

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

<p>1. Agency/Subagency originating request</p>	<p>2. OMB control number b. <input type="checkbox"/> None a. _____ - _____</p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement instructions</p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p>
	<p>5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____</p>
<p>7. Title</p>	
<p>8. Agency form number(s) (<i>if applicable</i>)</p>	
<p>9. Keywords</p>	
<p>10. Abstract</p>	
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting burden</p> <p>a. Number of respondents _____</p> <p>b. Total annual responses _____</p> <p> 1. Percentage of these responses collected electronically _____ %</p> <p>c. Total annual hours requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs _____</p> <p>b. Total annual costs (O&M) _____</p> <p>c. Total annualized cost requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p> 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p> 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p> 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Agency Contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: _____</p> <p>Phone: _____</p>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/29/2013

Department of Commerce
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman

FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 11/27/2012

ACTION REQUESTED: Revision of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201211-0648-008

AGENCY ICR TRACKING NUMBER:

TITLE: Designation of Fishery Management Council Members and Application for Reinstatement of State Authority

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change

OMB CONTROL NUMBER: 0648-0314

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 01/31/2016

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	146	4,607	751
New	146	4,607	751
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	0	0	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Designation of Fishery Management Council Members - Nominations	NA, NA	NMFS Regional Fishery Management Councils' Council Member Nominations - State, NMFS Regional Fishery Management Councils' Council Nominations - Tribal	50 CFR 600 Subpart C
Designation of Fishery Management Council Members - Nominees' information			50 CFR 600 Subpart C

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
NOMINATION AND DESIGNATION OF FISHERY MANAGEMENT COUNCIL
MEMBERS AND APPLICATION FOR REINSTATEMENT OF STATE AUTHORITY
OMB CONTROL NO. 0648-0314**

A. JUSTIFICATION

This request is for revision and extension of a current information collection (change: conversion of application kit to fillable Adobe forms).

1. Explain the circumstances that make the collection of information necessary.

This submission contains five information collection requirements associated with implementation of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act):

(a) Principal State Officials and Their Designees. Section 302(b)(1)(A) of the Magnuson-Stevens Act requires that each Governor designate the principal state fishery official that will perform certain duties under the Magnuson-Stevens Act. The information submitted with the designation allows the National Marine Fisheries Service (NMFS) to determine whether the requirements of the Magnuson-Stevens Act are being met in terms of the responsibilities and expertise of the individual named, and to ensure that the person named is a full-time State employee.

(b) Governors' Nominees for Council Appointments. Section 302(b)(2)(C) of the Magnuson-Stevens Act requires Governors to nominate people to serve as members of the Councils. Information is needed to determine the qualifications of individuals and to meet other requirements under the Magnuson-Stevens Act.

(c) Treaty Indian Tribal Governments' Nominees for Council Appointments. Section 302(b)(5) of the Magnuson-Stevens Act requires tribal governments of Indian tribes with Federally-recognized fishing rights in California, Oregon, Washington or Idaho to nominate representatives to serve on the Pacific Fishery Management Council. Information is needed to determine the qualifications of individuals and to meet other requirements under the Magnuson-Stevens Act.

(d) Background Documents Completed by Nominees and Submitted to Governors or Treaty Indian Tribal Government. Nominees must furnish a current resume, or equivalent, describing career history and other such information as required in order to be considered as a candidate by the Governor or Treaty Indian Tribal Government.

(e) Application for Reinstatement of State Authority. Section 306(b)(2) of the Magnuson-Stevens Act allows states to apply for reinstatement of their authority to manage a fishery after the Secretary has assumed the responsibility for that fishery. In its application for reinstatement of its authority, the state must provide information documenting why the reasons causing the Secretary to assume that authority no longer prevail.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

(a) Principal State Officials and Their Designees. The information is used by the Secretary of Commerce (Secretary) to appoint state officials as voting members of Councils under Section 302(b)(1)(A) of the Magnuson-Stevens Act. The Secretary seeks, on an annual basis, information about the expertise, employment, and responsibilities of the Governors' designees to meet the requirements of the Magnuson-Stevens Act. The information has been collected and used in the Council appointment process since 1977.

(b) Governors' Nominees for Council Employments. The information is used by the Secretary to annually appoint members to the Councils. One third of the Councils' membership is appointed by the Secretary annually. The information submitted helps the Secretary ensure that the candidates are properly qualified as specified in Section 302(b)(2)(B) and (C) of the Magnuson-Stevens Act, and to ensure that there is a balance in Council representation between sectors with fishery interests (e.g. commercial, environmental, and recreational interests). This information has been collected and used by the Secretary in the Council appointment process since 1977 and in mandated reports to Congress since 1991. Information required includes the following: Part 1, written statement as to why you want to be a Council member; a current resume, or equivalent, describing career history, detailing fisheries background and experience; and a statement of your guiding philosophy on the conservation and management of living marine resources; Part 2, Nominees must specify their personal fisheries experience and background, participation in a fishing sector, and other management interests within a Council's geographic area; Part 3, Nominees must meet applicable financial disclosure requirements as required by Section 302(j) of the Magnuson-Stevens Act prior to appointment.

The requirements are listed on NOAA Form 88-195 "Statement of Financial Interests for Use by Voting members of, and Nominees to, the Regional Fishery Management Councils." In addition, nominees must select the appropriate block, and sign/date the cover sheet to Part 3, which pertains to potential participation by nominees in a National Marine Fisheries Service Incentive Plan Agreement (IPA); Part 4, Each nominee to, and member of, the eight Councils must certify, pursuant to the Foreign Agents Registration Act of 1938, if they serve as an agent of a foreign principal. In addition, each nominee to, and member of, the eight Councils must certify, pursuant to the Lobbying Disclosure Act of 1995, as amended, if they serve as a registered Federal lobbyist. Nominees cannot be appointed to one of the eight councils if they are acting as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended, or if they are a registered Federal lobbyist pursuant to the Lobbying Disclosure Act of 1995, as amended.

(c) Treaty Indian Tribal Governments' Nominees for Council Appointment. Section 302(b)(5)(B) of the Magnuson-Stevens Act requires tribal governments of Indian tribes with Federally-recognized fishing rights in California, Oregon, Washington or Idaho to nominate representatives to serve on the Pacific Fishery Management Council. Criteria set forth for appointment by the Secretary, includes requirements for information on the qualifications of nominees, geographic area in which the tribe of the nominee is located, and the various fishing rights of the Indian tribes involved and judicial cases that set out how those rights are to be

exercised. One appointment will be made to the Pacific Fishery Management Council every third year from not less than three nominees proposed by the Indian tribal governments. The Indian tribal governments may act either as a group or individually in proposing nominees.

(d) Background Documents completed by Nominees and Submitted to Governors or Treaty Indian Tribal Government. The current resume, or equivalent, describing career history, and other such information as required are necessary to evaluate who is believed best qualified, knowledgeable, and broadly experienced to address management actions that the Council will consider in the upcoming future. Nominees must meet all requirements and have a favorable adjudication on background checks conducted by the Federal Bureau of Investigation and NOAA's Office of Enforcement. Information submitted by the Governors on their nominees helps the Secretary ensure that the nominees are properly qualified as specified in Section 302(b)(2)(B) and (C) of the Magnuson-Stevens Act, and can be considered for possible appointment to one of the Regional Fishery Management Councils.

(e) Application for Reinstatement of State Authority. A state may apply, under Section 306(b)(2), to the Secretary for reinstatement of state authority over a fishery. The state making application must provide information to the Secretary to enable the Secretary to determine whether the reasons for which the Secretary had assumed responsibility still exist, or whether the Secretary should return responsibility back to the state in question. There is no form associated with this collection. There is no expectation that a state will request the Secretary to exercise this authority in the next three years.

NOAA, NMFS, will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. The information collection is designed to yield data that meet all applicable information quality guidelines. The information will be subjected to quality control measures pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

NMFS has created a Web site to assist Governors and Treaty Indian Tribal Governments in compiling nomination lists for the annual appointments process
http://www.nmfs.noaa.gov/sfa/reg_svcs/Councils/CouncilNomination.htm.

A completed nomination kit is required for any individual seeking nomination to one of the eight Councils. A fillable PDF of the application kit is available, as of 2012, for the nominees of Governors and Treaty Indian Tribal Governments. The Governors and Treaty Indian Tribal Governments are responsible for gathering completed nomination information and application kits from their nominees and submitting to NMFS via overnight mail (this is to ensure receipt of the packages on or before the March 15th deadline. It also helps us track a package if it is lost or arrives late). The use of electronic submission of responses is not possible, and the results of the information collected will not be made available to the public over the internet. Use of automated technology has not been deemed to offer the opportunity to substantially reduce collection-of-information burden on the respondents.

4. Describe efforts to identify duplication.

The NMFS is the sole organization collecting nomination information for the Secretary and administering the appointment process. The NMFS is also the sole organization charged with the regulation of fisheries in the U.S. Exclusive Economic Zone. Thus there is no possible duplication of other collections.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The respondents for collections listed in Question 2, sub-paragraphs 2(a), 2(b), and 2(e) above are state governments, not small entities. The respondents for the collection listed in sub-paragraph 2(c) above are Indian tribal governments. The burden is considered not to be significant and has been further reduced from the information collection burden placed on the state governments in the following ways:

- (a) Participation in the nomination process by the 27 Indian tribes is at the discretion of the individual tribal governments.
- (b) The nomination process and information collection only takes place every third year for one Council member's seat on the Pacific Fishery Management Council.
- (c) The tribal governments have the option of combining to nominate qualified persons in order to further reduce the burden on any one tribal government.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Congress has mandated the program activities and the frequency of reporting requirements in the Magnuson-Stevens Act.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not Applicable.

8. Information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that Notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice was published on June 28, 2012 (77 FR 38585). No comments were received.

Each year we interact with the state fisheries management representatives and governors' offices on what information is confusing and on the collection method. This information is collected as part of the appointment process and is via phone conversations and e-mail. We do make changes to the Web site and forms as a result of the feedback received from these offices and the nominees. This past year the forms were made Adobe fillable based on comments. In the future, NMFS will also ask for input specifically on the burden estimates.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift will be made for responses.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

There is no confidentiality promised.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The estimated burden is 4,607 hours.

(a) Principal State Officials and Their Designees:

15 Governors x 1 response (1 nomination/year x 1 hour/response = 15 hours

Estimated labor cost: 15 hours x \$65/hour (average Governor's pay/hour) = \$975

(b) Governors' Nominees for Council Appointments:

1 nomination package of 3 nominees x 30 Governors x 80 hours per package per year = 2,400 hours.

Estimated cost: 2400 x \$65/hour (average Governor=s pay/hour) = \$156,000

(c) Indian Tribal Governments' Nominees for Council Appointments:

9 tribal governments x 1 response (3 nominations)/year x 80 hours/response = 720 hours

Estimated cost: 720 hours x \$47/hour (average senior tribal government official pay/hour) = \$33,840

(d) Background Documents Completed by Nominees and submitted to Governors:

92* Nominees x 16 hours per year = 1,472

Estimated cost: 1,472 x \$25.00 (average nominee=s pay/hour.) = \$36,800

(e) Applications for Reinstatement of State Authority:

0 respondents x 2 hours/response = 0 hours

*Based on actual nominees accepting nominations in past three years, annualized.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Public costs for this collection include copying and mailing.

At an estimated \$27.60 for copying costs (3 pages per resume x \$.10) for 92 nominees' background documents,

\$115.00 for mailing 92 responses by nominees (\$1.25 per mailing), and

\$607.50 for mailing 54 response (\$11.25 each) by Principal state officials/designees, Governors, and Treaty Indian Tribal Government

Total Cost = \$750.10.

14. Provide estimates of annualized cost to the Federal government.

The estimates of annualized cost to the Federal government are:

(a) Principal State Officials and Their Designees:

GS-15 (\$55/hour) x 40 hours =	\$ 2,200
GS-11 (\$35/hour) x 20 hours =	\$ 700
GS-11 (\$35/hour) x 20 hours =	\$ 700
GS-08 (\$25/hour) x 20 hours =	\$ 500
	<u>\$ 4,100</u>

(b) Governors' Nominees for Council Appointment:

GS-15 (\$55/hour) x 80 hours =	\$ 4,400
GS-11 (\$35/hour) x 560 hours =	\$ 19,600
GS-11 (\$35/hour) x 560 hours =	\$ 19,600
GS-08 (\$25/hour) x 160 hours =	\$ 4,000
	<u>\$ 47,600</u>

(c) Indian Tribal Governments' Nominees for Council Appointment:

GS-15 (\$55/hour) x	80 hours =	\$ 4,400
GS-11 (\$35/hour) x	160 hours =	\$ 5,600
GS-11 (\$35/hour) x	160 hours =	\$ 5,600
GS-08 (\$25/hour) x	80 hours =	<u>\$ 2,000</u>
		\$17,600

(d) Applications for Reinstatement of State Authority

0 cost estimated.

Total: Estimated Federal cost: \$69,300.

15. Explain the reasons for any program changes or adjustments.

There are no changes or adjustments.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The collection results will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

No forms will be involved. The requirements are described in the regulations governing appointments to, and procedures for, the Councils. The instructions are also on the Web site (link in Question 3).

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

GOVERNORS' GUIDANCE

Nomination Criteria and Procedures

Terms for 31 council members will expire in 2012. 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 governors 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 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.

**SEC. 302. REGIONAL FISHERY MANAGEMENT COUNCILS 16 U.S.C. 1852
97-453, 101-627, 104-297**

(a) ESTABLISHMENT.—

(1) There shall be established, within 120 days after the date of the enactment of this Act, eight Regional Fishery Management Councils, as follows:

(A) **NEW ENGLAND COUNCIL.**—The New England Fishery Management Council shall consist of the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except as provided in paragraph (3)). The New England Council shall have 17 voting members, including 11 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(B) **MID-ATLANTIC COUNCIL.**—The Mid-Atlantic Fishery Management Council shall consist of the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except North Carolina, and as provided in paragraph (3)). The Mid-Atlantic Council shall have 21 voting members, including 13 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(C) **SOUTH ATLANTIC COUNCIL.**—The South Atlantic Fishery Management Council shall consist of the States of North Carolina, South Carolina, Georgia, and Florida and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except as provided in paragraph (3)). The South Atlantic Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

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(D) **CARIBBEAN COUNCIL.**—The Caribbean Fishery Management Council shall consist of the Virgin Islands and the Commonwealth of Puerto Rico and shall have authority over the fisheries in the Caribbean Sea and Atlantic Ocean seaward of such States and of commonwealths, territories, and possessions of the United States in the Caribbean Sea (except as provided in paragraph (3)). The Caribbean Council shall have 7 voting members, including 4 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(E) **GULF COUNCIL.**—The Gulf of Mexico Fishery Management Council shall consist of the States of Texas, Louisiana, Mississippi, Alabama, and Florida and shall have authority over the fisheries in the Gulf of Mexico seaward of such States (except as provided in paragraph (3)). The Gulf Council shall have 17 voting members, including 11 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(F) **PACIFIC COUNCIL.**—The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 14 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State), and including one

appointed from an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho in accordance with subsection (b)(5).

(G) NORTH PACIFIC COUNCIL.—The North Pacific Fishery Management Council shall consist of the States of Alaska, Washington, and Oregon and shall have authority over the fisheries in the Arctic Ocean, Bering Sea, and Pacific Ocean seaward of Alaska. The North Pacific Council shall have 11 voting members, including 7 appointed by the Secretary in accordance with subsection (b)(2) (5 of whom shall be appointed from the State of Alaska and 2 of whom shall be appointed from the State of Washington).

(H) WESTERN PACIFIC COUNCIL.—The Western Pacific Fishery Management Council shall consist of the States of Hawaii, American Samoa, Guam, and the Northern Mariana Islands and shall have authority over the fisheries in the Pacific Ocean seaward of such States and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area. The Western Pacific Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each of the following States: Hawaii, American Samoa, Guam, and the Northern Mariana Islands).

(2) Each Council shall reflect the expertise and interest of the several constituent States in the ocean area over which such Council is granted authority.

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(3) The Secretary shall have authority over any highly migratory species fishery that is within the geographical area of authority of more than one of the following Councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council.

97-453, 99-659, 101-627, 102-582, 104-297

(b) VOTING MEMBERS.—

(1) The voting members of each Council shall be:

(A) The principal State official with marine fishery management responsibility and expertise in each constituent State, who is designated as such by the Governor of the State, so long as the official continues to hold such position, or the designee of such official.

(B) The regional director of the National Marine Fisheries Service for the geographic area concerned, or his designee, except that if two such directors are within such geographical area, the Secretary shall designate which of such directors shall be the voting member.

(C) The members required to be appointed by the Secretary in accordance with paragraphs (2) and (5).

(2) (A) The members of each Council required to be appointed by the Secretary must be individuals who, by reason of their occupational or other experience, scientific expertise, or training, are knowledgeable regarding the conservation and management, or the commercial or recreational harvest, of the fishery resources of the geographical area concerned. Within nine months after the date of enactment of the Fishery Conservation Amendments of 1990, the Secretary shall, by regulation, prescribe criteria for determining whether an individual satisfies the requirements of this subparagraph.

(B) The Secretary, in making appointments under this section, shall, to the extent

practicable, ensure a fair and balanced apportionment, on a rotating or other basis, of the active participants (or their representatives) in the commercial and recreational fisheries under the jurisdiction of the Council. On January 31, 1991, and each year thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report on the actions taken by the Secretary to ensure that such fair and balanced apportionment is achieved. The report shall—

(i) list the fisheries under the jurisdiction of each Council, outlining for each fishery the type and quantity of fish harvested, fishing and processing methods employed, the number of participants, the duration and range of the fishery, and other distinguishing characteristics;

(ii) assess the membership of each Council in terms of the apportionment of the active participants in each such fishery; and

(iii) state the Secretary's plans and schedule for actions to achieve a fair and balanced apportionment on the Council for the active participants in any such fishery.

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(C) The Secretary shall appoint the members of each Council from a list of individuals submitted by the Governor of each applicable constituent State. A Governor may not submit the names of individuals to the Secretary for appointment unless the Governor has determined that each such individual is qualified under the requirements of subparagraph (A) and unless the Governor has, to the extent practicable, first consulted with representatives of the commercial and recreational fishing interests of the State regarding those individuals. Each such list shall include the names and pertinent biographical data of not less than three individuals for each applicable vacancy and shall be accompanied by a statement by the Governor explaining how each such individual meets the requirements of subparagraph (A). The Secretary shall review each list submitted by a Governor to ascertain if the individuals on the list are qualified for the vacancy on the basis of such requirements. If the Secretary determines that any individual is not qualified, the Secretary shall notify the appropriate Governor of that determination. The Governor shall then submit a revised list or resubmit the original list with an additional explanation of the qualifications of the individual in question. An individual is not eligible for appointment by the Secretary until that individual complies with the applicable financial disclosure requirements under subsection (k).

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(D)(i) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

(ii) Notwithstanding the requirements of subparagraph (C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (i) the Secretary shall—

- (I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and
- (II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.
- (iii) For purposes of clause (i) an individual who owns or operates a fish farm outside of the United States shall not be considered to be a representative of the commercial or recreational fishing sector.
- (iv) The requirements of this subparagraph shall expire at the end of fiscal year 2012.
- (E) Whenever the Secretary makes an appointment to a Council, the Secretary shall make a public announcement of such appointment not less than 45 days before the first day on which the individual is to take office as a member of the Council.

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(3) Each voting member appointed to a Council by the Secretary in accordance with paragraphs (2) and (5) shall serve for a term of 3 years; except that the Secretary may designate a shorter term if necessary to provide for balanced expiration to terms of office. No member appointed after January 1, 1986, may serve more than three consecutive terms. Any term in which an individual was appointed to replace a member who left office during the term shall not be counted in determining the number of consecutive terms served by that Council member.

(4) Successors to the voting members of any Council shall be appointed in the same manner as the original voting members. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

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(5) (A) The Secretary shall appoint to the Pacific Council one representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho from a list of not less than 3 individuals submitted by the tribal governments. The Secretary, in consultation with the Secretary of the Interior and tribal governments, shall establish by regulation the procedure for submitting a list under this subparagraph.

(B) Representation shall be rotated among the tribes taking into consideration—

- (i) the qualifications of the individuals on the list referred to in subparagraph (A),
- (ii) the various rights of the Indian tribes involved and judicial cases that set forth how those rights are to be exercised, and
- (iii) the geographic area in which the tribe of the representative is located.

(C) A vacancy occurring prior to the expiration of any term shall be filled in the same manner as set out in subparagraphs (A) and (B), except that the Secretary may use the list from which the vacating representative was chosen.

(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.

(6) The Secretary may remove for cause any member of a Council required to be

appointed by the Secretary in accordance with paragraphs (2) or (5) if—

(A) the Council concerned first recommends removal by not less than two-thirds of the members who are voting members and submits such removal recommendation to the Secretary in writing together with a statement of the basis for the recommendation; or

(B) the member is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 307(1)(O).

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(c) NONVOTING MEMBERS.—

(1) The nonvoting members of each Council shall be:

(A) The regional or area director of the United States Fish and Wildlife Service for the geographical area concerned, or his designee.

(B) The commander of the Coast Guard district for the geographical area concerned, or his designee; except that, if two Coast Guard districts are within such geographical area, the commander designated for such purpose by the commandant of the Coast Guard.

(C) The Executive Director of the Marine Fisheries Commission for the geographical area concerned, if any, or his designee.

(D) One representative of the Department of State designated for such purpose by the Secretary of State, or his designee.

(2) The Pacific Council shall have one additional nonvoting member who shall be appointed by, and serve at the pleasure of, the Governor of Alaska.

96-561, 101-627, 104-297

(d) COMPENSATION AND EXPENSES.—The voting members of each Council who are required to be appointed by the Secretary and who are not employed by the Federal Government or any State or local government, shall receive compensation at the daily rate for GS-15, step 7 of the General Schedule, when engaged in the actual performance of duties for such Council.

The voting members of each Council, any nonvoting member described in subsection (c)(1)(C), and the nonvoting member appointed pursuant to subsection (c)(2) shall be reimbursed for actual expenses incurred in the performance of such duties, and other nonvoting members and Council staff members may be reimbursed for actual expenses.

§ 600.215 Council nomination and appointment procedures.

(a) *General.* (1) Each year, the 3-year terms for approximately one-third of the appointed members of the Councils expire. The Secretary of Commerce (Secretary) will appoint or new members or will reappoint seated members to another term to fill the seats being vacated.

(2) There are two categories of seats to which voting members are appointed: "Obligatory" and "At-large."

(i) Obligatory seats are state specific. Each constituent state is entitled to one seat on the Council on which it is a member, except that the State of Alaska is entitled to five seats and the State of Washington is entitled to two seats on the North Pacific Fishery Management Council. When the term of a state's obligatory member is expiring or when that seat becomes vacant before the expiration of its term, the governor of that state must submit the names of at least three qualified individuals to fill that Council seat.

(ii) The Magnuson-Stevens Act also provides for appointment, by the Secretary, of one treaty Indian tribal representative to the Pacific Fishery Management Council (Pacific Council). To fill that seat, the Secretary solicits written nominations from the heads of governments of those Indian Tribes with federally recognized fishing rights from the States of California, Oregon, Washington, or Idaho. The list of nominees must contain a total of at least three individuals who are knowledgeable and experienced regarding the fishery resources under the authority of the Pacific Council. The Secretary will appoint one tribal Indian representative from this list to the Pacific Council for a term of 3 years and rotate the appointment among the tribes.

(iii) At-large seats are regional. When the term of an at-large member is expiring or when that seat becomes vacant before the expiration of a term, the governors of all constituent states of that Council must each submit the names of at least three qualified individuals to fill the seat.

(b) *Responsibilities of State Governors.* (1) Council members are selected by the Secretary from lists of nominees submitted by Governors of the constituent states, pursuant to section 302(b)(2)(C) of the Magnuson-Stevens Act. For each applicable vacancy, a Governor must submit the names of at least three nominees who meet the qualification requirements of the Magnuson-Stevens Act. A Governor must provide a statement explaining how each of his/her nominees meet the qualification requirements, and must also provide appropriate documentation to the Secretary that each nomination was made in consultation with commercial and recreational fishing interests of that state and that each nominee is knowledgeable and experienced by reason of his or her occupational or other experience, scientific expertise, or training in one or more of the following ways related to the fishery resources of the geographical area of concern to the Council:

(i) Commercial fishing or the processing or marketing of fish, fish products, or fishing equipment;

(ii) Fishing for pleasure, relaxation, or consumption, or experience in any business supporting fishing;

(iii) Leadership in a state, regional, or national organization whose members participate in a fishery in the Council's area of authority;

(iv) The management and conservation of natural resources, including related interactions with industry, government bodies, academic institutions, and public agencies. This includes experience serving as a member of a Council, Advisory Panel, Scientific and Statistical Committee, or Fishing Industry Advisory Committee;

(v) Representing consumers of fish or fish products through participation in local, state, or national organizations, or performing other activities specifically related to the education or protection of consumers of marine resources; or

(vi) Teaching, journalism, writing, consulting, practicing law, or researching matters related to fisheries, fishery management, and marine resource conservation.

(2) To assist in identifying qualifications, each nominee must furnish to the appropriate governor's office a current resume, or equivalent, describing career history—with particular attention to experience related to the criteria in paragraph (b)(1) of this section. Nominees may provide such information in any format they wish.

(3) A constituent State Governor must determine the state of residency of each of his/her nominees. A Governor may not nominate a non-resident of that state for appointment to a Council seat obligated to that state. A Governor may nominate residents of another constituent state of a Council for appointment to an at large seat on that Council.

(4) If, at any time during a term, a member changes residency to another state that is not a constituent state of that Council, or a member appointed to an obligatory seat changes residency to any other state, the member may no longer vote and must resign from the Council. For purposes of this paragraph, a state resident is an individual who maintains his/her principal residence within that constituent state and who, if applicable, pays income taxes to that state and/or to another appropriate jurisdiction within that state.

(5) When the terms of both an obligatory member and an at-large member expire concurrently, the Governor of the state holding the expiring obligatory seat may indicate that the nominees who were not selected for appointment to the obligatory seat may be considered for appointment to an at-large seat, provided that the resulting total number of nominees submitted by that governor for the expiring at-large seat is no fewer than three different nominees.

(c) Nominees to the Gulf of Mexico Fishery Management Council. (1) The Governors of States submitting nominees to the Secretary for appointment to the Gulf of Mexico Fishery Management Council shall include:

(i) At least one nominee each from the commercial, recreational, and charter fishing sectors, except that an individual who owns or operates a fish farm outside the United States shall not be considered to be a representative of the commercial or recreational sector; and

(ii) At least one other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

(2) Notwithstanding the requirements of paragraphs (a) and (b) of this section, if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of paragraph (c)(1) of this section, the Secretary shall:

(i) Publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirements of this section that were not met for appointment to the Council; and

(ii) Add the name of any qualified individual submitted by the public who meets the requirements of this section that were not met to the list of names submitted by the Governor.

(3) The requirements of this paragraph (c) shall expire at the end of fiscal year 2012, meaning through September 30, 2012.

(d) *Responsibilities of eligible tribal Indian governments.* The tribal Indian representative on the Pacific Council will be selected by the Secretary from a list of no fewer than three individuals submitted by the tribal Indian governments with federally recognized fishing rights from California, Oregon, Washington, and Idaho, pursuant to section 302(b)(5) of the Magnuson-Stevens Act. To assist in assessing the qualifications of each nominee, each head of an appropriate tribal Indian government must furnish to the Assistant Administrator a current resume, or equivalent, describing the nominee's qualifications, with emphasis on knowledge and experience related to the fishery resources affected by recommendations of the Pacific Council. Prior service on the Pacific Council in a different capacity will not disqualify nominees proposed by tribal Indian governments.

(e) *Nomination deadlines.* Nomination packages (governors' letters and completed nomination kits) must be forwarded by express mail under a single mailing to arrive at the address specified by the Assistant Administrator by March 15. For appointments outside the normal cycle, the Secretary will provide a deadline for receipt of nominations to the affected Council and state governors.

(1) *Obligatory seats.* (i) The Governor of the state for which the term of an obligatory seat is expiring should submit the names of at least three qualified individuals to fill that seat by the March 15 deadline. The Secretary will appoint to the Pacific Fishery Management Council a representative of an Indian tribe from a list of no fewer than three individuals submitted by the tribal Indian governments.

(ii) If the Governor or tribal Indian governments fail to provide a nomination letter and at least three complete nomination kits by March 15, the obligatory seat will remain vacant until all required information has been received and processed and the Secretary has made the appointment.

(2) *At-large seats*. (i) If a Governor chooses to submit nominations for an at-large seat, he/she must submit lists that contain at least three qualified nominees for each vacant seat. A nomination letter and a nomination kit for each qualified nominee must be forwarded by express mail under a single mailing to arrive at the address specified by the Assistant Administrator by March 15.

(ii) Nomination packages that are not substantially complete by March 15 may be returned to the nominating Governor. At-large members will be appointed from among the nominations submitted by the governors who complied with the nomination requirements.

(f) *Responsibilities of the Secretary*. (1) The Secretary must, to the extent practicable, ensure a fair and balanced apportionment, on a rotating or other basis, of the active participants (or their representatives) in the commercial and recreational fisheries in the Council's area of authority. Further, the Secretary must take action to ensure, to the extent practicable, that those persons dependent for their livelihood upon the fisheries in the Council's area of authority are fairly represented as voting members on the Councils.

(2) The Secretary will review each list submitted by a governor or the tribal Indian governments to ascertain whether the individuals on the list are qualified for the vacancy. If the Secretary determines that a nominee is not qualified, the Secretary will notify the appropriate Governor or tribal Indian government of that determination. The Governor or tribal Indian government shall then submit a revised list of nominees or resubmit the original list with an additional explanation of the qualifications of the nominee in question. The Secretary reserves the right to determine whether nominees are qualified.

(3) The Secretary will select the appointees from lists of qualified nominees provided by the Governors of the constituent Council states or of the tribal Indian governments that are eligible to nominate candidates for that vacancy.

(i) For Governor-nominated seats, the Secretary will select an appointee for an obligatory seat from the list of qualified nominees submitted by the governor of the state. In filling expiring at-large seats, the Secretary will select an appointee(s) for an at-large seat(s) from the list of all qualified candidates submitted. The Secretary will consider only complete slates of nominees submitted by the governors of the Council's constituent states. When an appointed member vacates his/her seat prior to the expiration of his/her term, the Secretary will fill the vacancy for the remainder of the term by selecting from complete nomination letters and kits that are timely and contain the required number of candidates.

(ii) For the tribal Indian seat, the Secretary will solicit nominations of individuals for the list referred to in paragraph (c) of this section only from those Indian tribes with federally recognized fishing rights from California, Oregon, Washington, or Idaho. The Secretary will consult with the Bureau of Indian Affairs, Department of the Interior, to determine which Indian tribes may submit nominations. Any vacancy occurring prior to the expiration of any term shall be filled in the same manner as described in paragraphs (d)(1) and (2) of this section, except that the Secretary may use the list referred to in paragraph (b)(1) of this section from which the vacating member was chosen. The Secretary shall rotate the appointment among the tribes, taking into consideration:

(A) The qualifications of the individuals on the list referred to in paragraph (c) of this section.

(B) The various rights of the Indian tribes involved, and judicial cases that set out the manner in which these rights are to be exercised.

(C) The geographic area in which the tribe of the representative is located.

(D) The limitation that no tribal Indian representative shall serve more than three consecutive terms in the Indian tribal seat.

[64 FR 4600, Jan. 29, 1999, as amended at 75 FR 59151, Sept. 27, 2010]

§ 600.220 Oath of office.

As trustees of the nation's fishery resources, all voting members must take an oath specified by the Secretary as follows: "I, [name of the person taking oath], as a duly appointed member of a Regional Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the Council for the greatest overall benefit of the Nation. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the Nation's marine fisheries resources, being careful to balance competing private or regional interests, and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is given freely and without mental reservation or purpose of evasion."

[75 FR 59152, Sept. 27, 2010]

§ 600.225 Rules of conduct.

(a) Council members, as Federal office holders, and Council employees are subject to most Federal criminal statutes covering bribery, conflict-of-interest, disclosure of confidential information, and lobbying with appropriated funds.

(b) The Councils are responsible for maintaining high standards of ethical conduct among themselves, their staffs, and their advisory groups. In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Councils must comply with the following standards of conduct:

(1) No employee of a Council may use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, state, county, or municipal elective office.

(2) Council members, employees, and contractors must comply with the Federal Cost Principles Applicable to Regional Fishery Management Council Grants and Cooperative Agreements, especially with regard to lobbying, and other restrictions with regard to lobbying as specified in §600.227 of this part.

(3) No employee of a Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Magnuson-Stevens Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliation.

(4) No Council member or employee may pay, offer, promise, solicit, or receive from any person, firm, or corporation a contribution of money or anything of value in consideration of either support or the use of influence or the promise of support or influence in obtaining for any person any appointive office, place, or employment under the Council.

(5) No employee of a Council may have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.

(6) No Council member, employee of a Council, or member of a Council advisory group may use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment that has not been made available to the general public.

(7) No Council member or employee of the Council may engage in criminal, infamous, dishonest, notoriously immoral, or disgraceful conduct.

(8) No Council member or employee of the Council may use Council property on other than official business. Such property must be protected and preserved from improper or deleterious operation or use.

(9)(i) Except as provided in §600.235(h) or in 18 U.S.C. 208, no Council member may participate personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a particular matter in which the member, the member's spouse, minor child, general

partner, organization in which the member is serving as officer, director, trustee, general partner, or employee, or any person or organization with whom the member is negotiating or has any arrangement concerning prospective employment, has a financial interest. (Note that this financial interest is broader than the one defined in §600.235(a).)

(ii) No Council member may participate personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a particular matter primarily of individual concern, such as a contract, in which he or she has a financial interest, even if the interest has been disclosed in accordance with §600.235.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 63 FR 64185, Nov. 19, 1998; 75 FR 59152, Sept. 27, 2010]

§ 600.227 Lobbying.

(a) Council members, employees and contractors must comply with the requirements of 31 U.S.C. 1352 and Department of Commerce implementing regulations published at 15 CFR part 28, "New Restrictions on Lobbying." These provisions generally prohibit the use of Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with the award. Because the Councils receive in excess of \$100,000 in Federal funding, the regulations mandate that the Councils must complete Form SF-LLL, "Disclosure of Lobbying Activities," regarding the use of non Federal funds for lobbying. The Form SF-LLL shall be submitted within 30 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The recipient must submit the Forms SF-LLL, including those received from subrecipients, contractors, and subcontractors, to the Grants Officer.

(b) Council members, employees, and contractors must comply with the Federal Cost Principles Applicable to Regional Fishery Management Council Grants and Cooperative Agreements summarized as follows:

(1) Title 2 CFR part 230 - Cost Principles for Nonprofit Organizations (OMB CircularA-122) is applicable to the Federal assistance awards issued to the Councils.

(2) The purpose of the cost principles at 2 CFR part 230 is to define what costs can be paid on Federal awards issued to non-profit organizations. The regulation establishes both general principles and detailed items of costs.

(3) Under 2 CFR part 230, costs for certain lobbying activities are unallowable as charges to Federal awards. These activities would include any attempts to influence:

(i) The introduction of Federal or state legislation;

(ii) The enactment or modification of any pending legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the general public to contribute to or to participate in any demonstration, march, rally, fundraising drive, lobbying campaign, or letter writing or telephone campaign.

(4) Generally, costs associated with providing a technical and factual presentation directly related to the performance of a grant, through hearing testimony, statements, or letters to Congress or a state legislature are allowable if made in response to a documented request.

(5) Costs associated with lobbying to influence state legislation in order to reduce the cost or to avoid material impairment of the organization's authority to perform the grant are also allowable.

[75 FR 59152, Sept. 27, 2010]

§ 600.230 Removal.

The Secretary may remove for cause any Secretarially appointed member of a Council in accordance with section 302(b)(6) of the Magnuson-Stevens Act, wherein the Council concerned first recommends removal of that member by not less than two-thirds of the voting members. A recommendation of a Council to remove a member must be made in writing to the Secretary and accompanied by a statement of the reasons upon which the recommendation is based.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7073, Feb. 12, 1998]

[63 FR 64185, Nov. 19, 1998, as amended at 75 FR 59152, Sept. 27, 2010]

§ 600.240 Security assurances.

(a) DOC Office of Security will issue security assurances to Council members following completion of favorable background investigations. A Council member's appointment is conditional until such time as the background investigation has been favorably adjudicated. The Secretary will revoke the member's appointment if that member receives an unfavorable background investigation. In instances in which Council members may need to discuss, at closed meetings, materials classified for national security purposes, the agency or individual (e.g., Department of State, U.S. Coast Guard) providing such classified information will be responsible for ensuring that Council members and other attendees have the appropriate security clearances.

(b) Each nominee to a Council is required to complete a Certification of Status form ("form"). All nominees must certify, pursuant to the Foreign Agents Registration Act of 1938, whether they serve as an agent of a foreign principal. Each nominee must certify, date, sign, and return the form with his or her completed nomination kit. Nominees will not be considered for appointment to a Council if they have not filed this form. Any nominee who currently is an agent of a foreign principal will not be eligible for appointment to a Council, and therefore should not be nominated by a Governor for appointment.

[61 FR 32540, June 24, 1996, as amended 75 FR 59153, Sept. 27, 2010]

§ 600.245 Council member compensation.

(a) All voting Council members whose eligibility for compensation has been established in accordance with NOAA guidelines will be paid through the cooperative agreement as a direct line item on a contractual basis without deductions being made for Social Security or Federal and state income taxes. A report of compensation will be furnished each year by the member's Council to the proper Regional Program Officer, as required by the Internal Revenue Service. Such compensation may be paid on a full day's basis, whether in excess of 8 hours a day or less than 8 hours a day. The time is compensable where the individual member is required to expend a significant private effort that substantially disrupts the daily routine to the extent that a work day is lost to the member. "Homework" time in preparation for formal Council meetings is not compensable.

(b) Non-government Council members receive compensation for:

(1) Days spent in actual attendance at a meeting of the Council or jointly with another Council.

(2) Travel on the day preceding or following a scheduled meeting that precluded the member from conducting his normal business on the day in question.

(3) Meetings of standing committees of the Council if approved in advance by the Chair.

(4) Individual member meeting with scientific and technical advisors, when approved in advance by the Chair and a substantial portion of any day is spent at the meeting.

(5) Conducting or attending hearings, when authorized in advance by the Chair.

(6) Other meetings involving Council business when approved in advance by the Chair.

(c) The Executive Director of each Council must submit to the appropriate Regional Office annually a report, approved by the Council Chair, of Council member compensation authorized. This report shall identify, for each member, amount paid, dates, and location and purpose of meetings attended.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 66 FR 57888, Nov. 19, 2001]

§ 600.250 Council member training.

(a) The Secretary shall provide a training course covering a variety of topics relevant to matters before the Councils and shall make the training course available to all Council members and staff and staff from NMFS regional offices and science centers. To the extent resources allow, the Secretary will make the training available to Council committee and advisory panel members.

(b) Council members appointed after January 12, 2007, shall, within one year of appointment, complete the training course developed by the Secretary. Any Council member who completed such a training course within 24 months of January 12, 2007, is considered to have met the training requirement of this section.

Regional Fishery Management Councils Nomination Application Kit Guidance

Please read the guidance and review each form prior to completing the Nomination Application Kit. You are ineligible for appointment consideration if all qualifications and nomination requirements of the [Magnuson-Stevens Act](#), and other related requirements are not met within these forms. Contact your Governor (or Governor's contact) if you have questions regarding the completion of the Nomination Application Kit.

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 nominee 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 must resign from that obligatory seat.

At-Large Seats

At-large seats are regional. Governors may nominate residents of another Regional Fishery Management Council constituent state for appointment to an available 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.

Criteria

Nominees, by reason of their occupational or other experience, scientific expertise, or training, must be knowledgeable and experienced in one or more of the following ways related to the fishery resources of the geographical area of concern to the Council:

- 1) Commercial fishing or the processing or marketing of fish, fish products, or fishing equipment;
- 2) Fishing for pleasure, relaxation, or consumption, or experience in any business supporting fishing;
- 3) Leadership in a state, regional, or national organization whose members participate in a fishery in the Council's area of authority;
- 4) The management and conservation of natural resources, including related interactions with industry, government bodies, academic institutions, and public

agencies.

- 5) Representing consumers of fish or fish products through participation in local, state, or national organizations, or performing other activities specifically related to the education or protection of consumers of marine resources; and
- 6) Teaching, journalism, writing, consulting, practicing law, or researching matters related to fisheries, fishery management, and marine resource conservation.

Equally important is the stewardship responsibilities and the appointment of individuals who can work collectively with other members to achieve the conservation standards under the Magnuson-Stevens Act.

Completing the Nomination Application Kit

Please review each form prior to completing. You are ineligible for appointment consideration if all qualification and nomination requirements of [Section 302](#) of the Magnuson-Stevens Act and other related requirements at [50 CFR 600.215](#) are not met within these forms. Contact your Governor (or Governor's contact) if you have questions regarding the completion of the Nomination Application Kit.

Part 1: Acknowledgement Statement, Resume, Philosophy Statement

You must provide a written statement as to why you want to be a Council member; a current resume, or equivalent, describing career history, detailing fisheries background and experience; and a statement of your guiding philosophy on the conservation and management of living marine resources.

Part 2: Personal Fisheries Experience Form

Nominees must specify their personal fisheries experience and background, participation in a fishing sector, 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 Intergovernmental Personnel Agreement (IPA)

Nominees must meet applicable financial disclosure requirements as required by Section 302(j) of the Magnuson-Stevens Act prior to appointment. The requirements are listed on NOAA Form 88-195 "Statement of Financial Interests for Use by Voting members of, and Nominees to, the Regional Fishery Management Councils." In addition, nominees must select the appropriate block, and sign/date the cover sheet to Part 3, which pertains to potential participation by nominees in a National Marine Fisheries Service IPA.

Part 4: Certification of Status Statement

Each nominee to, and member of, the eight Councils must certify, pursuant to the Foreign Agents Registration Act of 1938, if they serve as an agent of a foreign principal. In addition, each nominee to, and member of, the eight Councils must certify, pursuant to the Lobbying Disclosure Act of 1995, as amended, if they serve as a registered Federal lobbyist. Nominees cannot be appointed to one of the eight councils if they are acting as an agent of a foreign principal

required to register under the Foreign Agents Registration Act of 1938, as amended, or if they are a registered Federal lobbyist pursuant to the Lobbying Disclosure Act of 1995, as amended.

Timely Submission

Please make sure you have completed (sign and date where applicable) Parts 1-4 of the Nomination Application Kit. Print the completed and return to your Governor (or Governor's contact). Completed nomination packages (Governor's letter and completed nominees' kits) must be received by the NOAA Assistant Administrator for Fisheries on or before March 15, 2012.

Appointment

A Council member's appointment is conditional until such time as the member's background investigation has been favorably adjudicated. If you are appointed, you must undergo an extensive background investigation and complete other administrative requirements of the appointment process. Failure to disclose any past criminal history would be grounds for an unfavorable background investigation. Newly appointed members are required to complete a training course typically scheduled in October.

Acknowledgement Statement, Resume, and Philosophy Statement

You must provide an acknowledgement statement indicating why you want to be a Council member; a complete resume detailing fisheries background and experience including information about your personal fisheries-related education, as well as information concerning awards and/or committee, board, or commission memberships, authorship of publications, etc., or other related qualifications and interests; and a statement of your guiding philosophy on the conservation and management of living marine resources.

Regional Fishery Management Council Applying for _____

Are you seeking reappointment? Yes _____ No _____ Gender: Male Female

Full Name:

--

(Last) (First) (Middle) (Suffix) (Nickname)
If you do not have a middle name state "NMN," or, if any part of your name contains initials only, state "IO."

Current Residential Address:

--

Please do not use a P.O. Box if at all possible

Current Employer's Name and Address:

--

Please do not use a P.O. Box if at all possible

Home Phone: _____
(area code)

Work Phone: _____
(area code)

Cell Phone: _____
(area code)

Fax: _____
(area code)

Email Address: _____

Social Security Number: _____ Date of Birth: _____

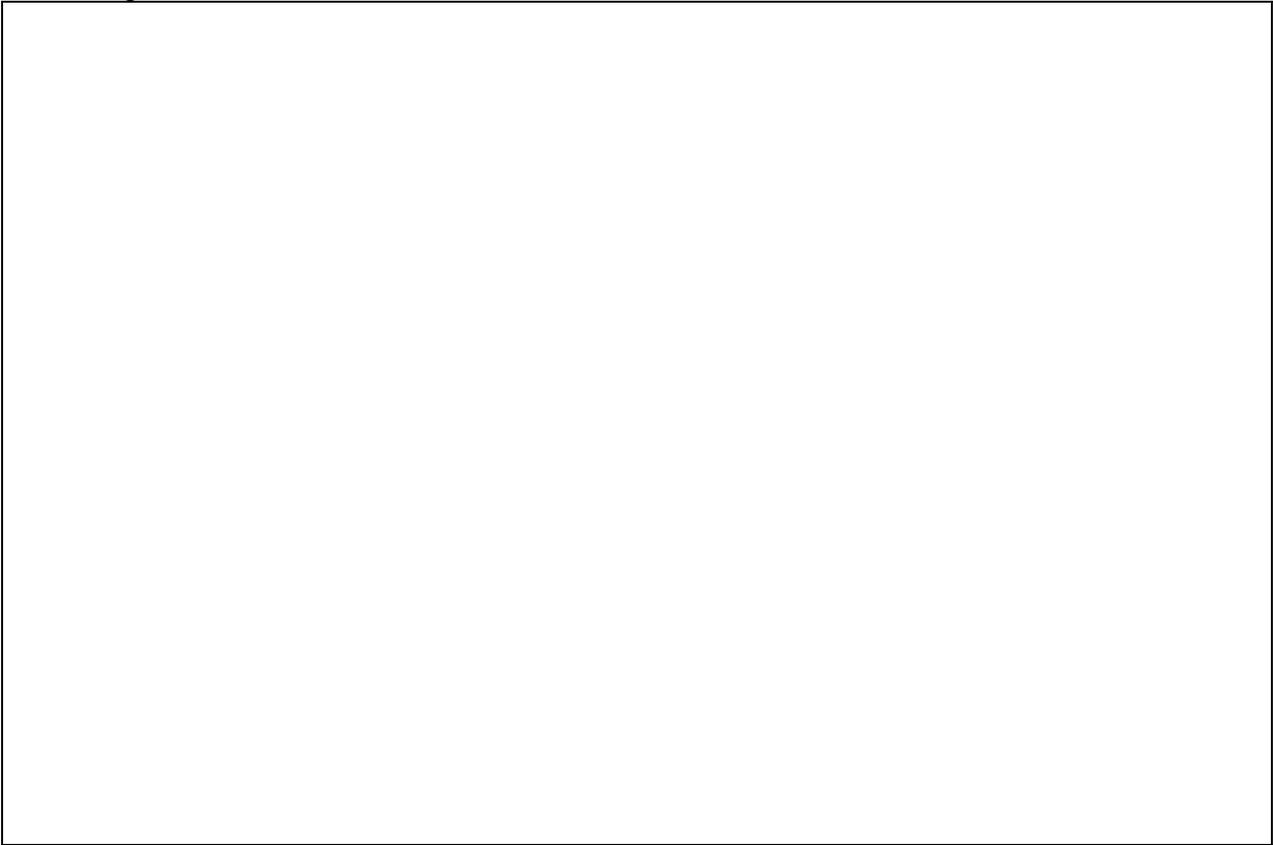
Acknowledgement Statement:

(Include a statement as to why you want to be a Council member.)

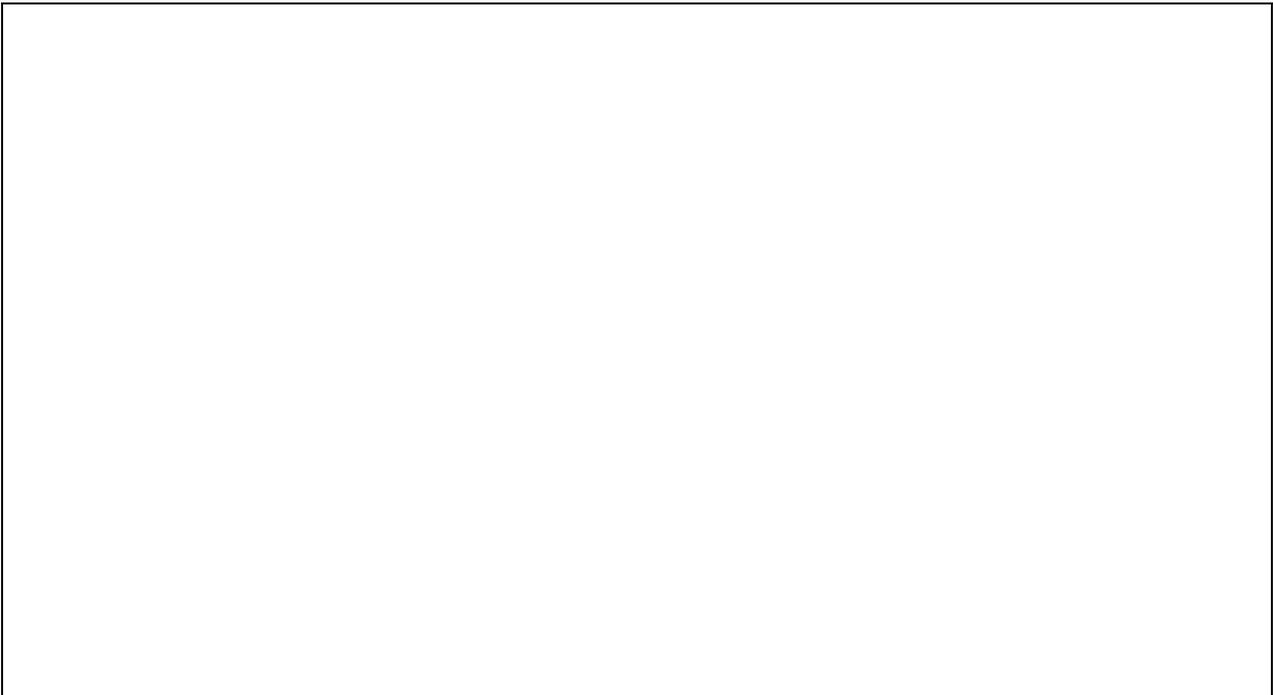
Philosophy statement:

(Include a statement of your guiding philosophy on the conservation and management of living marine resources.)

Work experience:

A large, empty rectangular box with a thin black border, intended for the applicant to describe their work experience.

Education:

A large, empty rectangular box with a thin black border, intended for the applicant to describe their education.

(Include information about your personal fisheries-related education.)

Memberships:

(Include committee, board or commission memberships.)

Information concerning awards and/or authorship of publications:

Please provide any other related qualifications or interests.

You may include a current resume, or equivalent, in addition to the completed forms.

Personal Fisheries Experience Form

The following is intended to help you provide NMFS with information on your background in fisheries. Members are categorized as coming from the commercial fishing sector, recreational fishing sector, or “other” sector. The “other” sector is made up of appointed members with knowledge of and experience in biological, economic, or social sciences; environmental or ecological matters; consumer affairs; and associated fields. If you have experience in more than one sector please explain. *Gulf Council governors are also required to submit nominees from the charter fishing sector.

--	--	--

NAME (Last, First, Middle)

CITY/STATE

COUNCIL

COMMERCIAL SECTOR

1. How many years have you engaged in commercial fishing?

--

2. Are you currently employed in any area related to the commercial fishing sector?

YES NO If yes, list your occupation/business to include, but not limited to, harvester, processor, buyer, broker, retailer, supplier, or other. If no, please list your occupation/business and dates you were employed in the commercial fishing business.

--

3. What type (species) of fish have you fished for commercially?

--

4. What type of fishing gear do you primarily use for commercial fishing?

--

5. Are you a member of any commercial fishermen's organizations/clubs? YES NO
If yes, please list them.

6. Do you subscribe to any magazines/publications that deal with fishing? YES NO
If yes, please list them.

7. Have you or do you attend federal/state fisheries meetings and/or public hearings regularly?
 YES NO If yes, please list the meetings you have attended with the most recent dates and locations in the last year.

RECREATIONAL SECTOR

1. How many years have you engaged in recreational fishing?

2. Are you currently employed in any area related to the recreational fishing sector?

YES NO If yes, list your occupation/business to include, but not limited to, fisherman, guide, supplier, outfitter, or other. If no, list your occupation/business and dates employed in any area related to the recreational fishing sector.

3. Have you ever participated in a fishing tournament? YES NO

If yes, list the most recent tournaments by date, name and location.

4. What type (species) of fish have you fished for recreationally?

5. What type of fishing gear do you primarily use for recreational fishing?

6. Are you a member of any recreational fishermen's organizations/clubs? YES NO
If yes, please list them.

7. Do you subscribe to any magazines/publications that deal with fishing? YES NO
If yes, please list them.

8. Have you/do you attend federal/state fisheries meetings and/or public hearings?
 YES NO If yes, list the meetings you have attended with the most recent dates and locations in the last year.

OTHER SECTOR

1. Have you or do you now work in any area related to biological, economic, or social sciences; environmental or ecological matters; consumer affairs; and associated fields? YES NO
If yes, please explain.

2. Are you a member of any conservation organizations/clubs? YES NO
If yes, please list them.

3. Do you subscribe to any magazines/publications that deal with resource conservation etc.?
YES NO If yes, please list them.

If applicable, please list any of your publications/reports.

4. Have you or do you attend federal/state fisheries meetings and/or public hearings?

YES NO If yes, please list the meetings you have attended with the most recent dates and locations in the last year.

5. What are your main areas of concern, or study, pertaining to fisheries?

6. If your area of interest does not fit in any other category, please use the space below to describe your background.

***CHARTER FISHING SECTOR**

*Gulf Council governors are also required to submit nominees from the charter fishing sector.

1. How many years have you engaged in charter fishing?

2. Are you currently employed in any area related to the charter fishing sector?

YES NO If yes, list your occupation/business to include, but not limited to, charter industry, charter captain, charter fishing crew, other. If no, list your occupation/business and dates employed in any area related to the charter fishing sector.

3. If applicable, what type and kind of charter fishing do you provide or captain?

Types and kinds to include: private fishing charter, walk-on fishing charters, inshore fishing charters, offshore fishing charters, deep-sea fishing charters.

4. If applicable, what kind of charter fishing boat do you own or captain?

Kinds to include, but not limited to, six passenger, multi-passenger, party boat (vessel).

5. What kind of (species) of fish can be caught when charter fishing?

6. What type of fishing gear do you primarily use when charter fishing?

7. Are you a member of any fishermen's organizations/clubs? YES NO
If yes, please list them.

8. Do you subscribe to any magazines/publications that deal with fishing? YES NO
If yes, please list them.

9. Have you/do you attend federal/state fisheries meetings and/or public hearings?
 YES NO If yes, list the meetings you have attended with the most recent dates and locations in the last year.

(2012) Part 3

Intergovernmental Personnel Agreements (IPAs)

Please mark the appropriate box and sign/date the appropriate blank line that may be applicable to your nomination if:

a) you, your spouse, general partner, and/or any organization in which you are serving as an officer, director, trustee, general partner, or employee, are currently participating as a principal investigator for a National Marine Fisheries Service study grant(s);

b) if you, your spouse general partner, and/or any organization in which you are serving as an officer, director, trustee, general partner, or employee, are currently detailed to the NMFS on a full- part-time basis under an IPA:

a) above, is applicable: _____
(sign and date)

b) above, is applicable: _____
(sign and date)

neither a) nor b) above, is applicable to my nomination:

:

(sign and date)

INFORMATION REQUIRED TO BE REPORTED must be DISCLOSED on NOAA FORM 88-195, "STATEMENT OF FINANCIAL INTERESTS FOR USE BY VOTING MEMBERS OF, AND NOMINEES TO, THE REGIONAL FISHERY MANAGEMENT COUNCILS"

Individuals nominated for appointment to a Regional Fishery Management Council must provide financial disclosure information pursuant to section [302\(j\) of the Magnuson-Stevens Act](#), and financial disclosure regulations at [50 CFR 600.235](#). The form must be filled out by each nominee for Secretarial appointment.

Disclosure must be made on NOAA Form 88-195. In all instances, the form must be signed and dated.

STATEMENT OF FINANCIAL INTERESTS

For Use By Voting Members of, and Nominees to, the Regional Fishery Management Councils,
and Members of the Scientific and Statistical Committee (SSC)

Authority to Require this Information

Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the financial disclosure regulations at 50 C.F.R. 600.235 require that "affected individuals" must meet certain financial disclosure requirements. In Section 302(j)(1) of the Magnuson-Stevens Act, the term "affected individual" means an individual who is nominated by the governor of a state for appointment as a voting member of a Council in accordance with Section 302(b)(2); or who is a voting member of a Council appointed in accordance with Section 302(b)(2); or Section 302(b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government. The reauthorization of the Magnuson-Stevens Act, at Section 302(g)(1)(D) also requires that each member of an SSC be treated as an "affected individual," but only for the purposes of paragraphs (2), (3)(B), (4), and (5)(A) of Section (302)(j).

Financial interest in harvesting, processing, lobbying, advocacy or marketing (1) includes:

- (i) Stock, equity, or other ownership interests in, or employment with, any company, business, fishing vessel, or other entity or employment with any entity that has any percentage ownership in or by another entity engaging in any harvesting, processing, lobbying, advocacy, or marketing activity in any fishery under the jurisdiction of the Council concerned;
- (ii) Stock, equity, or other ownership interests in, or employment with, any company or other entity or employment with any entity that has any percentage ownership in or by another entity that provides equipment or other services essential to harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned, such as a Chandler or a dock operation.
- (iii) Employment with, or service as an officer, director, or trustee of, an association whose members include companies, vessels, or other entities engaged in any harvesting, processing, lobbying, advocacy, or marketing activities, or companies or other entities providing services essential to harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned; and
- (iv) Employment with an entity that has any percentage ownership in or by another entity providing consulting, legal, or representational services to any entity engaging in, or providing equipment or services essential to, harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned, or to any association whose members include entities engaged in the activities described in paragraphs (1) (i) and (ii) of this definition.

Reporting and Filing Requirements

The Magnuson-Stevens Act requires the disclosure of any financial interest in harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken within any fishery over which the Council concerned has jurisdiction. An affected individual must disclose such financial interest held by that individual; the affected individual's spouse, minor child, partner; or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee. The information required to be reported must be disclosed on NOAA Form 88-195, or such other form as the Secretary may prescribe. The Financial Interest Form must be filed by each nominee for Secretarial appointment with the Assistant Administrator by April 15 or, if nominated after March 15, 1 month after nomination by the Governor. A seated voting member appointed by the Secretary must file a Financial Interest Form with the Executive Director of the appropriate Council within 45 days of taking office; must file an update of his or her statement with the Executive Director of the appropriate Council within 30 days of the time any such financial interest is acquired or substantially changed by the affected individual or the affected individual's spouse, minor child, or partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; and must update his or her form annually and file that update with the Executive Director of the appropriate Council by February 1 of each year regardless of whether any information has changed on that form. The Executive Director must in a timely manner, provide copies of and updates to the Financial Interest Forms of appointed Council members to the NMFS Regional Administrator, the Regional Attorney who advises the Council, and the NMFS' Office of Sustainable Fisheries. These completed financial interest forms shall be kept on file in the Office of the NMFS Regional Administrator and at the Council offices, and shall be made available for public inspection at such offices during normal office hours. In addition, the forms shall be made available at each Council meeting or hearing and shall be posted for download from the Internet on the Council's website. Councils must retain the Financial Interest Form for a Council member for at least 5 years after the expiration of that individual's last term.

An individual being considered for appointment to an SSC must file the Financial Interest Form with the Regional Administrator for the geographic area concerned within 45 days prior to appointment. A member of the SSC must file an update of his or her statement with the Regional Administrator for the geographic area concerned within 30 days of the time any such financial interest is acquired or substantially changed by the SSC member or the SSC member's spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; and must update his or her form annually and file that update with the Regional Administrator by February 1 of each year. The Regional Administrator shall maintain on file the Financial Interest Forms of all SSC members for at least 5 years after the expiration of that individual's term on the SSC. Such forms are not subject to section 302(j)(5)(B) and C of the Magnuson-Stevens Act.

Items to Report on NOAA Form 88-195, "Statement of Financial Interests:

Specific information must be disclosed for each relevant financial interest or relationship that may call into question whether there may be conflict of interest between (1) your financial interests and relationships and (2) your Council related actions and activities. The information to be listed does not require a showing of the amount of financial interest, but does require complete disclosure of any and all types of financial interest relationships in any fishery under the jurisdiction of the Council concerned.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in the section titled "Information Requested of Other Persons" on NOAA Form 88-195.

If you have no financial interest to disclose, please complete and check the appropriate boxes on the last page of the NOAA Form 88-195 "Statement of Financial Interests" and return.

Name of Individual: Include yourself, your spouse, a minor child or partner. *(If not yourself, your relationship to individual.)*

Entity Name/Full Address: Include name and full address of a company, business, fishing vessel, other entity or relationship. *(Entities may include: affiliations, associations, cooperatives, corporations, organizations, universities, etc.).*

Description/Relationship of Financial Interest: Include a description of the financial interest and the relationship (*marketing, processing, guide, charter, consultant, contractor*); degree of ownership (percentage) or share holdings or any other monetary or in-kind enumeration of a company, business, fishing vessel, other entity or relationship; directorship of, or employee of, a company, business, organization, other entity or relationship; contracted relationship; contributions to advocacy organizations; and the initial date the financial interest or relationship began.

Fisheries of Interest/Gear Type: Identify the fishery associated with this particular financial interest or relationship, the gear type utilized, and the product type produced (*fresh, frozen, filleted, canned*).

Examples:

(1) *If you own a one-third interest in a fishing vessel, your response should include:*

Name: John Doe	Council: New England Council	Committee:
Name of Individual (If not yourself, your relationship to individual.) John and Mary Doe (Joint ownership)		
Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity: Miss Amy Inc. Full Address City, State 00000	Commercial fishing vessel, harvester one-third interest by myself and my spouse Date Began: 3/2000	Atlantic Herring Trawl Product Produced: fresh

(2) *If your spouse is employed by a State government agency involved in the Council process and you have contracted with NMFS for stock assessment research, your response should include:*

Name: John Doe	Council: New England Council	Committee:
Name of Individual (If not yourself, your relationship to individual.) Mary Doe (Spouse)		
Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity: EFG Agency Full Address City, State, 00000	Agency involved in Council process Biologist Date Began: 2000	All Species
Name of Individual (If not yourself, your relationship to individual.) John Doe		
Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Other Entity or Relationship: NMFS Full Address City, State 00000	Produce stock assessment Contractor Date Begun: 2004	Orange rockfish

Name:	Council:	Committee:
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Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Information Requested of Other Persons. In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in the section below.

Name and Address	Date of Request	Nature of Subject Matter

CHECK BOX, IF YOU HAVE NO APPLICABLE INFORMATION TO DISCLOSE

Position/Type of Filing:

- | | |
|--|---|
| <input type="checkbox"/> Council Nominee | <input type="checkbox"/> Original filing |
| <input type="checkbox"/> Council Member | <input type="checkbox"/> Annual filing |
| <input type="checkbox"/> SSC Member | <input type="checkbox"/> Supplementary filing |

Certification

I certify that the statements I have made are true complete and correct to the best of my knowledge and belief. I understand that if during the period of my appointment, I undertake new employment, I must promptly file an amended statement, and I must also report any new financial interests acquired during this period. I also certify that I am currently familiar with the statutes, regulations, and policies governing my responsibilities and conduct as applied to the duties I am assigned.

Printed Name: _____

Council/Committee: _____

Signed: _____

Dated: _____

Requests for Assistance or Additional Information

Refer to the financial disclosure regulations at 50 C.F.R. 600.235 for additional information. If you have any questions regarding the Statement of Financial Interests or related issues, please contact the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 5882, Washington, D.C. 20230, or telephone (202) 482-5384.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The public reporting burden for this collection of information, on this NOAA Form 88-195, is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden to the National Marine Fisheries Service, Office of the Chief Information Officer (F/CIO), 1315 East-West Highway, SSMC #3, 3rd Floor, Silver Spring, Maryland 20910.

Public Access to Information

The Statement completed by voting members of the Regional Fishery Management Councils will be retained by the Council, made available on the Council Internet Site, and made available for public review at reasonable hours at the Council Office, and at each public hearing or public meeting.

MEMORANDUM FOR: Assistant General Counsel for Administration
U.S. Department of Commerce
Office of General Counsel
Washington, DC 20230

SUBJECT: Certification of Status Statement

I, _____,
(Name)

currently residing at _____
(Street Address)

(City) (State) (Zip)

hereby certify the following:

I am / I am not currently an [agent of a foreign principal](#) required to register pursuant to the Foreign Agents Registration Act of 1938, as amended (at 22 U.S.C. § 611, *et seq*);

I am / I am not currently a lobbyist required to register under the [Lobbying Disclosure Act](#) of 1995, as amended.

My signature below affirms that the information conveyed on this form is true, complete, and correct to the best of my knowledge and belief, and is made in good faith; and that I understand that knowing and willful false information on this form can be punished by fine or imprisonment or both.

(Signature)

(Date)

provide goods and services related to shale oil development into the nascent industry.

Many oil exploration licenses are set to expire in 2012 and 2013. Exploration companies are limited to how many licenses they can hold in Israel, and given the success of several exploration projects, there are opportunities for U.S. companies to enter Israel's oil exploration market.

FOR FURTHER INFORMATION CONTACT:

David McCormack, International Trade Specialist, Phone: 202.482.2833, Email: david.mccormack@trade.gov.

Elnora Moye,

Trade Missions Assistant.

[FR Doc. 2012-15785 Filed 6-27-12; 8:45 am]

BILLING CODE 3510-FP-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Designation of Fishery Management Council Members and Application for Reinstatement of State Authority

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 27, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to William Chappell, (301) 427-8505 or William.Chappell@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended in 1996, provides for the nomination for members of Fishery Management Councils by state governors and Indian treaty tribes, for the designation of a principal state fishery official who will perform duties under the Magnuson-Stevens Act, and for a request by a state for reinstatement of state authority over a managed fishery. Nominees for council membership must provide the governor or tribe with background documentation, which is then submitted to NOAA with the nomination. The information submitted with these actions will be used to ensure that the requirements of the Magnuson-Stevens Act are being met.

II. Method of Collection

State governors and Indian treaty tribes submit written nominations to the Secretary of Commerce, together with recommendations and statements of candidates' qualifications. Designations of state officials and requests for reinstatement of state authority are also made in writing in response to regulations. No forms are used.

III. Data

OMB Control Number: 0648-0314.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: State, Local or Tribal government.

Estimated Number of Respondents: 275.

Estimated Time per Response: 1 hour to designate a principal state fishery official(s), 80 hours for a nomination for a Council appointment, 16 hours for background documentation for nominees, and 1 hour for a request to reinstate state authority.

Estimated Total Annual Burden Hours: 4,607.

Estimated Total Annual Cost to Public: \$795.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the

use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 22, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-15810 Filed 6-27-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC070

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Exempted Fishing Permit

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of an application for an exempted fishing permit; request for comments.

SUMMARY: NMFS announces the receipt of an application for an exempted fishing permit (EFP) from Dr. Chris Koenig (Florida State University) and Dr. Chris Stallings (University of South Florida). If granted, the EFP would authorize the applicants to use trained for-hire fishermen to be able to temporarily possess goliath grouper for non-lethal sampling during the course of their normal fishing activities. This non-lethal sampling would include measuring, tagging, and removing a portion of the goliath grouper dorsal fin rays before releasing the live fish. The intent of this study is to provide regional age structure of recovering goliath grouper populations for fish stock assessments.

DATES: Comments must be received no later than 5 p.m., eastern time, on July 13, 2012.

ADDRESSES: You may submit comments on the application by any of the following methods:

- *Email:* Peter.Hood@noaa.gov.

Include in the subject line of the email comment the following document identifier: "FSU EFP".

- *Mail:* Peter Hood, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.