regular committees of the Council, ad hoc committee meetings, and participation in meetings or Council-related work when members are assigned by the Council Chairman to such activities.

Consultants Compensation for experts and consultants retained by the Council shall be paid at the same rate as Council members unless a different rate is specifically negotiated. The Council Chairman must authorize the use of experts or consultants. Approval authority in this category may be delegated to the Executive Director at the Chairman's discretion. Requests for authorization of compensation for outside experts may be submitted directly to the Chairman or through the Executive Director.

Limitations Any requests for compensation for activities that were not properly authorized in advance will be referred to the Executive Committee for consideration before the Chairman makes a decision regarding payments.

Council members are paid under a contractual arrangement; therefore, social security and federal and state income taxes are not withheld from the payment of compensation for services.

Certification Authorization for compensation will be indicated on the Travel Authorization issued for each meeting by placing an asterisk after the name of each person who is entitled to be compensated. To be eligible for compensation, authorized members must sign an attendance sheet which is provided at each meeting. To be paid, members must submit a *Travel Reimbursement Voucher* which covers claims for both travel and compensation.



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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

March 23, 2010

To: Paul J. Howard, Executive Director
From: Executive Committee
Subject: Council Remands to its SSC

The Council may remand back to the Scientific and Statistical Committee (SSC) its ABC recommendation based on the following criteria: (a) failure of the committee to follow the terms of reference provided to it by the Council; (b) an error, in fact or omission, in the materials provided to the committee; (c) an error in fact in the calculations, if any, undertaken by the Committee in developing its ABC recommendation; and (d) failure of the committee to follow its standard operating procedures.

