

## **2.6.1 Scientific and Statistical Committee**

### *2.6.1.1 Objectives and Duties*

- (a) The Council will establish a Scientific and Statistical Committee (SSC) which shall:
  - (1) Assist the Council in the development, collection, evaluation, and peer review of such statistical, biological, economical, social and other scientific information as is relevant to the Council's development and amendment of any fishery management plan;
  - (2) Provide the Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, 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. Specifically in order to allow the Council to fulfill its obligations under Section 302(h)(6), the Committee shall, based on current stock conditions, the status determination criteria specified in the Fishery Management Plans (FMPs), and consistent with 50 C.F.R. Part 600.310, National Standard 1- Optimum Yield, provide the "fishing level recommendation" in terms of harvest for each of the Council's managed species.
  - (3) Assist the Council in determining what statistical, biological, economical, social or other scientific information is needed for the development of a management plan that meets the requirements of the Act; and shall advise the Council as to the best way of obtaining this information, including identifying entities with ongoing research programs that may be able to develop the needed information.
- (b) When requested by the Council, through the Council Chair or the Chair's designee, the Committee shall:
  - (1) 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 or amendments thereto, and on the preparation of such plans or amendments thereto. However, The Committee will not provide another peer review of the Northeast Regional Stock Assessment Workshop (SAW) results or the Stock Assessment Review Committee (SARC).
  - (2) Advise the Council on preparing comments on any fishery management plan or amendments thereto prepared by the Secretary or Secretary's delegate.
  - (3) Comment on any proposed regulations which the Council deems necessary to implement any fishery management plan or amendment to a fishery management plan which is prepared by the Council;
  - (4) Assist the Council in establishing criteria for judging plan effectiveness;
  - (5) Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Act; and
  - (6) Attend Council meetings as requested by the Council Chair. Members of the Committee may be tasked to serve as Chair or member of the Northeast Stock Assessment Review Committee (SARC) when requested by the Northeast Fisheries Science Center (NEFSC).

### *2.6.1.2 Development of ABCs*

- (a) Section 302(g)(1)(B) of the Act provides that the Committee shall provide recommendations for acceptable biological catch (ABC) that prevent overfishing.
- (b) The Council Chairman, in consultation with the Executive Director and the Chair of the Species Committee that has responsibility for a stock under consideration, shall develop a set of terms of reference based on the relevant ABC control rule that will guide the work of

the Committee in developing ABC recommendations for that stock. The terms of reference will specify a date by which all material to be considered by the Committee will be provided. This date shall be at least 15 working days prior to the Committee meeting. The Committee is not obligated to consider any material submitted after this date.

- (c) Any Committee member who has a financial conflict of interest in providing advice on the species under consideration shall recuse him/herself from discussion and voting.
- (d) Only those Committee members present at the meeting may participate in developing the ABC recommendation. At least 50% of the members must be present to establish a quorum for ABC recommendations.
- (e) The Committee Chair may request oral presentations or comments from analysts and/or interested stakeholders during the meeting.
- (f) On the basis of the submitted material, the Committee shall provide an ABC recommendation for the upcoming fishing year(s) that follows the ABC control rule adopted by the Council for a given species (stock). The recommended ABC will reflect the level of scientific uncertainty inherent in the assessment of stock status and the Council's risk policy, such that the recommended ABC is less than or equal to the overfishing limit in line with the Act and 50 C.F.R. § 600.310, *National Standard 1—Optimum Yield*. The Committee recommendation will be provided to the Council in the form of a written report that clearly identifies the:
  - (1) materials considered in developing the ABC;
  - (2) the overfishing limit;
  - (3) the magnitude and sources of uncertainty in the overfishing limit that were considered by the Committee; and
  - (4) the level of risk adopted in the ABC control rule recommended by the Committee following the Council's risk policy.
- (g) The ABC report shall include a statement in writing to accompany any scientific advice provided to the Council that the advice is based on the best scientific information available, as defined in 50 C.F.R. § 600.315, *National Standard 2 – Scientific Information*.
- (h) The Committee report shall be transmitted to Council staff within 10 working days following the Committee meeting.
- (i) The Council may remand back to the Committee its ABC recommendation based on the following criteria:
  - (1) failure of the Committee to follow the terms of reference provided to it by the Council;
  - (2) an error, in fact or omission, in the materials provided to the Committee;
  - (3) an error in fact in the calculations, if any, undertaken by the Committee in developing its ABC recommendation; and
  - (4) failure of the Committee to follow its standard operating procedures.
- (j) These criteria do not limit the ability of the Council to seek clarification of the foundation for the Committee recommendation.
- (k) The Committee Chair, or designee, shall present the Committee's ABC recommendation at a subsequent Council meeting.

#### 2.6.1.3 *Members and Chair*

- (a) The Committee shall have up to 20 members, all of whom shall be nominated for membership on the Committee by Council members, and shall be appointed to the Committee by a majority vote of the Council. The Committee may be composed of Federal employees, State employees, academicians, or independent experts, and each shall have

strong scientific and/or technical credentials and experience in the biological, statistical, economical, social, and other relevant disciplines. The goal will be to structure the committee such that there is a balance in both home bases and expertise of its members. Each member of this committee shall be treated as an affected individual for purposes of paragraphs (2), (3)(B), (4), and (5)(A) of subsection (j) of Section 302 of the Act. The Secretary shall keep disclosures made pursuant to this subparagraph on file.

- (b) Members of the Committee will be appointed by the Council for a period of three years, and may be reappointed at the discretion of the Council. Appointments to the Committee will be staggered to allow overlap of membership. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy. When vacancies arise the Committee shall provide the Council with a list of recommended candidates for consideration; the Council is not bound by the Committee's list of recommended nominees.
- (c) In addition to the 20 members identified in (a) above, interim or special appointments to the Committee of limited duration (not to exceed one year) may also be made to add expertise in special topic areas being addressed by the Committee. These interim appointments have all the rights and privileges of regular Committee members.
- (d) Committee members shall be notified of meetings at least 30 days in advance of each meeting. Committee members who cannot attend a scheduled meeting shall so advise the Executive Director. The terms of members who are absent for three consecutive SSC meetings without notifying the Executive Director in advance of the absence and without a reasonable excuse may be revoked. In addition, Committee members shall attend at least half of the meetings each year in person. Failure to do so may also lead to loss of membership on the Committee.
- (e) From within the membership of the Committee, the Council Chair shall appoint a Chair of the SSC.
- (f) From among their membership, the Committee may elect a Vice-Chair. The Committee Vice-Chair assists the Committee Chair in running meetings, and may represent the Committee to the Council if requested.

#### 2.6.1.4 *Administrative Provisions*

- (a) The Committee shall meet as a whole, or in part, at the call of the Committee Chair, with the approval of the Council Chair, as often as necessary to fulfill the Committee's responsibilities, taking into consideration time and budget constraints.
- (b) The Council staff, in consultation with the Council Chair and SSC Chair, shall be responsible for developing an agenda for Committee meetings.
- (c) The Committee shall report to the Council Chair or the Chair's designee.
- (d) The Executive Director of the Council shall, upon request of the Committee Chair, provide such staff and other support, as the Council considers necessary for Committee activities, within budgetary limitations.
- (e) The Council shall pay the actual expenses of the Committee members, in accordance with Section 302(f)(7)(D) of the Act, while engaged in the performance of Council business, and subject to the availability of appropriations.
- (f) Meetings shall be open to the public. Public comments may be received during the meeting at the discretion of the Committee Chair. Notice of meetings of the SSC shall comply with the applicable notice requirements specified for Council meetings.
- (g) Committee decisions shall be made by consensus whenever possible. The Committee Chair retains the right to call for a vote if it becomes apparent that a consensus cannot be reached on decision that is considered vital. All voting will be anonymous and not by roll call. Proxy votes will not be allowed.

- (h) Minutes of each meeting of the Committee shall be kept and posted on the Council website. The minutes shall contain a record of the persons present, a description of matters discussed, and conclusions reached. ABC reports will also be posted on the Council website.
- (i) The Committee can establish subcommittees or working groups to address specific issues and provide feedback to the general SSC membership for action.
- (j) Pursuant to Section 302(g)(1)(F) of the Act, stipends are available, subject to the availability of appropriations, to SSC members who are not employed by the Federal Government or a State marine fisheries agency. For the purposes of this section, any personnel from state or tribal agencies that have conservation, management or enforcement responsibility for any marine fishery resource, are not eligible for stipends.
- (k) SSC members shall file Financial Interest Forms as described in section 2.3.6.