

May 2013



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE

1315 East-West Highway

Silver Spring, Maryland 20910

THE DIRECTOR

RECEIVED  
FEB 15 2013

FEB 28 2013

PFMC

Mr. Dan Wolford  
Chair, Council Coordination Committee  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

Dear Chairman Wolford:

One of the goals of Council Coordination Committee (CCC) meetings, like all Council meetings, is to be as open and transparent as possible. With that goal in mind, I asked NOAA Fisheries staff and NOAA General Counsel to recommend guidance to clarify the Magnuson-Stevens Act's (MSA) requirements for CCC meetings and best practices to ensure public access to CCC deliberations and materials.

I recommend that the enclosed guidance be incorporated into the existing CCC Terms of Reference. I believe these changes will make the CCC process more transparent to the public and ensure that the CCC meets the meeting expectations established in the MSA.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel D. Rauch III".

Samuel D. Rauch III

Deputy Assistant Administrator for Regulatory Programs, performing the functions and duties of the Assistant Administrator for Fisheries

Enclosure

cc: Council Chairs  
Vice Chairs  
Executive Directors



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## Guidance to Council Coordination Committee (CCC) Regarding Meetings

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The CCC consists of the chairs, vice chairs, and executive directors of each of the eight Councils and was established to discuss issues of relevance to all Councils. Neither NOAA Fisheries, NOAA General Counsel, nor any other Federal entity is a formal member of the CCC, and therefore the procedures described below apply regardless of whether federal personnel are present. Under the Magnuson-Stevens Act (MSA) Section 302(i), CCC meetings are held to the same procedural standards as any Council meeting. The following guidance summarizes requirements for meeting minutes, the availability of documents, and closed meetings, as required by the MSA and implementing regulations, and clarifies some additional procedures to ensure CCC meetings are open and transparent to the public.

- 1) Meeting minutes. MSA Section 302(i) and the CCC Terms of Reference require detailed minutes of each meeting, except for any closed session, to be kept and made available to the public. The host of the meeting should provide the detailed minutes to include a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed within a reasonable period of time following the meeting. If desired, the host may choose to provide a transcript of the meeting in lieu of detailed minutes. NOAA Fisheries will post CCC meeting agendas, materials, and meeting minutes or transcripts on its website.
- 2) Availability of documents. The CCC should make documents relevant to the CCC meeting available to the public as follows:
  - a) When possible, all presentations and handouts should be posted to the NOAA Fisheries website before the agenda item is discussed and updated as necessary following the meeting.
  - b) Presentations and handouts that are not posted to the NOAA Fisheries website in advance of the meeting, should, if possible, be made available in hard copy for the public at the meeting.
  - c) For ease of public access and ensuring compliance with IT requirements, the NOAA Fisheries website should be the official repository of CCC meeting documents.
  - d) Agenda, presentations, handouts, and associated documents will be maintained on the NOAA Fisheries website for at least 5 years.
- 3) Closed Sessions. The CCC may hold closed sessions for limited purposes, with or without a Federal presence, as consistent with MSA Section 302(i)(3) and codified at 50 CFR 600.135(c). In summary, the CCC should follow the following guidance when closing sessions to the public:
  - a) CCC sessions may be closed to discuss those items specified in MSA Section 302(i)(3) and 50 CFR 600.135(c), i.e., national security, employment, litigation and internal administrative matters.
  - b) Discussion of issues and associated actions that do not qualify to be closed (i.e., that affect the public) must be made in public.
  - c) A closed meeting must be noticed as part of an agenda of the main meeting, except for brief closures allowed under MSA Section 302(i)(3)(B).
  - d) Before closing a meeting or portion thereof, the CCC should consult with NOAA General Counsel to ensure that the matters to be discussed fall within the exceptions to the requirement to hold public meetings.