

Advisory Panels

Council Advisory Panels (APs) that meet the requirements for a fishing industry advisory committee (FIAC) are charged with carrying out the objectives and duties listed below for a specific fishery management plan (FMP) or management problem. The Council may establish or abolish its Advisory Panels as necessary.

New England Council APs shall be appointed by and serve at the pleasure of the Council. When a Council oversight committee determines that an Advisory Panel will facilitate its work in preparing or amending a fishery management plan (FMP) or provide assistance in addressing a special issue or problem, the Council will appoint an AP.

Every fall, each oversight committee reviews its existing advisory panel membership and recommends any changes to the Council's Executive Committee. A maximum of 15 individuals may be appointed to any Advisory Panel.

The Executive Committee provides final approval for membership on all NEFMC Advisory Panels. The three-year term of advisors begins on January 1 or as soon thereafter as possible. All decisions and recommendations made by an Advisory Panel are considered to be advisory in nature and are not binding on the Council.

Membership The Advisory Panels shall be composed of individuals who are either: (1) actively engaged in some aspect of the region's commercial or recreational fisheries; or (2) knowledgeable and interested in the conservation and management of a fishery or group of fisheries that are managed by the Council. Panel membership shall also, to the extent possible, reflect a broad cross-section of interests and expertise from the standpoint of geographical distribution, user group representation, and social and economic diversity that generally may be found within the Council's geographical area of concern. At least one seat on the Atlantic Herring AP and one seat on the Habitat AP shall be allocated to a representative of the recreational fishing industry.

Other Councils may be invited to name advisors to serve as members of a New England Council Advisory Panel if the FMP, amendment, or problem under consideration extends into the management area of the other Council.

The New England Council will reimburse advisors from the New England region for travel expenses. Advisors from outside New England may be reimbursed by either the New England Council or other Council(s) whom the advisor(s) may represent.

Appointments At the end of each three-year term, advisors' performance and attendance will be reviewed by the oversight committees. If needed, new members will be solicited to fill any vacancies. Additional advisors could be appointed in response to the creation of a new panel, the addition of members to an existing panel, resignation, or Council action that removes an advisor.

Neither proxies nor designees shall serve in place of appointed members of any Advisory Panel.

The Executive Director will solicit applicants through the media, Council mailing lists, and/or other means deemed appropriate. Applicants will receive a questionnaire to be completed and returned to the Council or could be asked to submit a resume depending on the nature of the Advisory Panel. The relevant oversight committee will review the qualifications of the nominees and recommend appointments to the Executive Committee.

Prior to selection, nominees shall be subject to an additional level of review by NOAA's Office of Law Enforcement. Advisory Panel membership may be declined if applicants have had a marine resource violation.

Terminations An Advisory Panel member could be replaced at the Council's discretion if he or she:

- 1) Transfers employment or moves to a different location;
- 2) Is absent from two consecutive meetings without giving adequate notification or reason to the Council Executive Director;
- 3) Appears unable or unwilling to fulfill their obligation as an Advisory Panel member;
- 4) Their area of expertise is no longer required; or
- 5) The Chairman, in consultation with the Executive Committee, determines that an Advisory Panel member should be removed for *just cause* (e.g., violation of marine resource regulation, felony, conviction, etc.; these examples are not all inclusive). This also includes removal of an advisory panel member who refuses to adhere to proper decorum by failing to show respect for other panel members, or the panel itself, as evidenced by frequent rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment of other members and/or Council staff assigned to assist the advisory panel in carrying out its business of providing recommendations to committees and the Council.

Organization A chairman for each Advisory Panel will be designated by the oversight committee chairman (with the advice of committee members), reviewed by the Executive Committee, and approved by the Council Chairman.

The AP Chair is expected to routinely fulfill this responsibility and communicate meeting results to the relevant oversight committee. If an oversight committee determines it is necessary, the Advisory Panel may also designate a vice chairman who will be selected in the same manner as the AP Chairman.

Advisory panel chairs are encouraged to attend meetings of their respective committees and will be seated at the committee table with other members. On rare occasions, and with the concurrence of the Committee Chair, the Executive Director may authorize the AP Vice Chair to attend committee meetings in place of the AP Chair.

These individuals will not be allowed to vote but may freely enter into the committee's deliberations. Input provided by Advisory Panel chairs must be identified "as discussed by the advisory panel" or "personal input." To further clarify this distinction and to avoid the appearance of providing any personal advantage to advisory panel chairs when they are seated at the committee table, AP chairs must leave the committee table and comment from the public microphone when providing personal comments or speaking on behalf of those they represent.

Expenses for participation in oversight committee meetings will be covered by the Council and will be indicated on the appropriate *Travel Authorization and Reimbursement* form.

Meetings Advisory Panels will meet as directed by the oversight committee chairman. They may meet in conjunction with their oversight committee or independently. Advisory Panel meetings shall be scheduled by the Executive Director as often as necessary to fulfill the panel's responsibilities, taking into consideration time and budget constraints. Generally, meetings will be scheduled for one day. Meetings of more than one day must have prior approval from the Council Chairman.

The Advisory Panel Chairman will be given explicit directions and guidance from the Oversight Committee Chairman concerning committee tasks (i.e. prepare comments on draft public hearing document, prepare comments on the scoping document, prepare comments and advise on a specific measure, etc.). Each Advisory Panel meeting shall be open to the public and the conduct of business will be in accordance with the guidelines found on page 66, Committees and Advisory Panels, of the Magnuson-Stevens Fishery Conservation and Management Act (Blue Book).

The chairman of the oversight committee may attend meetings of the Advisory Panel at his or her discretion and will be reimbursed for expenses. Other members of the oversight committee or Council may attend but will not be reimbursed for expenses.

The Executive Director may provide support as necessary for panel activities within budget limitations and staff availability.

Travel Authorization and Reimbursement Members of Advisory Panels shall serve with compensation, provided funding is available. Advisors are eligible for reimbursement of travel expenses incurred while attending authorized meetings scheduled by the Executive Director and subject to availability of funds.

Instructions for reimbursement can be found in the Council's Policy on *Travel Authorization and Reimbursement*.