



# SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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## OVERVIEW

### SSC & SSC SELECTION COMMITTEE

Charleston Marriott  
Charleston, SC

Thursday, October 29, 2009

Items to be addressed at this meeting: (1) SSC Responsibilities and Council Expectations, and (2) SSC Procedures

#### Document List

Attach#	PDF File Name
1	A1_SSCJobDescription
2	A2_SAMFC SOPPS
3	A3_MSAExcerpt
4	A4_NPFMCSSCinfo
5	A5_PFMCSSCSOPPS
6	A6_NPFMCComments
7	A7_PFMCMetingOps
8	A8_2008NatSSCRprt

## **1. Approval of Agenda**

## **2. SSC Responsibilities and Council Expectations**

### A. Overview

The purpose of this joint meeting of the SSC and the SSC Selection Committee is to hold an open discussion on SSC responsibilities, Council needs and expectations, and relevant policies. The first step is a review of current policies and formal expectations. The Committees should consider developing recommendations for any modifications to the current policies to increase clarity and understanding.

### B. Committee Discussion

Guidance on SSC roles and responsibilities is provided by two primary sources: the SSC job description (**Attachment 1**) and the SAFMC Standards and Operating Procedures, or SOPPs (**Attachment 2**). Both of these documents rely heavily on the general guidance regarding SSCs provided in the MSA (**Attachment 3**).

All other Councils operate under similar guidelines and have specified SSC policies that are similar in many respects. See **Attachments 4 and 5** for examples of the SSC policies and guidance provided by the Pacific and the North Pacific Fishery Management Councils.

One area where additional guidance may be necessary is the mandate that the SSC provide advice and peer review of Council FMP's. Two issues are raised for discussion, the first being the oft perceived mandate to provide determination of 'Best Available Science' for Council FMPs, and the second being the role of the SSC in reviewing general comments and critiques of scientific analyses submitted to the Council.

The SSC Selection Committee reviewed and discussed the general guidance to provide peer review of council documents in March 2008, and recommended that NMFS guidelines addressing the reauthorized MSA be consulted for guidance on clarifying instructions to the SSC. Updated guidelines are pending, and this will be pursued further once they become available.

In putting information together for this meeting, including reviewing the SSC job description in particular since it includes excerpts from both the MSA and the SOPPs addressing SSC activities, it is noted that the SSC is not explicitly charged with making determinations of "Best Available Science" for Council FMPs. The first three charges to the SSC listed in the SOPPs are repeated here since they address the responsibilities expected of the SSC in reviewing, and making recommendations for, the overall Council management program, including FMPs:

1. The Scientific and Statistical Committee (SSC) shall provide expert scientific and technical advice to the Council on the development of fishery management policy, on establishing the goals and objectives of fishery management plans (FMP) or amendments, and on the preparation of such plans or amendments.

2. When requested by the Council, the SSC, through its Biological and/or Socioeconomic Subcommittees, shall supply the Council with a critical review of the scientific information necessary to make management decisions, such as stock assessments and reviews (e.g., SEDAR), reports on stock status, socioeconomic impacts of management measures, sustainability of fishing practices, and habitat and ecosystem status. Such information may include a recommendation on ABC, where appropriate, based on the best scientific information available.

3. The SSC shall assist the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any FMP.

These committee's are encouraged to discuss these requirements within the context of the general advice that is given to the SSC with regard to their role in FMP review, and to consider whether the guidance requires clarification. In particular, the committees should consider whether or not the SSC is expected to provide a formal declaration of "Best Available Science" for Council Documents, including FMP's and Amendments, or whether it is adequate for the SSC to provide general technical and review comments. If the SSC is expected to make a 'Best Available Science' determination, then the SOPPs and the SSC job description require revision.

The other issue put forth for discussion concerns the role of the SSC in providing peer review of technical information submitted to the Council. In a couple recent incidents, the Council received, and forwarded to the SSC for review, technical criticisms offered by scientists that challenged basic assumptions and conclusions of stock assessments which the SSC previously reviewed. The Council raised concern over the lack of comment provided by the SSC in response to requests to review submitted technical critiques, and is interested in gaining a better understanding of the SSC's position on providing such reviews.

#### C. Committee Action

**Determine whether current guidance to the SSC, as provided through the SSC Job Description is clear and adequate.**

**Recommend modifications to the SSC job description and SOPPs if necessary.**

### **3. SSC Procedures**

#### A. Overview

Both the SSC and the SSC Selection Committee have an obvious interest in the procedures governing SSC operations, and both groups have discussed these procedures extensively in previous meeting. This meeting is intended to give an opportunity for the two committees to discuss procedural issues together, in hopes of increasing understanding of each group's positions and opinions. A number of procedural items discussed at recent meetings are highlighted below, but this is not intended as a complete or exhaustive list of topics to be considered at this meeting. Members are encouraged to take advantage of this unique joint meeting opportunity to bring up any new items and discussion topics.

## B. Discussion Items

### *i. Role of SSC in soliciting and vetting new members*

The Selection Committee holds sole jurisdiction over membership selection. However, several SSC members commented that they would like to have a role in determining the number of committee seats, the expertise to be included on the committee, and to have some role in vetting the the individuals selected. This was discussed at the Selection Committee and the Committee decided to maintain the current process. This is an opportunity for SSC members to raise any concerns with the Selection Committee directly.

### *ii. Developing Recommendations and Guidance*

The SAFMC SSC previously conducted business similar to the Council, through the use of formal motions and Robert's Rules. As noted in the report from the 2008 National SSC workshop, several SSC's operate less formally and work toward consensus without relying upon formal motions and voting. Alternatives to formal motions and voting were discussed by the SSC Selection Committee in March 2009, leading to a recommendation that the SSC consider providing consensus statements that fully reflect the range of opinions and possible outcomes. The SSC operated in this manner in June 2009. This issue is raised here to allow the committees to evaluate this procedural change.

### *iii. Submission of Comments to the SSC*

The entire Council process is facing increased public comment and criticism, submitted both in writing and through oral testimony at meetings. Changes in the MSA were expected to contribute to increased public interest in SSC activities, and recent controversy over proposed management actions has helped make the expectation a reality. Both Committees briefly discussed the public comment process at past meetings and, at least at the time of the discussions, deemed existing policies adequate. However, this may be changing, as noted in topic 2 above. Meeting procedures of the North Pacific (**Attachment 6**) and Pacific (**Attachment 7**) Fishery Management Councils are provided for consideration, along with the report from 2008 National SSC meeting (**Attachment 8**) where general SSC policies were reviewed. Excerpts from the SOPPs (**Attachment 2**) addressing public comment and testimony are provided for review.

(12) Submission of Information. All written information submitted to a Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject or the oral or written statement.

(13) Policy on Public Testimony Before the Council. Public testimony will be allowed at Council meetings on all agenda items before the Council for final action and at advisory panel (AP) and Scientific and Statistical Committee (SSC) meetings on all agenda items. If the agenda does not schedule a time for public testimony, the chairperson or presiding officer shall schedule testimony at an appropriate time during the meeting that is consistent with the orderly conduct of business. Public testimony may be allowed at meetings of the Council, standing committees, stock assessment groups, or other working groups. For Council meeting agenda items on which no final action is being taken, testimony may be deferred to future public hearings and/or to the Council meeting at which final action will be taken. Testimony may be deferred to a meeting time scheduled for other business for non-agenda items or to a future Council meeting at the discretion of the chairperson or presiding officer of the Council, AP, or SSC.

Where constrained by available meeting time, the chairperson or presiding officer of the Council, AP, or SSC may limit public testimony in a reasonable manner by requesting that parties testifying avoid duplicating prior testimony, requiring parties with similar concerns to select a spokesperson, and/or setting a reasonable time limit for each party's testimony.

(14) New Information. If it is considered appropriate to consider new information from a state or federal agency or from a Council advisory body, the Council, in the course of developing a fishery management plan or amendment, will give comparable consideration to new information offered by members of the public. Interested parties will be given a reasonable opportunity to respond to new data or information through the scheduled hearing and public comment periods before the Council takes final action.

It is clear that the SSC is obligated to allow public testimony on all agenda items, and the current practice is to provide an opportunity at the start of the meeting for such comment. Few concerns have been raised with the handling of public testimony. Issues have been raised with submission of written information, and in particular, the scheduling of time on the SSC agenda for formal presentations that in some instances are viewed as essentially testimony. In some cases the information presented could arguably fall under the category of "new information" that is being offered by members of the public, independent of any consideration by the Council to consider new information available from a state or federal agency or advisory body. A primary concern is that no standard and rigorous process exists for distinguishing between submissions and requests for an SSC audience that represent new information or perspectives that have not been addressed through prior discussion, and which are simply criticisms of previous decisions and recommendations. Further, no process exists for distinguishing between items which could be adequately addressed by the SSC by reviewing submitted documents, and which require a formal presentation. Some questions the group may wish to discuss include:

- Should the process for testimony before the SSC be revised?
- Should the standards and guidelines for submission of written comment be expanded?
- Should a formal process be developed for addressing requests to make presentations to the SSC?
- What role should the SSC play in scheduling agenda items?

*iv. Development of the SSC Agenda*

The last question above address a topic raised by the SSC during several previous meetings: What role does the SSC play in setting its agenda? Currently, SSC agenda items are developed by staff based on amendment schedules and progress and requests of Council Committees to have topics reviewed. The SSC Chair and vice-Chair are given an opportunity to comment, but for the most part they are not at liberty to drop items from the agenda. This group is asked to determine what role the SSC should play in setting meeting agendas and topics.

*v. Other Topics??*

C. Action

**Develop recommendations for SOPP modifications**

**5. Other Business**

**6. Adjourn**