



Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
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MEMORANDUM

Date: 5/22/2018
To: Executive Committee
From: Mary Sabo
Subject: 2018 Advisory Panel Appointments

The Executive Committee will meet during a closed session on **Tuesday, June 5 at 9:00 a.m.** to review advisory panel applications and develop appointment recommendations. The following documents are included for consideration by the committee:

- 1) Advisory Panel Reappointment Process and Timeline
- 2) MAFMC Statement of Organization Practices and Procedures (SOPPs) – Excerpt pertaining to advisory panels
- 3) Overview of the Council’s advisory panel process

Additional materials will be distributed to committee members during the meeting.

2018 Advisory Panel Reappointment Process

Council advisors serve for 3-year terms. In June 2018, three-year terms for our current advisors appointed in 2015 will be complete. Advisors do not have term limits, but they must reapply to be considered for an additional term.

Timeline for 2018 Advisory Panel Reappointment Process:

March 13, 2018: Opening of advisory panel reappointment process. Council staff distribute a press release and email announcement and post information on the website and social media.

April 20, 2018: Closing date for applications. All applications will be reviewed by Council staff for completeness and compiled for review by Committees.

Late April: FMP coordinators work with Committee Chairs to schedule webinar/conference call to review AP applications. Council staff compile applications for distribution to Committees.

May 1-25, 2018: Committees will meet via conference call or webinar to develop a recommended applicant list which they expect to address the AP needs for representation. All viable applicants (and their applications), including any recommended applicant lists, will be provided to the Executive Committee.

June 5-7, 2018: The Executive Committee will review applicants and Committee recommendations during a closed session and produce an appointment list for each AP. These lists will include those qualified applicants that address the current need for representativeness for each AP. These appointed lists will be provided to the Council Chair for final review and consideration.

June 15, 2018: The Council Chair will make applicant selections for each AP from the Executive Committee appointment lists. Those selected applicant names will be sent to the Office of Law Enforcement for review. After full consideration, the Council Chair will appoint the members of the AP.

June 29, 2018: All applicants will be notified by email about whether they have been appointed. If not appointed, applicants will be informed that their application will be kept on file for future consideration for interim appointments (if needed) for a limited time period of 3 years. The Council Chair has discretionary authority to fill a member position in the interim, if necessary.

2.6.2 Advisory Panels

Advisors shall be appointed as needed to assist the work of the Council and will ordinarily be named to provide advice to a particular Council committee. Such advisors will constitute Advisory Panels which fulfill the requirement for a fishing industry advisory committee as required by Section 302(g)(3)(A) of the Act.

2.6.2.1 Objectives and Duties

- (a) When requested by the Council, through the Council Chair or the Executive Director, Advisory Panels shall:
 - (1) Advise the Council on the assessments and specifications contained in each fishery management plan for each fishery within the Council's geographical area of concern, with particular regard to:
 - i) the capacity and the extent to which the fishing vessels (commercial and recreational) of the United States will harvest the resources considered in fishery management plans,
 - ii) the effect of such fishery management plans on local economies and social structures,
 - iii) potential conflicts between user groups of a given fishery resource,
 - iv) the capacity and the extent to which United States fish processors will process that portion of an optimum yield harvested by United States fishing vessels, and
 - v) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources;
 - (2) Advise and/or prepare comments for the Council on:
 - i) fishery management plans or amendments thereto during preparation of such plans or amendments by the Council, and on
 - ii) fishery management plans prepared by the Secretary and transmitted to the Council for review;
 - (3) Advise the Council on current trends and developments in fishery matters; and
 - (4) Perform such other necessary and appropriate advisory duties as may be required by the Council to carry out its functions under the Act.
- (b) Advisory Panel, subcommittees of the panels, or panel members shall meet and attend Council meetings and public hearings on fishery management plans and amendments as authorized by the Council Chair or the Executive Director.

2.6.2.2 Membership

- (a) Advisory Panel members shall apply for appointment, be recommended by the Executive Committee, and be appointed by the Council Chair. Advisory panel members shall be appointed by the Chairman for a period of three years, and may be reappointed at the pleasure of the Chair. Vacancy appointments shall be filled, when practicable for the remainder of the unexpired term of the vacancy. Neither proxies nor designees can serve in place of an appointed member.
- (b) Advisory Panels shall be composed of persons who are either actually engaged in the harvesting or processing of, or are knowledgeable and interested in the conservation and management of, the fisheries to be managed. Advisory Panels shall also reflect expertise and interest from the standpoint of geographical distribution, industry and other user

groups, and the economic and social groups encompassed in the Council's geographical area of concern.

- (c) Advisory Panel members shall be notified of meetings at least 23 days in advance of each meeting. Advisory Panel members who cannot attend a scheduled meeting shall advise the Executive Director.

2.6.2.3 *Administrative Provisions*

- (a) The Advisory Panels shall meet with the approval of the Council Chair, as often as necessary to fulfill the Advisory Panels' responsibilities, taking into consideration time and budget constraints.
- (b) The Council shall pay the actual expenses of the members of the Advisory Panels, in accordance with Section 302(f)(7)(D) of the Act, while engaged in the performance of Council business. Pursuant to Section 302(g)(1)(F) of the Act, stipends are available, subject to the availability of appropriations, to panel members who are not employed by the Federal Government or a State marine fisheries agency. For the purposes of the section, any personnel from state or tribal agencies that have conservation, management or enforcement responsibility for any marine fishery resource, are not eligible for stipends.
- (c) Notice of meetings of Advisory Panel meetings shall comply with the applicable notice requirements specified for Council meetings.

Mid-Atlantic Fishery Management Council

ADVISORY PANELS

The Mid-Atlantic Fishery Management Council's advisory panels are required under the Magnuson-Stevens Fishery Conservation and Management Act of 1976. Under the Act, the advisory panel process is designed to assure, to the greatest extent practicable, that all aspects of a fishery are considered in developing management plans and the measures to implement them.

The fishery management process seeks relevant information from all interested and affected parties including the general public, commercial and recreational fishermen, the fishing industry, and environmental organizations.

Advisors assist in the collection and evaluation of information and provide recommendations on all aspects of fishery management plans and amendments. They provide fair representation of commercial, recreational, and other interests, and advise the Council on current fishery issues and trends including socioeconomic implications and effects of proposed management measures.

The Council's advisors include those who are active in the commercial or recreational fishing industry and are knowledgeable and interested in the conservation and management of fisheries. Their expertise and interest as advisors is often consistent with their interests as user groups and communities involved in those fisheries.

MAFMC ADVISORY PANELS:

*Mackerel, Squid, Butterfish – Summer Flounder, Scup, Black Sea Bass – Bluefish – Spiny Dogfish
Surfclam and Ocean Quahog – Tilefish – Ecosystems and Ocean Planning – River Herring and Shad*

PURPOSE OF ADVISORS

The advisory panels are intended to facilitate the Council's work in preparing and amending a fishery management plan or in addressing a special issue or problem. Advisors may also provide advice on matters concerning annual quotas and specifications. They reflect expertise and interest from the standpoint of geographical distribution, industry and other user groups, and the economic and social groups encompassed in the Council's geographical area of concern. In addition, they provide advice on the current trends and developments in fisheries under the Council's jurisdiction on the following matters:

- the capacity of commercial and recreational fishermen;
- and processors to harvest and process each species under the Council's management;
- the effects of Council management measures on local communities and their economies;
- potential conflicts between user groups;
- potential enforcement problems specific to a particular fishery.

APPOINTMENT/DURATION

Appointees to the advisory panels serve three-year term appointments. Advisors may be reappointed to serve consecutive terms, but all must reapply in order to be considered for reappointment. Neither proxies nor designees can serve in place of an appointed member. Vacancy appointments shall be filled for the remainder of the unexpired term of the vacancy.

APPLICATION PROCESS

At the end of each three-year term, Council staff solicits applications for advisory panels through press releases, emails, website announcements, and other means as appropriate. Each applicant must submit an Advisory Panel Application before the advertised deadline in order to be considered for appointment.

SELECTION

The relevant Council committee reviews the applicants' qualifications and submits a list of recommended appointees which they expect to address that panel's representation needs. The Executive Committee reviews applications and committee recommendations and produces a list of recommended appointees for final consideration by the Council Chair. The Council Chair makes the appointment decision based on these recommendations, and the Council then notifies the appointees of their selection as advisors.

TERMINATION

An advisor's membership on an advisory panel may be terminated based on lack of participation. After a three-year term of appointment has expired, Council staff initiates membership renewal to advisory panels. At this time, an advisor may reapply to continue to serve in his or her role.

PARTICIPATION

When advisory panels are scheduled to be convened, travel orders for participation will be provided to members by Council staff at least two weeks prior to the meeting date. It is expected that all advisors shall attend such scheduled meetings. The Fishery Management Plan coordinator will notify the advisory panel of scheduled meeting dates, location and issues to be addressed at the meeting. Advisory panel members are encouraged to attend Council meetings and public hearings on fishery management plans related to the species for which they have been appointed as an advisor.