

## Item Number VI.

### **DISCUSSION DRAFT – Scientific and Statistic Committee’s Best Practices and Voting Procedures**

The Scientific and Statistical Committee (SSC) is the Council’s scientific advisory body, and is responsible for assisting in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information that is relevant to the Council’s development and amendment of any fishery management plan<sup>1</sup>. The SSC is also responsible for providing scientific advice on 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<sup>2</sup>. There are ten National Standards<sup>3</sup> of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These National Standards are principles that must be followed in any fishery management plan to ensure sustainable and responsible fishery management. National Standard 2 (NS2) Guidelines *Scientific Information* (50 C.R.F. §600.315)<sup>4</sup> of the Magnuson-Stevens Act addresses the use of BSIA when making decisions regarding conservation and management measures, and specifically addresses the peer-review process. The NS2 Guidelines provide guidance on applying the BSIA standard and also address the requirements for conducting peer reviews. The Magnuson-Stevens Act and NS2 Guidelines provide legislative and policy context for the scientific basis of fish stock status determinations, catch recommendations, and specifications, but do not describe the specific steps involved. In May 2019, NMFS released procedural directive 01-101-10<sup>5</sup> that outlines the specific steps involved in reaching these determinations that will be followed up with a regional framework. However, it is up to each regional fishery management council to determine the process for administrative motioning and voting best practices and procedures.

#### *Participating in Reviews and Making Recommendations*

Each applicant and appointed member of the Gulf Council’s Standing and Special SSCs must complete a Statement of Financial Interest (SOFI) 45 days prior to appointment and a copy will be provided to the NMFS Regional Administrator. Appointed SSC member’s SOFI forms will

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<sup>1</sup> MSA § 302(g)(1)(A)

<sup>2</sup> MSA § 302(g)(1)(B)

<sup>3</sup> <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=6b0acea089174af8594db02314f26914&mc=true&n=sp50.12.600.d&r=SUBPART&ty=HTML>

<sup>4</sup> [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=6b0acea089174af8594db02314f26914&mc=true&r=SECTION&n=se50.12.600\\_1315](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=6b0acea089174af8594db02314f26914&mc=true&r=SECTION&n=se50.12.600_1315)

<sup>5</sup> <https://media.fisheries.noaa.gov/dam-migration/01-101-10.pdf>

be posted on the Gulf Council's website. If the member's financial interests substantially change, the SSC member must provide an updated SOFI within 30 days to the Council and a copy will be provided to the NMFS Regional Administrator. When considering information for making informed recommendations to the Council, SSC members participating in the decision-making process should possess relevant expertise, demonstrate independence, and be free of conflicts of interest. Per the NS2 Guidelines:

- Peer reviewers (i.e., SSC members) “must not have any conflicts of interest with the scientific information, subject matter, or work product under review, or any aspect of the statement of work for the peer review. For purposes of this section, a conflict of interest is any financial or other interest which conflicts with the service of the individual on a review panel because it: could significantly impair the reviewer's objectivity, or could create an unfair competitive advantage for a person or organization.”
- “Peer reviewers (i.e., SSC members) must not have contributed or participated in the development of the work product or scientific information under review. For peer review of products of higher novelty or controversy, a greater degree of independence is necessary to ensure credibility of the peer review process. Peer reviewer responsibilities should rotate across the available pool of qualified reviewers or among the members on a standing peer review panel to prevent a peer reviewer from repeatedly reviewing the same scientific information, recognizing that, in some cases, repeated service by the same reviewer may be needed because of limited availability of specialized experts.”

### *Motion and Voting Practices*

When the SSC is acting as the peer review body for a stock assessment or other study, an SSC member(s) should abstain from any motions and voting on the issue of BSIA if they have served as the analytical lead, as a lead investigator, or been otherwise directly involved in the development of the stock assessment beyond the role of a workshop panelist. During the BSIA deliberations the SSC member(s) is free to participate in the discussion, answer questions, and provide pertinent expertise and feedback to the SSC. After a decision has been reached on BSIA, the SSC member(s) is at liberty to motion and vote on remaining management advice (e.g., catch limits, appropriateness of allocation calculations, decision tools developed to inform management action).