

CARIBBEAN FISHERY MANAGEMENT COUNCIL

STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES (SOPPs)

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL

STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES (SOPPs)

The Caribbean Fishery Management Council, created by Section 302 (a)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94-215), as amended [16USC1852(a)(D)] (The Act) hereby publishes a revised Statement of Organization, Practices and Procedures (SOPPs), as required by Section 302 (f)(6) of the Act. This is the eighth complete revision of the Council's SOPPs, which were originally published in the Federal Register on October 13, 1977. These revised SOPPs were approved by the Council during its public meeting held on March 26, 2003, in St. Thomas, U.S. Virgin Islands. Copies may be obtained by writing to the Executive Director, Caribbean Fishery Management Council, 268 Muñoz Rivera Ave., Suite 1108, San Juan, Puerto Rico 00918.

**ORGANIZATION, PRACTICES AND PROCEDURES OF THE CARIBBEAN FISHERY
MANAGEMENT COUNCIL**

1.0 NAME OF COUNCIL

Caribbean Fishery Management Council

2.0 LOCATION OF OFFICE

Postal and Physical Address:

268 Muñoz Rivera Avenue, Suite 1108
San Juan, Puerto Rico 00918-1920

3.0 AUTHORITY

3.1 Legal: Legal authority for Council is found in Sec. 302 of the Act. The Caribbean Fishery Management Council (CFMC) shall consist of the Commonwealth of Puerto Rico and the Territory of the United States Virgin Islands, and shall have authority over the fisheries in the Caribbean Sea and Atlantic Ocean seaward of these States, except any highly migratory species fishery in its geographical area of authority.

3.2 Fiscal: The Caribbean Fishery Management Council fiscal year shall be from January 1 through December 31.

4.0 PURPOSES

The purpose of the Caribbean Fishery Management Council is to exercise its responsibilities and functions as specified in the Act.

5.0 COUNCIL COMPOSITION

The Caribbean Fishery Management Council has seven (7) voting members and three (3) non-voting members.

5.1 Voting Members: Four (4) voting members are appointed by the Secretary of Commerce pursuant to Section 302 of the Act, Subsections (b)(1)(C), (b)(2) and (b)(3) (at least one of whom shall be appointed from each such State). The three (3) remaining voting members shall be: (a) The principal State official (or designee) with marine fishery management responsibilities and expertise in each of the two constituent states, as appointed by the Governor of the State; (b) The Regional Administrator of the National Marine Fisheries Service for the Southeast Region (or designee).

5.1.1. Each member appointed to the Council must take the following oath of office: "I..., a voting member of the Caribbean Fishery Management Council, appointed by the Secretary of Commerce, promise to act as a trustee and steward of our Nation's fishery resources. I will uphold all standards and provisions of the Magnuson-Stevens Fishery Conservation and Management Act; conduct myself, at all times, according to rules and guidance prescribed by the Secretary; responsibly weigh all information bearing on issues being acted upon by the Council; and vote on such issues with objectivity and fairness. This oath is freely given without mental reservation or purpose of evasion."

5.2 Non-Voting Members: The 3 non-voting members of the Council shall be those established in Section 302, Subsections (c)(1)(A),(B) and (D) of the Act, which include: the Southeast Regional Director of the U.S. Fish and Wildlife Service (or designee); the Commander of the Seventh Coast Guard District (or designee); and a representative of the U.S. Department of State (or designee).

5.3 Designees: (1) The Act authorizes only the principal State officials, the Regional Administrator, and the non-voting members, to designate individuals to attend Council meetings in their stead. The Chairperson of the Council must be notified in writing in advance of any meeting at which a designee will initially represent the Council member, the name, address, and position of the individual designated. A designee may not name another designee. However, such officials may submit to the

Chairperson, in advance, a list of several individuals who may act as designees, provided that the list designates who would serve if more than one designee is in attendance.

(2) Reimbursement of travel expenses to any meeting must be limited to the member, or, in the case of the absence of the member, one designee-- in any case, one person.

6.0 OFFICERS AND TERMS OF OFFICE

The Council elects annually, by a majority of vote of the voting members present and voting, a Chairperson who serves for a term not to exceed one year (ending on August 11). A Council meeting will be held not later than August 15, to elect new officers.

7.0 COUNCIL STANDING COMMITTEES

7.1 General: Members and officers of the committees are appointed by the Council. Committees will report to the Council, and the convened Council will take action on the committee recommendations. No action of any committee is final without the approval of the Council. While certain Council members are non-voting members of the Council they may vote when participating as members of a committee in making non-binding recommendations to the Council.

The following are considered the committees of the Council:

7.1.1 Administrative Committee

7.1.2 Educational and Information Committee

7.1.3 Grievance Committee

7.1.4 Enforcement Committee

Other committees may be appointed by the Council when deemed necessary.

7.2 Committee Composition: Lists of committee members are available at the Council's Headquarters.

7.3 Committee Functions

7.3.1 Administrative Committee - The functions of the Administrative Committee are to advise and make recommendations to the Council regarding Council's policy on its operational side. Among others, the Administrative Committee:

- (1) Develops the organization's structure, membership composition, functions, duties and responsibilities of advisory panels;
- (2) Develops, with the assistance of the Executive Director and the Administrative Officer, amendments to the Council's Statement of Organizational Practices and Procedures (SOPPs), reviews and monitors the Council budget and fiscal activities, and as appropriate, makes recommendations to the Council;
- (3) Addresses policy issues that may arise, which affect development, implementation, and monitoring of fishery management plans. The Committee functions in a broad and general manner, and does not displace functions of other committees of the Council.
- (4) Develops, with the assistance of the Executive Director and Administrative Officer, personnel policy, reviews and determines staffing requirements, reviews eligible candidates for vacant staff positions, and makes recommendations to the Council regarding personnel hiring, retention, separation, pay, benefits, and other appropriate personnel matters;
- (5) Monitors work of committees, contractors, and staff in the development and drafting of fishery management plans;
- (6) Reviews, monitors, and makes recommendations on law enforcement requirement of plans and certain statistical data requirement.

- 7.3.2 Education and Information Committee Outreach and Education Committee
 The Education and Information Outreach and Education Committee develops programs for the consideration of the Council to inform the general public, and particularly all user groups, of the objectives of the Act, as well as other pertinent information on Council activities and plans.
- 7.3.3 Grievance Committee - In general, the Grievance Committee hears and make recommendations on grievances from public, members, and staff, in all matters pertaining to Council functions.
- 7.3.4 Enforcement Committee - The Enforcement Committee reviews, monitors and makes recommendations on law enforcement requirements of FMP's management measures and regulations.
- 7.3.5 Working Groups - Fishery management planning and development of FMPs may be performed by various types of working groups under the direction of the Council. The Council may establish a plan development team to assess the need for management, assemble information, conduct and evaluate

analyses, evaluate public/industry proposals and comments, and estimate the cost of FMP development, implementation, and monitoring. In addition, the Council may use ad hoc groups to address resource user conflicts or other issues.

8.0 MEETINGS OF THE COUNCIL AND ITS COMMITTEES

8.1 General - The Council shall meet at the call of the Chairperson of the Council, or upon request of a majority of the voting members. Committees, advisory bodies, and/or working groups will meet with the approval of the Council Chairperson.

8.2 Meeting Notices - Timely public notice of each regular meeting, emergency meetings, or the closure of any portion of a meeting with respect to the conduct of business at meetings of the Council, and of the Scientific and Statistical Committee, Advisory Panel, Habitat Advisory Panel, Fishing Industry Advisory Committee and Administrative Committee meetings, including the time, place, and agenda of the meeting, shall be published in local news media in the major fishing ports of the Council's region (and in other major fishing ports having a direct interest in the affected fishery), and such notice may be given by other means that will result in wide publicity. A notice shall also be published in the FEDERAL REGISTER.

Timely public notice will be published approximately two weeks in advance in the FEDERAL REGISTER, and approximately one week in advance in local news media.

8.2.1 Emergency Public Meeting Notices - Drafts of emergency public meeting notices must be transmitted, if possible, at least five (5) working days prior to the first day of the emergency meeting. Although notices and agendas for emergency public meetings are not required to be published in the Federal Register notices of emergency meetings must be promptly announced through the local media.

8.3 Frequency and Duration - The Council shall meet in a plenary session at least twice a year, or as needed. The workload of the Council will determine the duration of the meetings.

8.4 Location - Council meetings will be held within the Council's area of jurisdiction, consistent with budgetary constraints (unless it is a joint meeting with another Council) and in places accessible to people with disabilities.

8.5 Agenda - A tentative agenda for all Council meetings should be drawn up by the Executive Director, and approved by the Chairperson. Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda

of the meeting, shall be published in local newspapers in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), and such notice may be given by such other means as will result in wide publicity. Timely notice of each regular meeting shall also be published in the Federal Register.

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 such modification is to address an emergency action under MSFCMA §305(c), in which case public notice shall be given immediately.

8.6 Minutes of Meetings - Detailed minutes of each meeting of the Council, except for any closed session, shall be kept, and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chairperson shall certify the accuracy of the minutes of each meeting, and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction.

8.7 Rules of Procedure - All meetings will be conducted according to the parliamentary procedure set out in Roberts Rules of Order, 21st Century Edition, 1995. Agreement among Council members may be reached by consensus. Non-voting members are expected to participate in all discussions and indicate their opinions on all specific issues. A majority of the voting members constitute a quorum for Council meetings.

Decisions of the Council are by majority vote of the voting members present and voting (except for a vote to propose removal of a Council member, see C.F.R. 600.230). Voting by proxy is not permitted. An abstention does not affect the unanimity of a vote.

Those matters pertaining to the approval or disapproval of a fishery management plan or amendment, including proposed regulations, or comments for the Secretary on foreign fishing applications, or management plans prepared by the Secretary, require a roll call vote.

If any voting member of the Council disagrees with respect to any matter which is transmitted to the Secretary, including principal state officials raising federalism issues, such member may submit a written statement to the Secretary setting forth the reasons for such disagreement. If any Council member elects to file a minority report, it should be submitted at the same time as that of the majority.

On the final vote on any matter to be transmitted to the Secretary by a Council, the NMFS Regional Administrator serving on the Council, or his or her designee, when rendering a negative vote, shall submit to the Council within 10 working days after

adjournment of the Council meeting a statement explaining the reason (s) for the vote. This statement shall remain on file with the Council, and copies made available to the public upon request.

At the request of any member of the Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate records of any Council meeting shall:

- (1) identify all roll call votes held,
- (2) identify the name of each voting member present during each roll call vote, and
- (3) identify how each member voted on each roll call vote.

8.7.1 Fishery Habitat Concerns - The Council may comment on and make recommendations concerning any activity undertaken, or proposed to be undertaken, by any State or Federal agency that, in the view of the Council, may affect the habitat of a fishery resource under its jurisdiction; and shall comment on and make recommendations concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat of an anadromous fishery resource under its jurisdiction.

Within 30 days after receiving a recommendation from the Secretary, a Federal agency shall provide a detailed written response to any council commenting on an activity that may affect the habitat of a fishery resource, and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.

8.7.2 Closed Meetings - The Council, the Scientific and Statistical Committee, the Habitat Advisory Panel, the Fishery Industry Advisory Committee, and the Advisory Panel shall close any meeting, or portion thereof, that concerns matters or information that bears a national security classification; and may close any meeting, or portion thereof, that concerns matters or information that pertains to national security, employment matters, or briefings on litigation in which the Council is interested; and, if any meeting or portion is closed, the Council shall notify local newspapers in the major fishing ports within the region, including in that notification the time and place of the meeting. This notification is not required in case of any brief closure of a portion of a meeting in order to discuss employment or other internal administrative matters.

- 8.7.3 Roll Call Vote - At the request of any voting member of the Council, the Council shall hold a roll call vote on any matter before it. Votes for the approval of management plans, plan amendments, and other roll call votes will be recorded by name of each voting member present and how each member voted.
- 8.7.4 Written Motions - A vote for the Council approval or amendment of an FMP (including any proposed regulations), a Council request for amendment to regulations implementing an FMP, a Council finding that an emergency exists involving any fishery (including recommendations for responding to the emergency), or Council comments to the Secretary on FMPs or amendments developed by the Secretary, may not be taken until the motion before the Council is recorded in written form that is visible to each member of the Council and the public who are present.
- 8.7.5 Public Testimony: Required Information - Any oral or written testimony submitted to the Council shall include the following background information:

Name
State of Residence
Affiliation (if any)
Occupation
If fisher, how long in the subject fishery

The source and date of all written material submitted to the Council shall be identified, and the individual submitting written material will also supply the information listed above.

8.7.6 Recusal:

(a) After the effective date of regulations promulgated under 16 USC 1852, MSFCMA Section 302 (j)(F) 1996, a voting meeting required to disclose financial interest under SOPPs Section 12.1.7.2 (below), shall not vote on a Council decision which would have a significant and predictable effect on such financial interest if there is a close casual link between the Council decision and an expected and substantially disproportionate benefit to the financial interests of the voting member relative to the financial interests of other participants in the same gear type or sector of the fishery. A voting member who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

(b) At the request of a voting member, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

(c) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) above, within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

(d) Any voting member who is prohibited from voting in a Council decision, in accordance with this subsection, may state for the record how he or she would have voted on such decision.

(e) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C) above the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

(f) The Secretary, in consultation with the Councils, and by not later than one year from the date of enactment of the MSFCMA, also called the Sustainable Fisheries Act, shall promulgate regulations which prohibit a voting member from voting, in accordance with subparagraph (A) above, and which allow for the making of determinations under subparagraphs (B) and (C) above.

8.8 Authority of the Chairperson: Chairperson, Vice-Chairperson, or in their absence a member of the Council elected by the voting members present, serves as temporary Chairperson.

8.9 A public meeting may be terminated due to public disruption.

9.0 HEARINGS

Public hearings will be held by the Council to provide maximum participation by the public in the development of fishery management plans, amendments thereto, and other aspects of administering the SFA. All such hearings will be held in the geographical area of concern. Interested parties may appear in person and present their views, or submit them in written form to the Council Chairperson.

Hearing notices will be prepared and issued in the same manner as meeting notices (8.2) above.

When it is determined by the Council that a hearing is appropriate, the Chairperson of the Council must designate, at least, one voting member of the Council to officiate.

All points of view must be given a reasonable opportunity to be heard.

Records of the participants and their views, whether in person or written, will be made available to the Council, and retained as official Council records.

A public hearing may be terminated due to public disruption.

10.0 ADVISORY COMMITTEES

10.1 Scientific and Statistical Committee (SSC) - The Scientific and Statistical Committee is composed of members of the scientific community, who provide advice to the Council on matters related to the conservation and management of fisheries resources (see Scientific and Statistical Committee Policy, Appendix I). The Committee is established under authority of the Act. Council members may attend sessions of the Scientific and Statistical Committee only when authorized by the Council Chairperson, or in a non-participating capacity as a private citizen.

10.2 Advisory Panel (AP) - The Advisory Panel is composed of individuals either actually engaged in harvesting, processing, marketing, or consuming fish, or knowledgeable and interested in the conservation and management of the fishery or group of fisheries to be managed. The Panel shall reflect the expertise and interest from the standpoint of geographical distribution, conservation, industry and other users groups, and the economic and social groups encompassed by the Council's geographical area of concern (see Advisory Panel Policy, Appendix II). The Advisory Panel is established under the authority of the Act.

10.3 Habitat Advisory Panel (HAP) - The Habitat Advisory Panel is composed of members of the scientific community, who provide advice to the Council on matters related to the conservation and management of the habitat of the species under management. The Panel is established under the Authority of the Act. Council members may attend sessions of the HAP only when authorized by the Council Chairperson, or in a non-participating capacity as a private citizen.

10.4 Fishing Industry Advisory Committee (FIAC) - The Fishing Industry Advisory Committee provide information and recommendations on, and assist in the development of FMPs and their amendments. Appointments to FIAC are made providing fair representation of commercial and recreational fishing interests.

11.0 FISHERY MANAGEMENT PLAN DEVELOPMENT PROCEDURE

The Caribbean Council will utilize the guidelines and procedures, as established by the Secretary, for the development of fishery management plans, in accordance with the provisions of the SFA and other applicable laws and established policy.

The Council, after evaluating available technical resources in Council Staff, NMFS, its advisory committees, the states, universities and private research firms, will select the most cost effective and efficient method of plan development, which may include the following options, either single or in combination:

- 11.1 Use an interdisciplinary plan development team consisting of state, federal, and non-government specialists;
- 11.2 Use of a contractor who will assemble an interdisciplinary team of specialists to develop the plan; or
- 11.3 Use of Council technical staff.

12.0 ADMINISTRATIVE PRACTICES AND PROCEDURES

12.1 Staff

- 12.1.1 Composition - The staff of the Council shall consist of an Executive Director, and other staff as necessary.

The Council will be guided by the Federal Employees Part-Time Career Employment Act of 1978, as amended, and the regulations and guidelines promulgated thereof, in the employment of part-time permanent employees.

Other than permanent staff may be appointed to fulfill specific needs of the Council, as may be authorized by the Chairperson or the Executive Director. The Council will be guided by the Federal Personnel Manual in the employment of other than permanent staff, as applicable.

All Federal agencies are authorized by section 302(f)(2) of the SFA, 16 U.S.C. 1852(f)(2), to detail personnel to the Council on a reimbursable basis to assist the Council in the performance of its functions. Non-reimbursable details are not precluded. The Council may negotiate arrangements with state or local governments to utilize employees of those governments.

12.1.2 Functions

- 12.1.2.1 Executive Director - The Executive Director directs the organizational and administrative aspects of the Council

operations, including hiring and supervising the support staff. Serves as the Chief Liaison Officer for the Council in contracts with government and private agencies. Is responsible for the implementation of Council policies and decisions and, under Council supervision, accounts for and controls resources allocated to the Council. Is responsible for developing the agendas for Council and public meetings, and for the preparation of reports. Represents the Council before public or official groups when required, and coordinates incoming and outgoing communications.

12.1.2.2 Staff - Staff positions and functions for each member of the Administrative Staff are available at the Council Headquarters Office. The staff shall report to the Executive Director.

12.1.2.3 Experts and Consultants - As long as funding is available in its budget, the Council may contract with experts and consultants, as needed, to provide technical assistance not available from NOAA. This includes legal assistance in clarifying issues, but councils must notify the NOAA Office of General Counsel before seeking outside legal advice. A council may not contract for the provision of legal services on a continuing basis.

12.1.3 Employment Practices

12.1.3.1 Nondiscrimination - All activities supported in whole or in part by Federal funds shall be operated under a policy of equal employment opportunity. Council staff positions shall be filled solely on the basis of merit, fitness, competence, and qualifications. Employment actions shall be free from discrimination based on race, religion, color, national origin, sex, age, disability, sexual orientation, status as parent and/or reprisal.

12.1.3.2 Except for complaints alleging sexual orientation and status as a parent, complaints by employees alleging that they have been discriminated against on the bases listed above should be processed in accordance with 29 C.F.R. § 1614. Employees must contact an EEO Counselor at NOAA's Office of Civil Rights within 45 days of the date of the alleged discrimination. Employees alleging discrimination on the basis of sexual orientation will have their complaints

processed in accordance with DAO 215-11. Employees must contact an EEO Counselor at NOAA's Office of Civil Rights within 45 days of the date of the alleged discrimination.

- 12.1.3.3 The Council has a zero-tolerance policy for harassment on the basis of race, religion, color, national origin, sex, age, sexual orientation, disability and/or reprisal. Any employee who believes he or she has been harassed should report the harassment to a supervisor or manager. The supervisor or manager should then follow the steps set forth in Department Administrative Order, DAO 202-955. Any complaints of harassment on the basis of sexual orientation should be handled in accordance with DAO 215-11. The provisions of these DAOs are entirely separate from the EEO complaint process, and must be followed whether or not an employee has filed an EEO complaint.
- 12.1.3.4 Requests for disability-related accommodations should be processed in accordance with Department Administrative Order, DAO 215-10.
- 12.1.3.5 No employee of the Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the SFA on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, State, county, or municipal election, or on account of his or her political affiliation.
- 12.1.3.6 In conducting official Council business, Council members and staff generally have the same protection from individual tort liability as Federal employees on official actions, and are protected by the Federal workmen's compensation statute, by the minimum wage/maximum hour provisions of the Fair Labor Standards Act (FLSA) and by the rights of access and confidentiality provisions of the Privacy Act (PA).
- 12.1.3.7 Council staff are eligible also for unemployment compensation in the same manner as Federal employees.
- 12.1.3.8 Personnel Actions - Subject to these practices and procedures and according to personnel authority provided by the Secretary, and within budgetary constraints, the Council may

establish positions, recruit, hire, compensate, and dismiss personnel. Involuntary separation shall be for misconduct, unsatisfactory performance, and/or lack of funds, with reasonable advance notice given to the employee.

All permanent staff positions are subject to a one year probationary period. If employee's job performance is unsatisfactory during the probationary period, employee will be dismissed if approved by the Administrative Committee and the Council.

12.1.3.9 Salary and Wage Administration - In setting rates of pay for Council staff, the principle of equal pay for equal work shall be followed. Variations in basic rates of pay shall be in proportion to substantial differences in the difficulty and responsibilities of the work performed. The duties of any new position shall be contained in a position description to be submitted to National Oceanic and Atmospheric Administration Regional Office assigned to the Council prior to the submission of a budget in which the salary of that position is requested. The Council will be provided a salary range appropriate to the position. The Council may fill the position at any salary level within that range, except that unless recruitment of exceptionally qualified employees is hampered, the policy of hiring at the beginning rate shall be recognized. The annual pay for any staff position may not exceed the equivalent of the top step GS-15 of the Federal General Schedule at any time. Each employee will be provided with a copy of his or her position description. Any significant change in scope of duties will necessitate the reclassification of the position, and should be submitted to NOAA/Service Personnel Office for reclassification review.

[] The annual pay rates for Council staff positions shall be consistent with the pay rates established for General Schedule Federal employees as set forth in 5 U.S.C. 5332, and the Alternative Personnel Management System for the U.S. Department of Commerce (62 FR 67434). The Councils have the discretion to adjust pay rates and pay increases based on cost of living (COLA) differentials in their geographic locations. COLA adjustments in pay rates and pay increases may be provided for staff members whose post of duty is located in Alaska, Hawaii, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and Puerto Rico.]

After a position has been filled, the employee may be promoted annually and recognized for superior performance within the specific salary range according to the published rates prescribed for the pay grades assigned by equivalent current GS ratings, in accordance with Council policies.

Overtime payment shall be in accordance with the Fair Labor Standards Act (FLSA) 29 U.S.C. § 201 et.seq. This provides for 1.5 hours of compensatory time for each hour of work in excess of eight (8) hours on regular time, and two (2) hours of compensatory time for each hour of work during a holiday, Saturday or Sunday.

A cost of living allowance (COLA) will be applied to the base salaries of Council members and staff in accordance with Federal rates established for Puerto Rico and the U.S. Virgin Islands. Salaries will be adjusted as changes occur to the General Schedule pay rates (Presidential increases) approved for federal employees, as per 50 C.F.R. § 600 et. seq.

12.1.3.10 Council Members Compensation - Effective September 1, 1991, all Council members whose eligibility for compensation has been established in accordance with NOAA guidelines as indicated in Section V.B.1., will be paid on a contract basis without deductions being made for Social Security or Federal and State income taxes. The level of compensation for authorized Council members shall be as established in accordance with federal rule (50 CFR 600.245).

Compensation will be paid to eligible Council members for time spent in the performance of official duties for the Council and as authorized by the Council or the Council Chairperson. Payment will be made for a full day's pay whether the duties performed are in excess or less than eight hours a day. The time is compensable where the individual member is required to expend a significant private effort which substantially disrupts the daily routine to the extent that a work day is lost to the member. "Homework" time in preparation for formal Council meetings is not compensable. Non-government Council members receive compensation for:

- 1) Days spent in actual attendance at a meeting of the Council or jointly with another Council.

- 2) Travel on the day preceding or following a scheduled meeting that precluded the member from conducting his normal business on the day in question.
- 3) Meetings of standing committees of the Council if approved in advance by the Chairperson.
- 4) Individual member meeting with scientific and technical advisors when approved in advance by the Chairperson and a substantial portion of any day is needed.
- 5) Conducting or attending hearings when authorized in advance by the Chairperson.
- 6) Other meetings involving Council business when approved in advance by the Chairperson.

12.1.3.11 Performance Evaluations - The rating period for performance evaluations of staff employees is December 1 of each year. Ratings of employees are made by appropriate supervisors with concurrence of the Executive Director. Rating of the Executive Director is performed by the Chairperson and Vice-Chairperson of the Council. (In the event the Chairperson and Vice-Chairperson disagree on the Executive Director's performance rating, the Administrative Committee will meet in closed session, and by a majority vote of voting members present determine the appropriate rating.) All performance ratings are prepared in writing, copies of which are provided to the rated employee and filed in the appropriate personnel dossier. Performance evaluations serve as a basis for determining step and/or quality step increases, as well as cash or honorary awards.

12.1.3.12 Duty Time - The duty time is a workweek of 40 hours, divided in five days, eight (8) hours per day. This applies to all full-time permanent and term-appointment employees. (In the case of permanent part-time employees the Council will be guided by PL 95-437 as cited in Section 12.1.1 of this SOPPs.) The hours worked by individual employees may vary depending on the needs and interests of the office and the individual. The Fair Labor Standards Act applies. The Council Office will be open from 8:00 a.m. to 5:00 p.m. on

official workdays, with core hours from 10:00 a.m. to 4:00 p.m. An employee's workday may vary from the official office hours, but must be predetermined and approved by the supervisor.

12.1.3.13 Leave Policy

12.1.3.13.1 Annual Leave

(a) Council full-time employees, and temporary employees who are appointed for 90 days or more, accrue annual leave at the same rate used by the Federal Government for its employees.

Permanent part-time employee's annual leave will be determined as per NOAA Personnel Handbook. For leave purposes only, credit shall be given to prior State, Federal or Military Service, not to exceed a total of twelve (12) years.

Earned annual leave may be taken in accordance with schedules approved by the Executive Director.

(b) A maximum of 240 hours (30 days) of annual leave may be carried over into each new calendar year. All accumulated annual leave in excess of 30 days will be forfeited on the last day of the leave year.

(c) All leave above the employee's recognized annual leave ceiling must be scheduled and documented on an Application for Leave Form approved by the Executive Director. If an employee's scheduled and approved annual leave is canceled because of the work demands, and the employee cannot reschedule leave before the end of the leave year, the forfeited leave may be restored as per NOAA Personnel Regulations. Approval for this restoration must be obtained from the Council Chairperson or the Executive Director.

(d) If an employee resigns or is terminated for any reason, including dismissal, the employee shall be compensated for unused annual leave (not to exceed

240 hours carryover plus current year earnings of unused leave) at the hourly wage rate in effect at the time of termination. In the case of death, his/her estate shall be paid for any accumulated annual leave balance.

12.1.3.13.2 Sick Leave

(a) Council full-time employees, and temporary employees who are appointed for 90 days or more, accrue sick leave at the same rate as federal employees. Sick leave is cumulative throughout the Council tenure of employee.

(b) Permanent part-time employee's sick leave will be determined as per NOAA Personnel Handbook.

(c) Sick leave may be used for physical or mental illness, injury, temporary disability, pregnancy, childbirth, other disabling or incapacitating disability, for medical and dental appointments, and for death in the immediate family. For this purpose, sick leave in excess of three consecutive days shall be supported by documentation from a medical doctor.

(d) Sick-leave can be used also to make arrangements for or attend the funeral of a family member, and the employee may use up to 13 days of sick-leave each year to care for family members.

For the purpose of this section, the term "family members" include spouses and their parents; children; parents; siblings and their spouses; anyone related by blood or affinity whose relationship to the employee is the equivalent of a family relationship, including homosexual partners.

(e) Upon termination of employment for retirement or death, employee shall be reimbursed for unused accumulated sick leave, up to a maximum of 100 days, as a supplement contribution to the retirement fund of the employee at the rate of one day's pay for each two days of unused sick leave. This amount is

exempt from the vesting procedure established in the Retirement Plan and will be credited directly to the employees contribution to the fund.

(f) An exemption to the maximum number of unused sick-leave days will apply in those cases of employees appointed during the period January 1, 1983 - December 31, 1989; that is, these employees shall be reimbursed for unused accumulated sick leave as a supplement contribution to the retirement fund of the employee at the rate of one day's pay for each two days of unused sick leave; this amount is exempt from the vesting procedure established in the retirement plan and will be credited directly to the employees contribution to the fund (grandfather clause provision).

(g) For retirement purposes, the total sick leave accrued by the employee will be counted toward the determination of years of service.

12.1.3.13.3 Compensatory Leave and Overtime Pay - Travel time during the normal work week (Monday through Friday) is considered as overtime for non-exempt employees only when in excess of eight hours of actual work. Travel time on weekends or holidays for non-exempt employees will be considered overtime or holiday pay, as appropriate, for actual hours of travel when authorized by the Executive Director. All overtime must be authorized and approved by the Executive Director and/or the immediate supervisor.

The maximum accumulation for compensatory time will be 80 hours. Compensatory leave must be taken within the six (6) pay periods following the pay period in which it was earned. Under extraordinary circumstances, the time period for taking compensatory leave may be extended for additional six (6) pay periods.

Justification for such extensions must be in writing and must be approved by the Executive Director.

12.1.3.13.4 Jury and Military Duty - The Council recognizes jury duty and military duty for training and shall compensate employees on a full wage rate basis for days absent from work in performance of such duty.

Compensation for military leave for training shall not exceed 10 working days annually. Personnel on extended active duty in the armed forces shall be placed on leave without pay.

12.1.3.13.5 Holidays

The following official holidays will be observed by the Council:

- (a) New Year's Day
- (b) Martin Luther King's Birthday
- (c) Washington's Birthday
- (d) Memorial Day (Last Monday in May)
- (e) Independence Day (July 4)
- (f) Puerto Rican Constitution Day (July 25)
- (g) Labor Day (First Monday in September)
- (h) Columbus Day (Second Monday in October)
- (i) Veterans Day (November 11)
- (j) Thanksgiving Day (Fourth Thursday in November)
- (k) Christmas Day

Other national holidays for federal employees.

12.1.3.13.6 Administrative Leave - The Executive Director shall have authority to grant administrative leave in the event of emergency conditions affecting the office or

well being of the staff, and on any local holiday which is of importance to the people of Puerto Rico, provided that it is consistent with the current workload of the staff. It may include blood donation, up to four (4) hours, time off to vote in elections (not to exceed one day), Three King's Day, Good Friday, and Discovery of Puerto Rico.

12.1.3.13.7 Leave Payment Accounts - The Council will maintain two accounts for leave payment purposes; one to pay for unused sick leave to a staff's retirement fund upon their retirement, or to their estates upon their death; and the other to pay for unused annual leave to employees upon separation. These accounts will be funded from the Council's annual operating allowances. The Council is not allowed to transfer monies between these two accounts. The Council has the option to deposit funds into these accounts at the end of the budget period if unobligated balances remain. Interests earned on these accounts will be maintained in these accounts along with the principal, for the purpose of payment of unused annual and sick leave only. These accounts, including interests, may be carried over from year to year.

12.1.4 Employee Benefits - The Council provides medical insurance, life insurance, disability and retirement programs for full-time-permanent and full-time-term appointment employees. ~~Total benefits provided by the Caribbean Council shall not exceed 26% (exclusive of FICA and COLA) of employees gross salary.~~

The following benefits will be provided by the Caribbean Council to the staff:

12.1.4.1 Health Insurance - The Council will pay the employee premium under the plan chosen, plus one half of the family portion. The benefit will be extended to staff retirees up to age 65.

12.1.4.2 Life Insurance - The Council will pay the employee premium up to one and a half (1½) times of employee's gross salary with a maximum of \$100,000 and with double indemnity for accidental death.

12.1.4.3 Disability Insurance - The Council will pay the employee premium for a maximum monthly benefit as established by the Council. This is a non-job related disability coverage.

12.1.4.4 Pension Plan - The Caribbean Council contributes 10% of employees gross earnings (excluding overtime pay). Employees are required to contribute 5% of gross earnings. The plan has a vesting schedule of 20% per year, so at the end of five (5) years of service vesting will be 100 percent. Unallocated funds (unvested) due to termination of employment or retirement of an employee should be distributed proportionally among the other employees, based on years of service as defined by the Retirement Plan Contract.

In the case of permanent part-time employees the benefits specified in 12.1.4.1 through 12.1.4.4 above, will be proportionally allocated as per Council directives and NOAA Personnel Handbook.

12.1.5 Standards of Conduct - The Council is responsible for maintaining high standards of ethical conduct among its members, staff and advisory groups. Such standards include the principles described as follows:

12.1.5.1 Council members, as Federal officeholders, and Council employees are subject to most Federal criminal statutes covering bribery, conflict-of-interest, disclosure of confidential information, and lobbying with appropriated funds. In particular, the following provisions apply:

18 U.S.C. 201 - prohibits offer or acceptance of anything of value to influence any official act.

18 U.S.C. 203, 205 - prohibits officials from contacting any Federal agency or Federal court on behalf of others concerning a particular matter involving specific parties with the intent to influence Government action if they participated personally and substantially in the matter as a Council member. Furthermore, officials may not receive compensation for the representational activities of others regarding such matters.”

18 U.S.C. 207 - prohibits a former official permanently from representing others before a Federal agency or Federal court

concerning a particular matter involving specific parties in which the official participated personally and substantially as a Federal official or for two years concerning a matter which was under the person's official responsibility during their last year of Government service."

18 U.S.C. 208 - which prohibits official acts in a matter in which the federal employee has a personal financial interest, does not apply to a financial interest of a Council voting member if he obtains a waiver under 18 U.S.C. 208 (b), or if the disclosure of financial interest form has been filed under § 302 (j) of the Magnuson-Stevens Act, and that individual is in compliance with regulations promulgated under said section.

18 U.S.C. 209 - prohibits an official from receiving compensation for performing Federal duties from a source other than the United States Government. This restriction does not apply to an official who has served for 130 days or less in a 365-day period.

18 U.S.C. 210, 211 - prohibits offer or acceptance of value to procure appointment to public office.

18 U.S.C. 1905 - prohibits disclosure of trade secrets or confidential commercial information except as provided by law.

18 U.S.C. 1913 - prohibits use of appropriated funds to influence a member of Congress in favor or oppose any legislation or appropriation. However, this prohibition does not apply when responding to a request from a member of Congress or a Congressional Committee. Personal communications of a Council member or employee at his own expense that are identified as such are not prohibited.

12.1.5.2 In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Council must comply with these standards of conduct:

(a) No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the

result of an election to or a nomination for any national, state, county or municipal elections.

(b) No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided from or made possible by the Magnuson Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.

(c) No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining for any person, any appointive office, place or employment under the Council.

(d) No employee of the Council shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.

(e) No Council member or employee of the Council shall use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment which has not been made available to the general public.

(f) No Council member or employee of the Council shall engage in criminal, infamous, dishonest, notoriously immoral or disgraceful conduct prejudicial to the Council.

(g) No Council member or employee of the Council shall use Council property for other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.

(h) No Council member may participate (A) personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in a particular matter primarily of individual concern, such as a contract, in which he or she has

a financial interest; or (B) in any matter of general public concern which is likely to have a direct and predictable effect on a member's financial interest unless that interest is in harvesting, processing, or marketing activities and has been disclosed in a report filed under 50 C.F.R. § 601.37 (Financial Disclosure). For purposes of this subsection, the member's financial interest includes that of the member's spouse, minor child, partner, organization in which the members is serving as officer, director, trustee, partner or employee, or any person or organization with whom the member is negotiating or has any arrangement concerning prospective employment.

12.1.6 Personnel Files - A file for each employee containing appointment papers, security reports, biographical data and other official papers will be maintained in the Council's office under security and safeguard conditions required of files subject to the Privacy Act. Each employee, the Executive Director, and the employee's supervisor may have access to his/her individual file; but files are otherwise available to others only pursuant to the Privacy Act and Freedom of Information Act in consultation with NOAA Legal Counsel.

12.1.7 Security Investigations and Financial Disclosures

12.1.7.1 Security clearances are required for Executive Directors, and prior to appointment, for all Council nominees. Other staff and advisory group members may be required to obtain clearances at the Council's discretion. Those who have not been cleared may not participate in meetings, or portions of meetings, closed for reasons of national security, or have access to any classified information.

The process for security investigations and clearances will be in accordance with 50 C.F.R. § 601.38.

12.1.7.2 Council members appointed by the Secretary must submit a Statement of Financial Interest that discloses any financial interest held in any harvesting, processing, or marketing activity that is being, or will be undertaken within any fishery over which the Council has jurisdiction. This requirement extends to the spouse, minor children, or partner of the member, or organization (other than the Council) in which the member is serving as an officer, director, trustee, partner or

employee. A copy of this information will be available for inspection at each Council meeting.

12.1.8 Line of Authority - Council members must submit all requests for task performance that they desire to be carried out by the Executive Director or Staff to the Council Chairperson for his approval and transmittal. The Chairperson of the Council, or the Vice-Chairperson in the Chairperson's absence, is the only one so designated to exercise line supervision over the Executive Director.

Similarly, the other members of the Executive Staff receive their line supervision solely from the Executive Director. Council members needing assistance from the Staff in the performance of their duties, should clear the availability of personnel and services with the Executive Director.

12.1.9 Employee Grievance

12.1.9.1 An employee with a grievance shall first discuss his or her problem with the Executive Director. The Executive Director shall respond in writing to the employee's grievance within five working days or advise the employee of the conditions which prevent an answer within five working days, and when an answer is to be expected.

12.1.9.2 If the employee is not satisfied with the decision of the Executive Director or if no answer is received within the designated period, the employee shall request the Grievance Committee to consider the matter. Recommendations of the Grievance Committee shall be brought before the Council for final approval. Decisions of the Council are final.

12.1.10 Disciplinary Action, Suspension and Dismissal - Employees can be discharged, suspended or reduced in pay or position for just cause. Any disciplinary action may be taken for any conduct not in keeping with reasonable standards, as to be determined by the Executive Director and/or the Council.

12.2 Conflict of Interest

Appointed public Council members and Council employees are subject to Federal laws and regulations concerning bribery and conflicts of interest.

12.3 Travel Policy

Travel performed in support of Council activities is in accordance with NOAA Travel Regulations, and other applicable Federal Travel Regulations. The Council will identify, as much as possible, all travel to occur during the year through the revision of the budget projections and preparation of each fiscal year's budget. For foreign travel a request for authorization will be submitted to the Grants Officer. This could be done as an addendum to the budget petition for all foreseen foreign travel within the greater Caribbean area. For other areas it will be submitted on a case by case basis. This will include name of traveler, place of the meeting, detailed cost and statement of purpose. For certain types of meetings only technical staff will participate. Council members' travel will be approved by the Chairperson; staff member's travel by the Executive Director.

The voting members of the Council, any nonvoting member described in subsection 302(c)(1)(C) of the Act, and the nonvoting member appointed pursuant to subsection 302 (c)(2) of the Act, shall be reimbursed for actual expenses incurred in the performance of such duties, and other nonvoting members and Council staff members may be reimbursed for actual expenses. Reimbursement of expenses should not exceed those established in the GSA regulations, and other pertinent Federal travel regulations. [This will also apply to members of plan teams, advisory groups, invited experts, consultants, or other specifically invited to perform work for the Council.](#)

~~[Members of plan teams, advisory groups, invited experts, consultants, or other specifically invited to perform work for the Council, must adhere to the per diem limits of actual expenses requirements set forth in the GSA regulations, and other pertinent Federal travel regulations.]~~

12.3.1 Travel to Meetings that are not Directly Related To Council Official Business
Travel by Council members to meetings that are not directly related to Council official business requires prior approval by the Council Chairperson.

12.4 Council Member Compensation

The voting members of each Council who are 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) receives compensation at the daily rate for the GS-15, step 7 of the General Schedule, when engaged in the actual performance of duties as a Council member. Actual performance of duties, for the purpose of compensation, may include travel time.

All Council members whose eligibility for compensation has been established in accordance with NOAA guidelines will be paid on a contract basis without deductions being made for Social Security or Federal and State income taxes. A report of compensation will be furnished each year as required by the Internal Revenue Service. Such compensation may be paid on a full day's basis whether in excess of eight hours a day or less than eight hours a day. The time is compensable where the individual member is required to expend a significant private effort which substantially disrupt the daily routine to the extent that a work day is lost to the member. "Homework" time in preparation for formal Council meetings is not compensable. State officials may be compensated at the daily rate for the GS 15, step 7 of the General Schedule, if they can document they are on leave without pay (LWOP). (LWOP does not include annual leave, holidays, or weekends.)

Non-government Council members receive compensation for:

- (1) Days spent in actual attendance at a meeting of the Council or jointly with another Council.
- (2) Travel on the day preceding or following a scheduled meeting that precluded the member from conducting his normal business on the day in question.
- (3) Meetings of standing committees of the Council if approved in advance by the Chairperson.
- (4) Individual member meeting with scientific and technical advisors when approved in advance by the Chairperson and a substantial portion of any day is needed.
- (5) Conducting or attending hearings when authorized in advance by the Chairperson.
- (6) Other meetings involving Council business when approved in advance by the Chairperson.

12.5 Financial Management, Budget, Procurement, and Property Management Procedures

The Council's administrative operations are governed by the 15 C.F.R. Part 14 and OMB Circular A-122 (Cost Principles for Non-Profit Organizations). The 15 C.F.R. Part 14 prescribes standards for financial management system, procurement, property management, financial reporting, cash depository, and grant close-out. The Council is required to comply strictly with the provisions on the circulars and terms and conditions of the awards.

The Council has developed major operational policies concerning its administrative practices and procedures which are too lengthy to publish here. However, interested persons may write directly to the Executive Director of the Council for specific information concerning this section.

The policies for the Scientific and Statistical Committee, and Habitat Advisory Panel are in Appendix I, and for the Advisory Panel in Appendix II. Property management procedures are in Appendix III.

12.5.1 Financial Assistance

The Council receives funds through cooperative agreements for two basic types of expenditures: Administrative (or operations) funds to cover general operating expenses, such as salaries, office space, utilities, travel, state liaison activities, etc., and programmatic (or contract) funds primarily designed to fund contracts generated by the Council for development of FMPs (including amendments) or FMP-oriented information, and other methods of funding.

12.5.1.1 Administrative - The funding for the administrative and technical support of Council operations is included in the budget of the Department of Commerce and, through the Department, in the budgets of NOAA and NMFS. The funding requirements for the Council are subject to regular budgetary review procedures. Annual or biennial grants and cooperative agreements will provide such Federal funds as the Secretary determines are necessary to the performance of the function of the Council and consistent with budgetary limitations. Requirements for periodic reports for purposes of NOAA budgetary control are described in individual grants and cooperative agreements issued to the Council.

12.5.1.2 Application for Financial Assistance or Other Methods of Funding - The Council must submit a formal application for financial assistance in accordance with NOAA Grants and Cooperative Agreement Application Package requirements, or as directed by NOAA. Generally complete application packages should be received by the NMFS Regional Program Officer as early as possible, and not less than

90 days before the requested start date of an award. The Regional Program Officer will review applications and forward a written recommendation through the Regional Administrator to the Assistant Administrator or designee. The Assistant Administrator will review the application and, if approved, forward the application to the NOAA Grants Officer for processing. If the application is disapproved by the Assistant Administrator, the Regional Program Officer will be contacted and supplied with the reasons for disapproval and the criteria for re-submission.

12.6 Space Management

Economy should be exercised regarding the amount and cost of space acquired. When acquiring office space the Council may avail itself of the following:

- (1) General Services Administration leasing assistance;
- (2) Regional Office assistance;
- (3) Direct negotiations within the guidelines stated above.

13.0 RECORD KEEPING

The guidelines to be used by the Council for administrative records of FMPs; disposition of records; permanent records; issues pertaining to the Privacy Act (PA); and matters related to the Freedom of Information Act (FOIA) will be those contained in Section 605.27 of 50 C.F.R. Part 605 (January, 1989) and the provisions of PA and FOIA.

14.0 AMENDMENT

This statement of Organization, Practices and Procedures may be amended from time to time by the majority vote of the voting members. Any amendments will go into effect upon publication in the Federal Register. This will be done following the guidelines established by 50 C.F.R. Parts 600, 601, 604, and 605.

CARIBBEAN FISHERY MANAGEMENT COUNCIL

STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES

APPENDIX I

SCIENTIFIC AND STATISTICAL COMMITTEE

AND HABITAT ADVISORY PANEL POLICY

Objectives and Duties

When requested by the Council, through the Council Chairperson or the Executive Director:

1. The Committee and the Panel shall provide expert scientific and technical advice to the Council on the development of fishery management and habitat policy, on establishing the goals and objectives of fishery management plans or amendments thereto, and on the preparation of such plans or amendments thereto.
2. The Committee and the Panel shall assist the Council in the development, collection, and evaluation of such statistical, biological, economical, social and other scientific information as is relevant to the Council's development and amendment of any fishery management plan.
3. The Committee and the Panel shall assist the Council in determining what statistical, biological, economical, social or other scientific information is needed for the development of a management plan that meets the requirements of the Act; and shall advise the Council as to the best way of obtaining this information, including identifying entities with ongoing research programs that may be able to develop the needed information.
4. The Committee and the Panel shall advise the Council on preparing comments on any fishery management plan or amendments thereto prepared by the Secretary or Secretary's delegate, or the lead Council preparing an FMP for any intercouncil fishery, which are transmitted to the Council pursuant to the Act.
5. The Committee and the Panel shall draft, or comment on, if required by the Council, any proposed regulations which the Council deems necessary to implement any fishery management plan, or any amendment to a fishery management plan which is prepared by the Council.
6. The Committee and the Panel shall assist the Council in establishing criteria for judging plan effectiveness.

7. The Committee and the Panel shall submit to the Council such reports as the Committee deems appropriate; and such reports as are requested by the Council.
8. The Committee and the Panel shall perform such other necessary and appropriate duties as may be requested by the Council to carry out its functions under the Act.

Members and Chairperson

1. The Committee and the Panel of the Caribbean Fishery Management Council shall have a total of not more than twelve members each of whom shall be appointed by, and serve at the pleasure of the Council.
2. The Committee and the Panel shall be composed of experts in the biological, statistical, economical, social and other relevant disciplines from the Federal, State, and private scientific communities and whatever other source the Council deems appropriate.
3. Members of the Committee and the Panel shall be appointed by the Council for a period of two years, and may be reappointed at the pleasure of the Council. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.
4. The Chairpersons of the Committee and the Panel shall be appointed by the Chairperson of the Council from among the members of the Committee.

Administrative Provisions

1. The Committee and the Panel shall meet as a whole, or in part, at the request of the respective Chairperson, with the approval of the Chairperson of the Council, as often as necessary to fulfill the Committee and Panel's responsibilities, taking into consideration time and budget constraints.
2. The Committee and the Panel shall report to the Chairperson of the Council or Council designee.
3. The Executive Director of the Council shall, upon the request of the respective Chairperson of the Committee and/or the Panel, provide such staff and other support as the Council considers necessary for Committee activities, within budgetary limitations.
4. Members of the Committee and the Panel shall serve without compensation. They may be paid their actual expenses for travel incurred in the performance of their duties for the Committee in accordance with applicable law.

5. Members of the Committee and the Panel shall attend regular meetings of the Council as required by the Chairperson of the Council, and designated members of the Committee and the Panel shall attend public hearings on management plans or other Council business as required by the Council.
6. Security clearances for Committee and Panel members shall be requested as necessary.

CARIBBEAN FISHERY MANAGEMENT COUNCIL

STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES

APPENDIX II

ADVISORY PANEL POLICY

Objectives and Duties

1. The Panel shall offer to the Council advice 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:
 - (a) The capacity and the extent to which the fishing vessels of the United States will harvest the resources considered in fishery management plans.
 - (b) The effect of such fishery management plans on local economies and social structures.
 - (c) Potential conflicts between user groups of a given fishery resource.
 - (d) Enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.
2. The Panel shall offer advice and/or prepare comments for the Council on (a) fishery management plans or amendments thereto during preparation of such plans or amendments by the Council, on (b) fishery management plans prepared by the Secretary and transmitted to the Council for review, on (c) the effectiveness of the plans/amendments which have been implemented.
3. Panel members shall keep the Council advised of current trends and developments in fishery matters.
4. The panel shall perform such other necessary and appropriate advisory duties as may be required by the Council to carry out its functions under the Act.

Members and Chairpersons

1. The Panel shall have a total of not more than 25 members, all of whom shall be appointed by, and serve at the pleasure of the Council.
2. The Panel shall be composed of persons who are either actually engaged in harvesting, processing, marketing or consuming fish, or are knowledgeable and

interested in the conservation and management of the fisheries within the Council's jurisdiction. The Panel 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.

3. Members of the Panel shall be appointed by the Council for a period of two years, and may be reappointed at the pleasure of the Council. Vacancy announcements shall be for the remainder of the unexpired terms of such vacancies.
4. The Chairperson of the Panel shall be appointed by the Chairperson of the Council from among the members of the Panel.

Administrative Provisions

1. The Panel shall meet at the request of the Panel Chairperson with the approval of the Council Chairperson as often as necessary to fulfill the Panel's responsibilities, taking into consideration time and budget constraints.
2. The Executive Director of the Council shall provide such staff assistance and other support as the Council considers necessary for Panel and sub-panel activities, within budget limitations.
3. Members of the Panel shall serve without compensation. They shall, on request, be paid their actual expenses for travel incurred in the performance of their duties for the Council in accordance with applicable law.
4. The Panel shall report to the Chairperson of the Council or designee.
5. Security clearances for Panel members may be requested as necessary.

Sub-panels

1. The panel may be structured in sub-panels to carry out the objectives and duties of the Panel, with respect to a management unit or management problem. The Council may establish or abolish sub-panels as it deems necessary.
2. The Chairperson and members of the sub-panels will be selected by the Council from the membership of the parent Panel.
3. Each sub-panel shall meet at the call of its Chairperson with the approval of the Chairperson of the Council.
4. The Sub-panels shall report to the Chairperson of the Council or designee.

CARIBBEAN FISHERY MANAGEMENT COUNCIL

STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES

APPENDIX III

PROPERTY MANAGEMENT

The management of Council property furnished by the Federal Government, will be in accordance with the 15 C.F.R. Part 14. The following procedures apply:

1. A perpetual inventory record will be maintained at the Council, by the Administrative Officer or other designated employee for all non-expendable property. The record will contain information on the date of purchase, vendor, description of property, the cost, the name of the person to whom the property has been assigned, the grant or cooperative agreement number under which the property was acquired, and the property number.
2. Council's property will be labeled using an alpha numeric system consisting of the Council identification (CFMC) and the number assigned to the property. The property number will be included in the perpetual inventory record for internal control and physical verification.
3. Sensitive items, such as cameras and recorders, will be kept in a safe place (cabinet or shelf) under the control of the Administrative Officer or other designated employee. Official use of such equipment will be cleared through a written authorization system.
4. Non-official use of Council property will not be authorized. Only authorized personnel will have access to Council property.
5. Disposition of surplus items will be in accordance with the 15 C.F.R. Part 14.

CARIBBEAN FISHERY MANAGEMENT COUNCIL

STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES

APPENDIX IV

LIST OF ABBREVIATIONS

AP	-	Advisory Panel
CFR	-	Code of Federal Regulations
DAO	-	Department of Administrative Order
DOC	-	Department of Commerce
EIS	-	Environmental Impact Statement
FACA	-	Federal Advisory Committee Act
FBI	-	Federal Bureau of Investigation
FADS	-	Financial Assistance Disbursement System
FIAC	-	Fishing Industry Advisory Committee
FICA	-	Federal Insurance Contribution Act
FIS	-	Fishery Impact Statement
FLSA	-	Fair Labor Standards Act
FMP	-	Fishery Management Plan
FMU	-	Fishery Management Unit
FOIA	-	Freedom of Information Act
GSA	-	General Service Administration
HAP	-	Habitat Advisory Panel
ICP	-	Information Collection Program
NEPA	-	National Environmental Policy Act
NMFS	-	National Marine Fisheries Service
NOAA	-	National Oceanic and Atmospheric Administration
OMB	-	Office of Management and Budget
OPM	-	Office of Personnel Management
OY	-	Optimum Yield
PA	-	Privacy Act
PRA	-	Paperwork Reduction Act
PDT	-	Plan Development Team
SAFE	-	Stock Assessment and Fishery Evaluation
SCC	-	Scientific and Statistical Committee
SOPP	-	Statement of Organization, Practices and Procedures
USCG	-	United States Coast Guard