

Terms of Reference for the Council Coordination Committee

(~~May 24, 2018~~ Draft ~~May~~ November 2019)

1. Establishment. Under Section 302(l) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Councils may establish a Council Coordination Committee (CCC). The CCC consists of the chairs, vice chairs, and executive directors of each of the eight Councils, or other Council members or staff, in order to discuss issue of relevance to all Councils, including issues related to the implementation of the Act. Neither NOAA Fisheries (NMFS), NOAA General Counsel, nor any other Federal entity is a formal member of the CCC, and, therefore, the procedures described in this Terms of Reference apply regardless of whether federal personnel are present. Under the MSA Section 302(i), CCC meetings are held to the same procedural standards as any Council meeting.

2. Membership. The CCC consists of members from each of the regional Councils: the Chair, the Vice-chair(s), and the Executive Director, or their respective proxies. Only Council staff or Council members may serve as proxies.

3. Organization. The CCC will be directed by the Chair and Vice-chair of the Council that is hosting the annual CCC meeting during that calendar year (January 1 through December 31). Councils with more than one Vice-chair will need to determine who will be the CCC Vice-chair in the year when they host the CCC meeting.

(a) **Rules of Order.** Roberts Rules of Order will be used to conduct business when a decision or recommendation of the CCC is needed. The CCC will operate by consensus whenever possible. Any member of the CCC can make a motion, but each Council will be limited to one vote, made by the chair of each Council (or vice-chair/proxy). Motions approved by the CCC reflect the opinions of the collective CCC, but are not binding on any individual Council. However, these decisions can be made on behalf of all of the regional Councils on a case by case basis, depending on the issue or vote at hand. The responsibility to follow-through on CCC actions, and to represent the CCC in general, falls upon the host Council for that particular calendar year.

(b) **Meetings.** The CCC will normally meet twice per year. Generally, an interim meeting is held ~~early in the calendar year~~ to discuss budgets and other pressing matters and is hosted by NMFS in Washington, D.C. The primary, annual CCC meeting is hosted, on a revolving basis, by one of the Councils, normally in later spring or early summer. The CCC Chair for that calendar year may call other meetings as necessary. NMFS, in consultation with the CCC Chair, may schedule periodic conference calls with the CCC to discuss issues of immediate concern.

Emergency meetings shall be held at the call of the CCC chair. The CCC shall strive to announce meetings two years in advance.

The CCC chair will coordinate approval for in-person meetings of CCC work groups, subcommittees, or other informal staff collaborative efforts, and will notify other Councils of conference calls planned by these groups.

(c) **Agenda.** For the primary, annual meeting, a draft agenda will be prepared in advance by the host Council and will be distributed to the other Councils and NMFS for review and

comment. In the case of the interim meeting, NMFS will develop a draft agenda for review and comment by the Councils. Timely notice of the interim and annual meetings, including the agenda, will be provided, and such notice will be published in the Federal Register.

(d) **Availability of Documents.** The CCC will make documents relevant to the CCC meeting available to the public as follows:

- i) ~~When possible, a~~All presentations and handouts ~~will should~~ be posted to the NMFS or CCC website ~~one two weeks~~ before the agenda item is discussed and updated as necessary following the meeting. The CCC Chair may approve the distribution of late materials, however, all materials should be posted at least one week prior to the meeting.
- ii) Presentations and handouts that are not posted to the NMFS or CCC website in advance of the meeting, should, ~~if possible,~~ be made available ~~in hard copy~~ for the public at the meeting.
- iii) For ease of public access and ensuring compliance with IT requirements, the NMFS or CCC website will be the official repository of CCC meeting documents.
- iv) Agenda, presentations, handouts, and associated documents will be maintained ~~on the~~ NMFS or CCC website for at least 5 years.

(e) **Meeting Minutes.** MSA Section 302(i) requires detailed minutes of each meeting, except for any closed session, to be kept and made available to the public. The host of the meeting will provide the detailed minutes to include a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed within a reasonable period of time following the meeting. If desired, the host may choose to provide a transcript of the meeting in lieu of detailed minutes. CCC meeting agendas, materials, and meeting minutes or transcripts will be available on the NMFS or CCC website.

(f) **Public Participation.** CCC meetings will be open to the public and public comment will be permitted at the discretion of the Chair. Public comment will be accepted at the beginning of the meeting after the Assistant Administrator's presentation, not to exceed 30 minutes, and should be shown on the agenda. Written comments will be encouraged on agenda items, and if received will be placed in the briefing materials.

(g) **Closed Sessions.** The CCC may hold closed sessions for limited purposes, with or without a Federal presence, as consistent with MSA Section 302(i)(3) and codified at 50 CFR 600.135(c). In summary, the CCC should follow the guidance listed below when closing sessions to the public:

- i) CCC sessions may be closed to discuss those items specified in MSA Section 302(i)(3) and 50 CFR 600.135(c), i.e., national security, employment, litigation and internal administrative matters.
- ii) Discussion of issues and associated actions that do not qualify to be closed (i.e., that affect the public) must be made in public.

iii) A closed meeting must be noticed as part of an agenda of the main meeting, except for brief closures allowed under MSA Section 302(i)(3)(B).

iv) Before closing a meeting or portion thereof, the CCC should consult with NOAA General Counsel to ensure that the matters to be discussed fall within the exceptions to the requirement to hold public meetings.

(h) **Subcommittees/Work Groups:** Work groups or subcommittees may be established to address particular issues, and include members from the CCC, other Council members, Council staff, members of Council-established advisory bodies and NMFS staff with expertise as necessary. CCC Working Group and Subcommittee recommendations or reports shall be reviewed and approved by the CCC before being authorized as a CCC perspective. The Legislative Work Group, Council Communications Group, Scientific Coordination Subcommittee, and Habitat Work Group are standing CCC bodies. These groups will report at least annually to the CCC, and the CCC will provide guidance for future subcommittee/work group activities when receiving the reports. Staff from the CCC host council will also chair the Council Communications Group and the Habitat Workgroup for that year.

i) Scientific Coordination Subcommittee (SCS). The SCS will consist of the Chairs from each of the Regional Council Scientific and Statistical Committees (SSCs), or their respective proxies. The function of the SCS, in conjunction with Council staff, is to plan and conduct meetings or workshops to discuss scientific issues of national importance based on terms of reference or topics provided by the CCC. The SCS will be chaired by the SSC Chair (or designee) on an *ad hoc*, rotational basis, as determined by the CCC. Approval for national meetings or workshops of the SSCs will occur at CCC meetings (see 3(b) above).

(i) **Functions.** In accordance with MSA Section 302 (i), the CCC is exempt from the requirements of the Federal Advisory Committee Act (FACA). As such, the CCC's can provide recommendations from leadership of the eight regional fishery management Councils to the Federal Government (usually to the Secretary of Commerce through NMFS). The CCC has adopted the following statement with regards to making recommendations:

"The CCC is established in the MSA to discuss issues of relevance to all Councils, including issues related to the implementation of this Act. Although all Councils adhere to the same MSA and national standards, the eight regional Councils often have differing regional priorities, needs, experiences, attitudes, relationships, and philosophies regarding fisheries management. It is important that NMFS and the public are aware of these differences. In addressing requests by NMFS, the CCC should consider whether the regional input from a Council is more appropriate than a collective response from the CCC. The development of a CCC response or position does not foreclose individual Councils from developing responses or positions that may differ from the CCC. The CCC respects the importance of regional perspectives, and will not diminish their importance."

[4. Review of Documents. The CCC at times is requested to review documents. This process requires sufficient time for review and input by each respective Council. All documents for review should be provided in sufficient time to allow 95 days for the CCC to review and comment.](#)

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: -0.01" + Indent at: 0.15"

Date	Change
May 2014	Established Scientific Coordination Subcommittee (SCS)
May 2017	Clarified standing subcommittees and work groups. Clarified organization of work groups and subcommittees, as well as scheduling of in-person meetings. Moved work group/subcommittees to paragraph 3(h).
November <u>May</u> <u>2019</u>	<u>Changed schedule for interim meeting; clarified SCS organization; changed Availability of Materials schedule; and added timing required for CCC to review documents.</u>

