GOVERNORS' GUIDANCE KIT

NOMINATIONS TO
REGIONAL FISHERY MANAGEMENT COUNCILS

http://www.nmfs.noaa.gov/sfa/reg_svcs/Councils/CouncilNomination.htm
NMFS has created a website for the governors to help in compiling nomination lists for the annual appointments' process. This website contains an overview of the Magnuson-Stevens Act requirements for the Council nomination and appointment process and other related guidance, and the Nomination Application Kit to be completed by your nominees. The Governor's letter and Governor's Guidance Kit is available in .PDF format.

Contact the NMFS Office of Sustainable Fisheries, Regulatory Services Division at 301-427-8505, or email Council.Appointments@noaa.gov

YOUR COMPLETED NOMINATION PACKAGE
(GOVERNOR'S NOMNATION LETTER AND YOUR NOMINEES COMPLETED APPLICATION KITS)
MUST BE RECEIVED BY THE ASSISTANT ADMINISTRATOR FOR FISHERIES
ON OR BEFORE MARCH 15

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GOVERNORS' GUIDANCE

Nomination Criteria and Procedures

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other related guidance, Regional Fishery Management Council Governors must nominate at least three individuals for appointment by the Secretary to each available Council seat. Appointments can be made only from among timely and complete nomination lists developed by the Governors of the Councils' constituent states. The Governors submit the lists to the NOAA Assistant Administrator for Fisheries, who facilitates the appointments on behalf of the Secretary.

A Governor may only nominate candidates who meet the nomination requirements contained in the Magnuson-Stevens Act (Sec. 302) and other applicable criteria (50 CFR 600.215) referenced in this package. For guidance in developing nominations, please review the enclosures contained in this kit, as well as the Nomination Application Kit, which provides specific information about nominees' qualifications.

For assistance in compiling nomination lists, please refer to Enclosure 4A. It contains the names of the Regional Fishery Management Council principal state officials, and if applicable, their designees. These principal state officials are appointed by the governors as voting members on the Councils and employed with the states' resource agencies, and can provide first-hand insight about Council memberships, as well as fishery management needs of the Councils.

Regional Fishery Management Council Residency Policies

A state resident is an individual who maintains his/her principal residence within that state and, if applicable, pays income taxes to that state and/or other appropriate jurisdiction within that state.

Obligatory Seats

Obligatory seats are state-specific. Prior to submitting nominations, a Governor must determine if each of his/her nominees is a resident of that state. Governors may not nominate a non-resident of that state for appointment to a Council seat obligated to that state. If, at any time during a term, an appointee changes residency to another state, the member may no longer vote and must resign from that obligatory seat.

At-Large Seats

At-large seats are regional. Governors may nominate residents of another constituent state of a Council for appointment to an at large seat on that Council. However, if an at-large Council member changes residency to a state not represented on the Council on which he/she was a member, the member may no longer vote and must resign his/her at-large seat.

Timely Submission

To facilitate timely tracking, as required, forward completed nomination letters and nominees' application kits by express mail, under a single mailing to:

Assistant Administrator for Fisheries
NOAA's National Marine Fisheries Service
1315 East-West Highway, Room 14636
Silver Spring, Maryland 20910
Attention: William Chappell

Completed and timely nomination information must be received by the NOAA Assistant Administrator for Fisheries on or before March 15. The Governor may contact the Office of Sustainable Fisheries, Regulatory Services Division, at 301-427-8505, or by email at Council.Appointments@noaa.gov if they have questions regarding the completion of nomination packages.

Other Procedures and Criteria

Obligatory Seats

If the Governor initially nominates fewer than three qualified candidates for that state's obligatory seat, the Secretary must delay consideration of the candidates until that Governor completes his/her list of candidates by submitting the required minimum number of three. Moreover, that obligatory seat will remain vacant even though three or more candidates' names have been submitted, until the Governor and at least three of the Governor's nominees complete all other nomination requirements, and the Secretary has had an appropriate opportunity to make the selection.

At-Large Seats

At-large seats are regional in nature, and governors may nominate residents of another constituent state of a Council for appointment to an at-large seat on that Council. No at-large seat is owned by any particular state.

Nominating Circumstances

Before nominating individuals to the Council, we request the governor conduct an initial background review and consultation with fishing interests as required by the Magnuson-Stevens Act. We will conduct background investigations on the nominees that are selected to serve on a Council. An individual's appointment to the Council will be conditional until that individual's background investigation has been favorably adjudicated. Additionally, individuals who are Federal registered lobbyists will not be appointed as Council members.

Consider your nominations carefully and submit nominees who possess the broadest range of fisheries knowledge and experiences, and who will contribute effectively toward the conservation and management goals of the Councils, and to the attainment of "fair and balanced" apportionments on a Council. Your candidates must recognize their important roles as trustees and stewards of our Nation's marine fisheries resources. Promotion of self or other narrow interests that would detract from a member's objectivity and service to the welfare of the living marine resources of the United States must be avoided. Each nominee also must indicate a willingness to devote significant personal time and service to Council meetings and related activities. Newly appointed members will be required to complete a training course typically scheduled in October.

Website for Constituent State Governors

NMFS has created a website for the governors to help you in compiling nomination lists for the annual appointments' process. This website contains an overview of the Magnuson-Stevens Act requirements as it pertains to the Council nomination and appointment process and other related guidance, and the Nomination Application Kit to be completed by your nominees. The Governor's letter and the Governor's Guidance Kit is also available in .PDF format.
http://www.nmfs.noaa.gov/sfa/reg_svcs/Councils/CouncilNomination.htm

Documentation

Governors must nominate at least three individuals, for appointment by the Secretary, to each available Council seat. Governors may nominate more than three candidates for each seat.

Explain, in your nomination letter, how each nominee, by reason of occupational or other experience, scientific expertise, or training, is knowledgeable regarding the conservation and management or the commercial (including aquaculture) or recreational harvest of the fishery resources of the Council's geographical area; provide a list of persons with whom you consulted in the recreational and commercial communities regarding the nominees; identify your efforts to consider qualified women and/or minority candidates; and, include a written response if you choose not to submit at-large nominations. To avoid legal concerns, the nomination letter must be signed by the Governor.

Ensure that each nominee completes and forwards Parts 1-4 of the Nomination Application Kit. The governor is responsible for gathering completed nomination information and application kits from your nominees. Governors should advise nominees to forward their completed application kits in sufficient time to allow the Governors to process**.**

Enclosure 3A of the Governors' Guidance Kit is intended to facilitate final review of the Governors' nomination letter and nominees' completed application kits.

Appointment

A Council member's appointment is conditional until such time as the member's background investigation has been favorably adjudicated. If appointed, Council members must undergo an extensive background investigation and complete other administrative requirements of the appointment process. NMFS conducts initial vetting and enforcement checks of nominees in which most issues that would affect a nominee's ability to serve are discovered. A past felony conviction may be disqualifying. Further, the background investigation forms require disclosure of past criminal history. Failure to report such matters truthfully and fully would be grounds for an unfavorable background investigation.

2014 REPORT TO CONGRESS

ON APPORTIONMENT OF MEMBERSHIP

ON THE

REGIONAL FISHERY MANAGEMENT COUNCILS

Found at:
http://www.nmfs.noaa.gov/sfa/management/councils/report_congress/reports.htm

Enclosure 2A contains the 2014 Report to Congress on Apportionment of Membership on the Regional Fishery Management Councils. Among other information, the Report contains factors the Secretary will consider in making the upcoming Council appointments. Please refer to this document as nominations are being developed. It specifies significant fishery management issues which the Councils are addressing, and identifies the current status of fishing sector representation on the Councils.

The report may be unavailable at this time. Please keep checking the website until an updated version is published.

GOVERNORS' AT-A-GLANCE CHECKLIST

INCLUDE WITHIN YOUR NOMINATION LETTER:

- A written statement explaining how each nominee meets the requirements listed in Section 302(b)(2)(A) of the Magnuson-Stevens Fishery Conservation and Management Act

- A written indication that consultations were made with the commercial and recreational fishing communities of the State regarding your nominees. Please attach a list of persons/groups with whom you consulted within the commercial and recreational communities of your state.

- A written indication of your efforts to consider qualified women and/or minority candidates.

- A written response if you choose not to submit at-large nominations.

To avoid legal concerns, each Governor's nomination letter must be signed by the Governor on his/her official letterhead.

NOMINEES' APPLICATION KITS MUST CONTAIN:

Part 1: ACKNOWLEDGEMENT STATEMENT, COMPLETED RESUME, and PHILOSOPHY STATEMENT. Nominees must provide a written statement as to why they want to be a council member; a completed resume noting how, by reason of their occupation or other expertise, scientific expertise, or training, they are knowledgeable regarding the conservation and management, or the commercial or recreational harvest, of the fishery resources of the geographical area concerned; and, a statement of their guiding philosophy on the conservation and management of living marine resources.

Part 2: FISHERIES EXPERIENCE FORM. Nominees must specify their personal fisheries experience and background and other management interests within a Council's geographic area.

Part 3: STATEMENT OF FINANCIAL INTERESTS FORM (NOAA Form 88-195) AND NATIONAL MARINE FISHERIES SERVICE (NMFS) INTERGOVERNMENTAL PERSONNEL AGREEMENT (IPA). Nominees must meet applicable financial disclosure requirements as required by Section 302(j) of the Magnuson-Stevens Act and financial disclosure regulations at 50 CFR 600.235. Nominees must also check the appropriate box, and sign and date the cover sheet to Part 3, which pertains to potential participation by nominees in a NMFS IPA.

Part 4: **CERTIFICATION OF STATUS FORM.** Nominees cannot be appointed to a Regional Fishery Management Council if they are acting as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938. They also must disclose if they are a registered Federal lobbyist, pursuant to the Lobbying Disclosure Act of 1995.

NEW ENGLAND COUNCIL
http://www.nefmc.org/staff/index.html

MID-ATLANTIC COUNCIL
http://www.mafmc.org/members/

SOUTH ATLANTIC COUNCIL
http://www.safmc.net/about-us/council-members

CARIBBEAN COUNCIL
http://caribbeanfmc.com/members_voting.html

GULF OF MEXICO COUNCIL
http://www.gulfcouncil.org/about/fishery_council_members.php

PACIFIC COUNCIL
http://www.pcouncil.org/council-operations/council-and-committees/council-and-committee-rosters/council-roster/

NORTH PACIFIC COUNCIL
http://www.npfmc.org/council-members/

WESTERN PACIFIC COUNCIL
http://www.wpcouncil.org/about-us/council-members/