

The Department of Commerce

National Oceanic and Atmospheric Administration
Advisory Panel for Atlantic Highly Migratory Species
Southeast Data, Assessment, and Review Workshops

Terms of Reference

January 2010

The National Marine Fisheries Service (NMFS) hereby publishes Terms of Reference (TOR) for the Advisory Panel (AP) for the Atlantic Highly Migratory Species (HMS) Southeast Data, Assessment, and Review (SEDAR) workshops, created under section 302 (g)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 *et seq.*

I. LEGAL AUTHORITY AND JURISDICTION

The HMS SEDAR AP, also called the “SEDAR Pool,” was created under section 302 (g)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 *et seq.* Section 302(g)(2) states:

Each Council shall establish such advisory panels as are necessary or appropriate to assist it in carrying out its functions under the Act.

For the purposes of this section, NMFS considers the above provisions to be applicable to the HMS Management Division. The SEDAR Pool is a group from which individuals will be selected to review and/or provide the data and analyses and advise NMFS regarding the scientific information, including but not limited to data, analyses, and models, used in stock assessments for sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. While the SEDAR Pool is created specifically for Atlantic sharks, it may be expanded to include other HMS, as needed.

II. PURPOSE AND FUNCTIONS

The primary purpose of the individuals in the SEDAR Pool is to provide and review the scientific information, including but not limited to data, analyses, and models, used in stock assessments that are used to advise NMFS, as a delegate to Secretary of Commerce (Secretary), about the conservation and management of the Atlantic HMS, specifically but not limited to, Atlantic sharks.

Individuals in the SEDAR Pool may participate in the various data, assessment, and review HMS SEDAR workshops. Individuals that participated in a data and/or assessment workshop for a particular stock assessment may also be asked to attend and/or provide information during the review workshop to ensure that any questions the reviewers may have can be answered quickly and accurately. Individuals that participate in a data and/or assessment workshop for a particular stock

assessment will not be asked to participate in the review workshop to ensure that the peer review is unbiased.

Members of the SEDAR Pool may serve as members of other APs concurrent with or following their service on the SEDAR Pool, except that members of the SEDAR Pool that were invited to participate in the data and/or assessment workshops for any particular species during a specific stock assessment may not participate in the relevant review workshop for that stock assessment.

III. COMPOSITION AND ORGANIZATION

The SEDAR Pool is comprised of representatives with definable interests in the commercial and recreational fishing communities, the environmental community, academia, and governmental entities. Non-federal members of the SEDAR Pool may include representatives of commercial and recreational fisheries for Atlantic HMS, representatives of the environmental community active in the conservation and management of Atlantic HMS, and representatives of the academic community that have relevant research either with sharks or shark-like species and/or stock assessment methodologies for any marine fish species. These representatives must have demonstrated experience in fisheries, related industries, research, teaching, writing, conservation, or management of marine organisms. The distribution of representation among the interested parties is not defined.

Additional members of the SEDAR Pool may also include representatives from each of the five Atlantic Regional Fishery Management Councils, each of the eighteen (18) constituent states, both the U.S. Virgin Islands and Puerto Rico, and each of the constituent interstate commissions: the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

If NMFS requires additional members to ensure a diverse pool of individuals to draw from for data or assessment workshops, NMFS may request individuals to be a member of the SEDAR Pool outside of the annual nomination period.

The number of members in the SEDAR Pool is not limited. To ensure members continue to be involved in fisheries, as defined above, member tenure will be for three years (36 months). A request for nominations will publish in the Federal Register as needed to ensure adequate participants at the data and assessment workshops. Members can nominate themselves and serve an unlimited number of consecutive terms. Membership is approved by the Assistant Administrator for Fisheries.

Nominations for a specific stock assessment workshop, must be received by NMFS at least six (6) weeks before the start of that workshop to ensure the SEDAR members meet the requirements of participating in any stock assessment workshop.

Panel members serve at the discretion of the Secretary. Not all members will attend each workshop. Rather, NMFS will invite certain members to participate at specific stock assessment workshops dependent on their ability to provide data and/or models and participate, discuss, and recommend scientific decisions regarding the species being assessed. If an invited SEDAR Pool member is

unable to attend the workshop, the member may send a designee who may represent them and participate in the activities of the workshop. In order to ensure the designee meets the requirements of participating in the data and/or assessment workshop, the designee must receive written approval of the Director of the Office of Sustainable Fisheries at least six (6) weeks in advance of the beginning of the relevant data and/or assessment workshop. Written notification must include the name, address, telephone, e-mail, and position of the individual designated. A designee may not name another designee. Alternatively, SEDAR Pool members may submit to the, Director of the Office of Sustainable Fisheries in advance of any workshop, a list of several individuals who may act as designee. Only one of those designees could attend any particular meeting. Such designee would attend for the entire meeting and could not be replaced by a different designee partway through the meeting. Absence by a SEDAR Pool member or their approved designee upon to two or more consecutive invitations to any stock assessment workshop may constitute grounds for termination of the appointment.

To ensure unbiased results, SEDAR staff arrange for appropriate peer reviewers to participate in the Review workshop. These peer reviewers may or may not be part of the SEDAR Pool.

IV. MEETINGS

Individual members of the SEDAR Pool meet to participate in stock assessments at the call of the Office of Sustainable Fisheries, National Marine Fisheries Service. Stock assessment timing, frequency, and relevant species will vary depending on the need determined by NMFS and SEDAR Staff. Meetings and meeting logistics will be determined according to the SEDAR Guidelines. All meetings are open for observation by the public.

V. RECORDKEEPING

NMFS will keep an administrative file of all materials relating to each assessment. This includes documents provided by participants, the minutes of workshops, if available, and the workshop reports. This administrative record is available for inspection and copying and will be provided on the web at an address to be provided. Statistical information and data that is confidential in nature shall remain so and will only be released to individuals that have appropriate confidentiality agreement(s) signed and approved. Aggregated data will be made available consistent with the SEDAR guidelines.

VI. ADMINISTRATIVE PROVISIONS

The SEDAR Pool shall report to the Secretary, through the Office of Sustainable Fisheries. NMFS is not obligated to fulfill any requests (e.g., requests for an assessment of a certain species) that may be made by the SEDAR Pool or its individual members.

Members of the SEDAR Pool who are invited to attend stock assessment workshops may be reimbursed for their travel-related expenses to attend such workshops.