

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

ADVISORY PANEL POLICY

Approved 12/6/2024

Advisory panels (APs) serve as the fishing industry advisory committee as required by the Magnuson Stevens Act (MSA) and are charged with carrying out the objectives and duties listed below for a specific fishery management plan (FMP) or management issue. The Council may establish, abolish, or modify APs as necessary to meet its needs.

A. Objectives and Duties

1. Advisory panels will offer the Council continuing advice on the assessments and specifications contained in the FMPs and amendments for each fishery managed by the Council, 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 the FMPs;
 - b) The effect of such FMPs 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. Advisory panels will offer advice and prepare comments for the Council on:
 - a) FMPs or amendments during preparation of such plans or amendments by the Council;
 - b) FMPs, policies, or regulations prepared by the Secretary, state agencies, or other Councils and transmitted to the Council for review;
 - c) The effectiveness of plans and amendments that have been implemented;
 - d) Communication and outreach strategies
3. Advisory panel members will keep the Council advised of current trends and developments in fishery, management, law enforcement, data collection, habitat and ecosystem, and communication matters.
4. Advisory panels will perform such other necessary and appropriate duties as may be requested by the Council to carry out its functions under the MSA. This includes participating in the SEDAR assessment process.

B. Membership Composition and Qualifications

1. Advisory panels will be composed of people who are either engaged in the harvest, pursuit, and use of, or are knowledgeable or interested in the conservation and management of, the fishery or group of fisheries that the particular AP is created to address. Advisory panels will 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 fisheries range.

2. Nominees may not be eligible for appointment if they have had a marine resource violation in the past three years.
3. Each AP will elect a Chair and Vice Chair from among its members who may serve in these roles for a period of three years. Chairs and Vice Chairs may be re-elected to subsequent terms.
4. Liaisons may be added to an advisory panel as non-voting members to fill specific informational needs. These liaisons are ineligible to serve as chair or vice-chair of the AP. When creating a liaison seat, the Council will determine how the liaison is nominated and appointed, and the source of travel support.

C. Appointment Process

All AP appointments are made by the Council and members serve at the pleasure of the Council. Council staff announces AP vacancies and solicits applications for consideration by the Council.

1. Advisory panel vacancies will be announced through the news media, Council distribution lists, and other means necessary to solicit qualified nominees.
2. Persons interested in serving on an AP must complete and submit an application form provided by the Council.
3. Applicants will be subject to a background check by NOAA Law Enforcement to determine if the applicant has any marine policy violations during the prior 3 years.
4. Some seats are filled by representatives of specific agencies or other Councils. These seats are not advertised, and instead, Council staff contacts the appropriate organization to solicit nominations for the seat. These individuals are not required to complete the SAFMC AP application. The nominated individuals are officially appointed to the Panel by the Council. The nominating entity is responsible for travel reimbursement.
5. The Council will review the qualifications of the nominees and make appointments.
6. Newly appointed members are required to attend an orientation session. New appointees who cannot attend are required to review a video of the Council policies segment of the orientation, and to provide written acknowledgement of watching the video and receiving a copy Council travel, harassment and conduct policies.
7. Information on Council policies addressing travel, harassment, and conduct will be provided to AP members annually.

D. Membership Terms

Members are appointed by the Council for three-year terms and may be reappointed for two additional three-year terms. Except as noted below, AP members cannot be appointed to more than three terms in succession. A member may be reappointed to the same advisory panel after having been off the advisory panel for at least one year and will be eligible to serve 3 additional three-year terms.

Advisory Panel member terms take effect on July 1 for appointments made in June and January 1 for appointments made in December. The Council will specify the effective date for appointments made at other times.

Exceptions to term limits:

1. If the Council determines no qualified persons have applied for an open position held by a member who has reached the limit of 3 three-year terms, the outgoing member may be appointed to an additional one-year term. In such cases, each new term will be viewed as if it were a third term. This term limit policy does not apply to the SEDAR or Citizen Science APs (Pools).
2. Term limits do not apply to the Coral, Deepwater Shrimp, Golden Crab, Wreckfish, and Shrimp Advisory Panels. These are small, specialized fisheries with relatively few participants and it is difficult to find qualified new applicants to fill AP vacancies.

E. Administrative Provisions

1. Members of APs will serve without compensation. Members will be reimbursed for travel expenses incurred in the performance of their duties for the Council in accordance with Council travel guidelines.
2. Limited Compensation Exception: Advisory panel Chairs will be provided a stipend for time attending and traveling to Council meetings to provide an official report on panel recommendations. The Vice Chair or another AP member will be eligible for the stipend if designated by the Chair to attend a Council meeting and report on behalf of the AP. Council stipend policies and eligibility requirements will apply.
3. Within time and budget constraints, AP meetings will be scheduled as often as necessary to fulfill the panel's responsibilities.
4. The Council intends that each AP will meet in-person at least once every 2 years or 24 months. If there are no FMP amendments or specific actions to be considered by the AP, the AP will convene to provide the Council general feedback on fishery conditions, inform the Council of any developing issues, and document these recommendations in a Fishery Performance Report. The Chair of the Committee to which the AP reports and the Council Chair may approve deviations from this meeting requirement.
5. The Council Executive Director will provide, within budget limitations, such staff and other support as the Council considers necessary for AP activities.
6. Advisory panels will report to the Council through the AP Chair and Council staff.
7. With approval of the Executive Director, relevant Committee Chair, and Council Chair, APs may establish such subpanels as they deem necessary to facilitate their duties.

F. Meeting Provisions

1. Advisory panel meetings may be held in-person or via webinar. In-person meetings are preferred when time and budget constraints allow.
2. The Council expects that all AP members will attend meetings in-person. Members who cannot attend in-person are required to notify the AP Chair and staff for remote participation approval. Remote participation counts as being present for attendance

requirements.

3. Members approved for remote participation in an in-person meeting can participate in discussions and vote.
4. The Council and its Committees will provide guidance on agendas and topics to be discussed at AP meetings.
5. Council Committee Chairs, or their designee, will attend meetings of the APs associated with their Committee and report to the AP on activities of the Committee.
6. Public comment is allowed during AP meetings.

Written comment:

Written comment on AP meeting agenda topics will be distributed to the AP through the Council office, similar to all other Council briefing materials. The deadline and process for submitting comments to be included in the Administrative Record of the meeting and for consideration by the AP will be the same as that for other Council meetings.

Verbal comment:

Two opportunities for comment on agenda items will be provided at set times during AP meetings. The first will be at the beginning of the meeting, and the second at the end of the meeting. Additional comment opportunities will be provided prior to recessing each day if the meeting runs more than one day. Those wishing to comment should indicate such in the manner requested by the AP Chair, who will then recognize individuals to provide comment. All comments are part of the record of the meeting.

G. Inactive Advisory Panels

Council will consider the ongoing need for an AP and may consider disbanding the AP if the Council does not identify a need for the AP to meet over a 4-year period. The AP can be reinstated when need arises. Council may consider combining APs as another approach to addressing inactivity.

H. Termination of Membership

An AP member may be removed from the panel before the end of their appointed term if:

1. They change employment.
2. They discontinue participation in the fishery for which they were appointed.
3. They move to another state outside of the Council's jurisdiction.
4. They are absent from two consecutive meetings without giving adequate notification or reason to the Council Executive Director.
5. They consistently fail to attend in-person meetings. During AP selection sessions, the Council will review the participation of any members who have missed 2 consecutive meetings.
6. The Council determines they should be removed for just cause ("Just Cause" may include, but is not limited to, a violation of marine resource law that has been finally adjudicated by NOAA or other federal or state agencies)

7. The Council determines they should be removed for a violation of Council policies.

I. Advisory Panels that Serve as Membership Pools

The Council may create specialized APs that serve as “pools” from which individuals are selected to participate on subpanels for specific projects. Examples, described below, include the SEDAR and Citizen Science AP Pools. Advisory panel pools are governed by the same requirements as those above for all other APs, except as specifically noted in the following special provisions or within the description of specific AP pools.

Advisory Panel Pool Provisions:

1. Advisory panel pools will not meet as a panel and are not subject to meeting frequency requirements.
2. Advisory panel pools will not elect chairpersons.
3. There is no limitation on the number of members on an AP pool.
4. Advertising for applicants to a pool may be done as needed for a specific project or as part of a general call for applications on other Council APs.
5. Participation on an AP pool does not prevent appointment to another Council AP.
6. Appointments to AP pools are not subject to length of term limitations.
7. AP Pool members and designated group appointments will be listed in the Council directory.
8. To ensure the accuracy of contact information and the viability of AP pools:
 - ï Council staff will contact all members who have been individually appointed to an AP pool every 5 years to verify their contact information and intent to remain on the pool.
 - ï A background check will be conducted at this time for those who indicate they desire to remain on the pool.
 - ï The Council will be informed of any pool members who cannot be contacted through their last known information, who no longer desire to participate, or who no longer possess a clean record of marine resource violations.

SEDAR AP Pool

The SEDAR AP Pool (also known as the SEDAR Pool or SEDAR AP) is composed of individuals approved by the Council to participate in the SEDAR stock assessment process. Approved participants (panelists and appointed observers) for each SEDAR workshop will only be selected from the SEDAR Pool. All advisory panel members are included in the SEDAR Pool while they are serving on an AP and are eligible to be appointed to participate in a SEDAR workshop as a panelist or observer. Appointments to the SEDAR AP Pool may be made by the Council or the SEDAR Committee.

Citizen Science AP Pool

The Citizen Science AP Pool (also known as the Citizen Science Pool or Citizen Science AP) is composed of individuals approved by the Council to participate in the Citizen Science

process. Approved participants for citizen science working groups and subpanels will only be selected from the Citizen Science Advisory Panel Pool. All AP members are included in the Citizen Science Pool while they are serving on an AP and are eligible to be appointed to participate on a Citizen Science group. Appointments to the Citizen Science AP Pool may be made by the Council or the Citizen Science Committee.

J. *Ad Hoc* Working Groups

The Council may create *ad hoc* working groups to address specific advisory and fishery information needs that are not addressed by existing Advisory Panels and, due to the nature of the fishery or the issue, do not justify or require creation of an additional permanent Advisory Panel. These working groups are established under MSA Section 302(g).

1. Members of *ad hoc* working groups created under this provision are subject to all Council polices as detailed in the Administrative Handbook.
2. Meetings of *ad hoc* working groups are subject to MSA requirements
3. Standard advisory panel applications are not required for appointment by the Council. This does not prevent the Council from requesting specific information from potential applicants.
4. *Ad hoc* working groups are not subject to term limitations, and participation on a working group does not affect eligibility to serve on APs.
5. The Council will provide a charge and Terms of Reference for the working group.
6. A working group description and member list will be posted on the Council website.
7. The Council will specify operational guidelines for each *ad hoc* working group it creates, considering:
 - a. Workgroup size
 - b. Membership requirements; selection and appointment process
 - c. Selection of a workgroup Chair
 - d. Workgroup duration
 - e. Meeting approach (in-person, virtual)
 - f. Workgroup recommendation handling and routing (i.e., through another AP, direct to a Council committee)
 - g. Relation to existing APs
 - h. Staff support needs