

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
50 WATER STREET, MILL 2
NEWBURYPORT, MA 01950



OPERATIONS HANDBOOK

PRACTICES AND POLICIES
REVISED MAY 2021

Scientific and Statistical Committee

The purpose of the Scientific and Statistical Committee (SSC) is to assist the Council in the development, collection, and evaluation of statistical, biological, and other scientific information relevant to the development and amendment of any fishery management plan (Magnuson-Stevens Reauthorization Act §302).

The SSC shall:

- Assist the Council in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information relevant to the development and amendment of fishery management plans;
- Provide the Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (ABC), preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices;
- Provide guidance to ensure that fishery management plans, amendments, and framework adjustments are based on the best scientific information available (National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act);
- Review stock assessment updates as requested through the Stock Assessment Workshop or Council. One or more SSC members also shall be requested by the Council to serve on or Chair Stock Assessment Workshops/Stock Assessment Review Committees and other appropriate peer review committees;
- Provide input into the development of Terms of Reference for peer reviews to support the needs of the SSC (e.g. for purposes of obtaining projected catch associated with overfishing and quantification of scientific uncertainty for determining ABC);
- Upon request, advise the Council on the preparation of comments for any FMP or amendments prepared by the Secretary or other bodies that are transmitted to the Council pursuant to the Magnuson-Stevens Act; and
- Perform other appropriate tasks as may be required by the Council.

Organization The Executive Director shall announce SSC vacancies through available communications and media outlets, the mail, and in other ways he determines appropriate. Additionally, the SSC shall be given the opportunity to recommend SSC nominees to the Council Executive Committee based on desired skill sets. Interested persons will be required to submit

resumes and other information requested by the Executive Director. The Executive Director shall prepare a list of nominees. Prior to their appointment, a list of SSC nominees and qualifications shall be made available to the full Council. Members of the Council shall, in turn, have the opportunity to make recommendations to the Executive Committee prior to the selection of SSC members. Subsequently, the five voting members of the Executive Committee shall appoint SSC members on the basis of their expertise in fisheries science, ecology, and social sciences.

SSC Membership, Term Limits, Operations The SSC should have no less than 17 members. Nine of the members should have expertise in fisheries stock assessments, four in fisheries ecology, and four in social sciences related to fisheries management. Committee members shall not represent their agencies or institutions, but will function as independent scientists on the SSC. The Executive Committee may appoint additional SSC members on an ad hoc basis, or the SSC may call upon additional expertise if needed with the approval of the Executive Director.

SSC members are eligible to be appointed to no more than three consecutive three-year terms. The Executive Committee may, at its discretion, deviate from this limitation in order to prevent excessive turnover if numerous members reach the term limit at the same time. A member leaving the SSC due to the term limit may be reappointed after at least a one-year break in service. The SSC chair, vice-chair, and Executive Director should review SSC member attendance records and participation on a periodic basis. Any identified issues should be brought to the attention of the SSC member in question. If necessary, replacement could be considered after discussion with the Executive Committee.

The SSC shall nominate from its members a Chair and Vice Chair who both will be confirmed by the Executive Committee for one-year, renewable terms. SSC members may be compensated when funding is available and will be paid for travel expenses in accordance with the Council's travel policy. SSC members also may be compensated for participation in peer reviews, based on available funding.

SSC Priorities The SSC is tasked with the development of acceptable biological catch recommendations. In doing so, it shall avoid duplication of official peer reviews and consider the larger aspects of the 'spirit of the act' (e.g., ecosystem-based fishery management, socio-economic benefits, and other relevant issues identified in the Magnuson-Stevens Reauthorization Act).

Meetings To the extent practicable, the SSC shall meet regularly, either before or in conjunction with Council meetings, and the SSC chair (or appropriate representative) should attend Council meetings. The Committee also should meet as a whole or in part at its own request, or at the request of Executive Director, with the approval of the Council Chair whenever necessary to fulfill its responsibilities. The SSC may schedule additional meetings, as needed, for the review of fishery management plan items and to address longer-term issues that may require SSC recommendations in the form of "white papers." The Executive Director shall provide staff support to the committee. Public comment will be invited at the discretion of the SSC chair.

Council Requests for SSC Recommendations The SSC shall be primarily responsive to Council requests, and shall set its own annual and monthly agendas based on these requests and other issues as time allows. All Council requests for SSC recommendations should be forwarded from the Council through its Executive Committee or Chairman. Council requests should be clearly communicated in a memorandum from the Executive Director and include the specific issues that require SSC review and the development of recommendations to the Council.

All available background information and analyses from the appropriate organizations (e.g., Plan Development Team, technical committee) should be provided by a representative of the organization through technical documents and a visual presentation that addresses the major issues, background information, analyses, and conclusions.

- To the extent possible, documents shall include the “best scientific information available” and meet the criteria specified by the National Research Council (2004): relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review.
- Background documentation should include a concise summary of previous scientific and management episodes related to each issue.

Meeting Agendas The SSC should meet in conjunction with Council meetings whenever possible and request other meetings as needed. The SSC should consider each request at least one month before the Council deliberates on the issue, using the following schedule:

Month 1 – “new business”

- Documents are available for SSC review before the meeting
- Critical issues are identified

SSC recommendations are discussed and drafted, if possible, and tasks are delegated for the intervening month

➤ Intervening work

- Critical issues are reviewed further, if necessary
- Draft recommendations are developed (by correspondence or within subgroups)

➤ Month 2 – “old business”

- Intervening review and draft recommendations are discussed
- SSC consensus is developed and recommendations are reported to the Council

SSC Recommendations A quorum is necessary for the development of any ABC recommendation. The committee’s recommendations should be consensus statements. Consensus statements shall identify the greatest common perception with caveats. Majority and minority reports could be included in a consensus statement as a last resort. Only matters of process shall be voted on (chair, vice-chair, agenda, etc.). SSC reports shall consist of concise recommendations, identification of supporting documents, and technical appendices that document SSC analyses.

Annual Agendas The annual schedule of fishery management plans, amendments, and framework adjustments shall be provided by Council staff. An SSC member should be assigned to lead the review of each ABC agenda item at least one month in advance of the SSC meeting and work with the Chair to identify issues for SSC discussion.

Council Remands to the SSC The Council may remand back to its Scientific and Statistical Committee the SSC's recommendations based on the following criteria: (a) failure of the committee to follow the terms of reference provided to it by the Council; (b) an error, in fact or omission, in the materials provided to the committee; (c) an error in fact in the calculations, if any, undertaken by the Committee in developing an ABC recommendation; and (d) failure of the committee to follow its standard operating procedures.

Conflict of Interest SSC members are expected to maintain high standards of conduct. SSC decisions are expected to be objective and must avoid conflicts of interest. The following guidance will help SSC members address frequently encountered situations. Should SSC members have questions about a specific issue, the Executive Director will facilitate consultation with NOAA GC. SSC members who are federal employees may also consult with the appropriate ethics officer.

- 1) Each SSC member is required to complete a financial interest disclosure form on an annual basis and when there is relevant change. These are made available to the public on the Council web page. If an SSC member has a current, recurring, or persistent financial conflict of interest (as defined in the NOAA Scientific Integrity Policy, [NAO 202-735D-2](#)) with an SSC agenda item, the member must identify the conflict and recuse him or herself from participating in SSC discussions on that subject. Recusals must be documented in the SSC report.
- 2) In cases where the SSC, or an SSC sub-panel, is conducting a peer review, SSC members shall follow the guidance on peer reviews as described in the National Standard 2 guidelines as well as other regulations or legal requirements that may be applicable (for example, in the case of federal employees).
- 3) If an SSC member is an author or coauthor of a report considered by the SSC, that individual should recuse him or herself from discussion about SSC recommendations on this agenda item. However, that SSC member may provide clarifications about the report to the SSC as necessary. If, on the other hand, the SSC reviews a report prepared by individuals under the line of supervision of an SSC member, then that SSC member should recuse him or herself from leading the SSC discussion of that agenda item. He or she may otherwise participate fully in the SSC discussion and development of recommendations based on the report after disclosing affiliation with the authors. The Council believes that in the latter instance, the benefit of participation by SSC members outweighs the possible appearance of a conflict of interest. Any recusals must be documented in the SSC report.

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- 4) SSC members, or their employers, are eligible to compete for Council contracts. If the SSC is asked for assistance in drafting the request for proposals, SSC members who may compete for that contract should not provide advice to avoid the appearance of a conflict. SSC members should not assist the Council with the review of their own proposals or competing proposals.

Plan Development Teams

Plan Development Teams (PDTs) provide an expanded pool of expertise for the purpose of conducting data analyses and providing information to the Council. The PDTs also help ensure that Council FMPs, amendments, and framework adjustments meet scientific, legal, and technical requirements for review and approval. The Council's Executive Director appoints all PDT members based on the criteria listed below in this policy.

Responsibilities The responsibilities of the PDTs are as follows:

- To evaluate management proposals with respect to achieving FMP objectives;
- To incorporate SSC recommendations as accepted by the Council into management alternatives;
- To provide guidance and assistance, as appropriate, to the Council staff in the development and preparation of FMP and amendment submission documents; and
- To provide plan monitoring, and scientific and technical expertise to the Council and its committees and, if appropriate, to the Stock Assessment Workshops.

The PDT will provide options to meet FMP objectives, analyses, and relevant data for use by the appropriate oversight committee or Council. The individual members of the PDT will carry out their usual responsibilities to their parent agencies, but as a group, the PDT is responsible to the Council.

Terms of Reference The oversight committee chairs will provide detailed guidance (terms of reference) to the PDTs. Committees may ask PDTs to evaluate management proposals, develop options to meet FMP objectives, or to provide guidance on a variety of scientific, technical or FMP implementation issues. The terms of reference should clearly identify the management objectives against which management proposals should be evaluated and options developed. The goal is to direct the PDTs to develop and/or analyze a variety of options consistent with FMP objectives.

PDT chairs will attend meetings of the relevant committee to facilitate accurate preparation of written terms of reference, and subsequently will present PDT reports and analyses to the committees or the Council. PDT chairs may designate other PDT members to make special presentations to the committees as appropriate.

In meeting the management objectives specified by the committees, PDTs should consider as broad a range of options as possible. All management alternatives shall be consistent with the advice provided by the Council's Scientific and Statistical Committee.

PDT Reports PDTs will provide reports to their respective committees in response to the terms of reference. The PDT reports will contain options and analyses of options that meet specified objectives. PDT conclusions and recommendations will reflect the consensus of its members. PDT members must have the chance to review and comment on PDT reports prior to their distribution.

Process and Responsibilities The PDT Chair will schedule meetings as far in advance as possible and coordinate assignments of specific tasks to individuals or subgroups of the PDT. The Chair will distribute all terms of reference prior to PDT meetings.

The PDT Chairs will keep PDT members informed of all Council actions affecting a PDT's area of responsibility. The PDTs may determine whether a particular issue or proposed action warrants their involvement, or whether it is better handled solely by the Council staff.

PDTs are working groups and therefore PDT members are expected to contribute to analyses and documents under development. PDT members are chosen for their scientific and technical capabilities. It is important for them to be as impartial as possible in evaluating management alternatives. To maintain the credibility of the PDT as an impartial body, PDT members should be careful not to become advocates for a particular management approach or a particular interest group.

All FMPs, amendments or major framework adjustments should be developed with the involvement of the PDTs unless otherwise delegated to a committee established for a specific purpose. The PDTs also will review major components of submission documents, such as draft and final environmental impact statements, economic, social and Regulatory Flexibility Analyses for all FMPs, and major amendments or framework adjustments.

To ensure the most efficient use of PDT resources, as much work as possible will be done before or outside of PDT meetings by circulating and reviewing analyses and documents by mail or electronically.

PDT members should have the full agreement of their agency/employer to allow them to make the appropriate commitment to the PDT process. Expected time commitments should be explicit so that PDTs can depend on members for some minimum amount of contribution.

PDT Meetings The purpose of PDT meetings is to direct and review analyses and provide guidance to the Council and its committees. Committee chairs may attend PDT meetings to provide guidance and clarification when needed. Council members, industry advisors and members of the public also may attend PDT meetings but may participate in the discussion only at the invitation of the PDT chair.

The purpose of PDTs is to perform analytical and technical work for the Council; and

although the meetings are open to the public, advanced notice cannot be guaranteed.

Criteria for Membership The Executive Director, in consultation with the PDT Chair and Deputy Director, shall review the qualifications of each prospective PDT member. At a minimum, the following four criteria shall be evaluated.

1. Knowledge and skills commensurate with PDT tasks.
2. An ability to remain unbiased during PDT deliberations.
3. The capacity to discuss, negotiate and compromise if necessary with other PDT members; in other words, possess an ability to “fit in.”
4. A unique skill set and/or perspective that does not currently exist on the PDT.

Composition Each Plan Development Team will consist of the following:

- A Chair designated by the Council’s Executive Director.
- Up to two members from the NMFS Regional Office, one of whom is responsible for keeping the Regional Administrator and other appropriate NMFS personnel informed of work undertaken, progress, problems encountered and timetables.
- Up to two members from the NMFS Northeast Fisheries Science Center (NEFSC). Other scientists from the NEFSC may participate in technical sessions or working subgroups of the PDT. Their involvement would be coordinated by the appropriate NEFSC member.
- Designated staff members from the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission.
- Economists, statisticians, anthropologists, sociologists, marine biologists or other scientists from state fisheries agencies and academic institutions. Subject to the availability of funds, expenses for these PDT members will be reimbursed by the Council.
- Other Council staff as appropriate.
- Representation from different organizations does not need to be proportional, although an effort should be made to include state personnel on Council PDTs.
- Members of Council committees that have the responsibility to task a particular PDT may not serve or stand-in for any member of that PDT.

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- Advisory Panel members may not simultaneously serve on any of the Council's PDTs.
 - Industry-funded scientists and members and/or staff of non-governmental organizations may be approved for PDT membership on a case-by-case basis by the Executive Committee.