

Terms of Reference for the Council Coordination Committee

(May 2013~~0~~)

1. **Establishment.** Under Section 302(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Councils may establish a Council Coordination Committee (CCC). The CCC consists of the chairs, vice chairs, and executive directors of each of the eight Councils, or other Council members or staff, in order to discuss issue of relevance to all Councils, including issues related to the implementation of the Act. Neither NOAA Fisheries (NMFS), NOAA General Counsel, nor any other Federal entity is a formal member of the CCC, and, therefore, the procedures described in this Terms of Reference apply regardless of whether federal personnel are present. Under the MSA Section 302(i), CCC meetings are held to the same procedural standards as any Council meeting.
2. **Membership.** The CCC consists of three members from each of the regional Councils: the Chair, a Vice-chair, and the Executive Director, or their respective proxies. Councils with more than one Vice-chair will need to determine who participates on the CCC for a given meeting. Only Council staff or Council members may serve as proxies. Work groups or subcommittees may be established to address particular issues, and include members from the CCC, Council staff, and NMFS staff with expertise as necessary.
3. **Organization.** The CCC will be directed by the Chair and Vice-chair of the Council that is hosting the annual CCC meeting during that calendar year (January 1 through December 31). Councils with more than one Vice-chair will need to determine who will be the CCC Vice-chair in the year when they host the CCC meeting.
 - (a) **Rules of order.** Roberts Rules of Order will be used to conduct business when a decision or recommendation of the CCC is needed. The CCC will operate by consensus whenever possible. Any member of the CCC can make a motion, but each Council will be limited to one vote, made by the chair of each Council (or vice-chair/proxy). Motions approved by the CCC reflect the opinions of the collective CCC, but are not binding on any individual Council. However, these decisions can be made on behalf of all of the regional Councils on a case by case basis, depending on the issue or vote at hand. The responsibility to follow-through on CCC actions, and to represent the CCC in general, falls upon the host Council for that particular calendar year.
 - (b) **Meetings.** The CCC will normally meet twice per year. Generally, an interim meeting is held early in the calendar year to discuss budgets and other pressing matters and is hosted by NMFS in Washington, D.C. The primary, annual CCC meeting is hosted, on a revolving basis, by one of the Councils, normally in later spring or early summer. The CCC Chair for that calendar year may call other meetings as necessary. NMFS, in consultation with the CCC Chair, may schedule periodic conference calls with the CCC to discuss issues of immediate concern. Emergency meetings shall be held at the call of the CCC chair. The CCC shall strive to announce meetings two years in advance.
 - (c) **Agenda.** For the primary, annual meeting, a draft agenda will be prepared in advance by the host Council and will be distributed to the other Councils and NMFS for review and comment. In the case of the interim meeting, NMFS will develop a draft agenda for review and comment by the

Councils. Timely notice of the interim and annual meetings, including the agenda, will be provided, and such notice will be published in the Federal Register.

(d) Availability of documents. The CCC will make documents relevant to the CCC meeting available to the public as follows:

- i) When possible, all presentations and handouts will be posted to the NMFS or CCC website before the agenda item is discussed and updated as necessary following the meeting.
- ii) Presentations and handouts that are not posted to the NMFS or CCC website in advance of the meeting, should, if possible, be made available in hard copy for the public at the meeting.
- iii) For ease of public access and ensuring compliance with IT requirements, the NMFS or CCC website will be the official repository of CCC meeting documents.
- iv) Agenda, presentations, handouts, and associated documents will be maintained on the NMFS or CCC website for at least 5 years.

~~(d) — Executive Sessions. i ii iii iv The CCC may close a meeting, or a portion of a meeting that concerns matters of national security, litigation, employment/personnel matters, or internal administrative issues.~~

~~(e) Meeting Minutes. A written summary of each meeting, except for closed sessions, will be prepared as appropriate by the host council or NMFS, and will be made available to the public. The CCC chairman will certify the accuracy of the meeting summary. MSA Section 302(i) requires detailed minutes of each meeting, except for any closed session, to be kept and made available to the public. The host of the meeting will provide the detailed minutes to include a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed within a reasonable period of time following the meeting. If desired, the host may choose to provide a transcript of the meeting in lieu of detailed minutes. CCC meeting agendas, materials, and meeting minutes or transcripts on the NMFS or CCC website.~~

~~(f) Public participation. CCC meetings will be open to the public and public comment will be permitted at the discretion of the Chair. Public comment will be accepted at the beginning of the meeting, not to exceed 30 minutes. Written comments will be encouraged on agenda items, and if received will be placed in the briefing materials.~~

~~(g) Closed Sessions. The CCC may hold closed sessions for limited purposes, with or without a Federal presence, as consistent with MSA Section 302(i)(3) and codified at 50 CFR 600.135(c). In summary, the CCC should follow the guidance listed below when closing sessions to the public:~~

- ~~i) CCC sessions may be closed to discuss those items specified in MSA Section 302(i)(3) and 50 CFR 600.135(c), i.e., national security, employment, litigation and internal administrative matters.~~
- ~~ii) Discussion of issues and associated actions that do not qualify to be closed (i.e., that affect the public) must be made in public.~~
- ~~iii) A closed meeting must be noticed as part of an agenda of the main meeting, except for brief closures allowed under MSA Section 302(i)(3)(B).~~
- ~~iv) Before closing a meeting or portion thereof, the CCC should consult with NOAA General Counsel to ensure that the matters to be discussed fall within the exceptions to the requirement to hold public meetings.~~

4. Functions. In accordance with MSA Section 302 (i), the CCC is exempt from the requirements of the Federal Advisory Committee Act (FACA). As such, the CCC's can provide recommendations from leadership of the eight regional fishery management Councils to the Federal Government (usually to the Secretary of Commerce through NMFS). The CCC has adopted the following statement with regards to

making recommendations:

“The MSA states that the CCC is established to discuss issues of relevance to all Councils, including issues related to the implementation of this Act. Although all Councils adhere to the same MSA and national standards, the eight regional Councils often have differing regional priorities, attitudes, relationships, and philosophies about management. It is important that NMFS and the public are aware of these differences. There is a risk that the CCC may be perceived as a body that can present a unified approach or opinion. While opinions can be developed and presented quickly by the CCC, the danger of rushing to such opinions and judgments is far outweighed by the more deliberative and thorough approach conducted by a regional Council. In addressing requests by NMFS, the CCC should consider whether the regional input from the Council is more appropriate than the CCC. We do not want to lessen the importance of regional perspectives.”