

GOVERNORS' GUIDANCE KIT



NOMINATIONS TO THE REGIONAL FISHERY MANAGEMENT COUNCILS

The NOAA Fisheries website provides guidance to governors to help in compiling nomination lists for the annual appointments' process. The Magnuson-Stevens Act requirements for the Council nomination and appointment process, the Nomination Application Package to be completed by your nominees and other guidance can be found at:

<https://www.fisheries.noaa.gov/national/partners/council-nomination-process-guidance>.

Contact the NMFS Office of Sustainable Fisheries, Domestic Fisheries Division at 301-427-8535, or email Council.Appointments@noaa.gov.

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

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GOVERNORS' GUIDANCE

Nomination Criteria and Procedures

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

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

For assistance in compiling nomination lists, please refer to Enclosure 4A. It contains links to the Council websites which contain the names and contact information 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 submission, as required, forward completed nomination letters and nominees' applications in a single PDF file by email to:

Council.Appointments@noaa.gov

All nomination materials must be received electronically this year due to the COVID-19 pandemic. **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, Domestic Fisheries Division, at 301-427-8535, or by email at Council.Appointments@noaa.gov (cc Morgan.Corey@noaa.gov) if they have questions regarding the completion of nomination packages.

Other Procedures and Criteria

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. You are also encouraged to consider nominees whose backgrounds, perspectives, and skills would contribute to achieving greater diversity in Council membership and best represent the diverse fishing communities the Councils serve, including considering qualified women and minority candidates.

Obligatory Seats

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

At-Large Seats

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

Nominating Circumstances

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

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 Package to be completed by your nominees. The Governor's letter and the Governor's Guidance Kit is also available in .PDF format.

<https://www.fisheries.noaa.gov/national/partners/council-nomination-process-guidance>

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.

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

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.

Classify each of your nominees in either the commercial, recreational, or "other" sector, and indicate the classification in your nomination letter. A major factor in meeting the MSA's goals is the role of governors in nominating individuals from the commercial and recreational sectors or individuals from the "other" sector who have knowledge of, and experience in, biological, economic, or social sciences; environmental or ecological matters; consumer affairs; and associated fields.

Provide a documentation of efforts to consult with the commercial and recreational fishing communities of the State regarding your nominees.

Governors must provide a written statement identifying efforts to solicit applications from and consider qualified women and/or minority candidates. To avoid legal concerns, the nomination letter must be signed (in ink or electronically) by the Governor on his/her official letterhead.

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

Ensure that each nominee completes and forwards Parts 1-4 of the Nomination Application. The governor is responsible for gathering completed nomination information and applications from your nominees. Governors should advise nominees to forward their completed applications in sufficient time to allow the Governors to process. **Please ensure that your nominees' packages do not contain Social Security Number, date of birth, or place of birth.** This is no longer required information for nominees, and will only be requested from newly appointed Council members to conduct background investigations.

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.

ENCLOSURE 2A

REPORT TO CONGRESS
ON APPORTIONMENT OF MEMBERSHIP
FOR THE
REGIONAL FISHERY MANAGEMENT COUNCILS

The Report to Congress on Apportionment of Membership on the Regional Fishery Management Councils is found at <https://www.fisheries.noaa.gov/national/partners/council-reports-congress>

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

The 2020 Report may be unavailable at this time. Please keep checking the website until an updated version is published.

ENCLOSURE 3A

GOVERNORS' AT-A-GLANCE CHECKLIST

INCLUDE WITHIN YOUR NOMINATION LETTER:

- A minimum of three candidates for each vacancy
- A written statement explaining how each nominee meets the qualification requirements listed in Section 302(b)(2)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, i.e. how each of your nominees is knowledgeable regarding the conservation and management or the commercial or recreational harvest of the fishery resources within your Council's geographical area
- A classification of each of your nominees as representing the 1) commercial, 2) recreational, or 3) "other" sector
- An order of priority for nominees, if you have a preference
- A documentation of efforts to consult with the commercial and recreational fishing communities of the State regarding your nominees.
- A written statement identifying efforts to solicit applications from and consider qualified women and/or minority candidates.
- A written response if you choose not to submit at-large nominations.

To avoid legal concerns, each Governor's nomination letter must be signed (in ink or electronically) by the Governor on his/her official letterhead.

NOMINEES' APPLICATION PACKAGES MUST CONTAIN:

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

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

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

date the cover sheet to Part 3, which pertains to potential participation by nominees in a NMFS IPA.

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

ENCLOSURE 4A

NEW ENGLAND COUNCIL

<http://www.nefmc.org/about/council-members>

MID-ATLANTIC COUNCIL

<http://www.mafmc.org/members/>

SOUTH ATLANTIC COUNCIL

<http://www.safmc.net/about-us/council-members>

CARIBBEAN COUNCIL

<https://www.caribbeanfmc.com/about-us/council-members>

GULF OF MEXICO COUNCIL

<https://gulfcouncil.org/about/council-members/>

PACIFIC COUNCIL

<https://www.pcouncil.org/navigating-the-council/membership-groups-and-staff/council-members/>

NORTH PACIFIC COUNCIL

<http://www.npfmc.org/council-members/>

WESTERN PACIFIC COUNCIL

<http://www.wpcouncil.org/about-us/council-members/>