

NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 01-115
September 22, 2009

Fisheries Management

**FISHERY MANAGEMENT COUNCIL STATEMENTS OF ORGANIZATION,
 PRACTICES, AND PROCEDURES**

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SUMMARY OF REVISIONS:

1. Authority. In accordance with Magnuson-Stevens Fishery Conservation and Management Act §302(f)(6) [P.L. 94-265, 16 USC 1852(f)(6)], each of the regional fishery management councils is required to “determine its organization, and prescribe its practices and procedures for carrying out its functions” in accordance with uniform standards prescribed by the Secretary. Accordingly, each Council will publish and make available to the public a statement of its organization, practices, and procedures (SOPP). A Council’s SOPP will reflect its compliance with the regulations and other requirements listed below.

2. Uniform Standards. On November 19, 2001, NOAA Fisheries Service updated 50 CFR 600 subpart B (Regional Fishery Management Councils) and subpart C (Council Membership). The regulations were published subsequent to the agency’s withdrawal of the Council Operations and Administration Handbook, which was a reference guide that compiled various requirements of the Magnuson-Stevens Act and other applicable law related to Council operations. The revised regulations at 50 CFR 600 subparts B and C remain in effect and constitute the Secretary’s basic standards for Council operations, practices, and procedures.

3. Requirements. Additional compliance requirements related to the Councils’ conduct, funding, and use of funds can be found at:

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| 15 CFR part 14 | <i>Uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, other non-profit, and commercial organizations.</i> |
| 15 CFR part 24 | <i>Uniform administrative requirements for grants and cooperative agreements to state and local governments</i> |
| 48 CFR part 31 | <i>Contract cost principles and procedures</i> |
| 2 CFR Part 220 | <i>(formerly OMB Circular A-21) Principles for determining costs applicable to grants, contracts, and other agreements with educational institutions</i> |
| 2 CFR Part 225 | <i>(formerly OMB Circular A-87) Cost principles for state, local and Indian tribal governments</i> |

2 CFR Part 230 (formerly OMB Circular A-122) *Cost principles for non-profit organizations*

OMB Circular A-133 *Audits of States, Local Governments and Non-Profit Organizations, as amended by Supplements*

Department of Commerce Grants and Cooperative Agreements Interim Manual

References that address Council recordkeeping requirements include:

NAO 205-1 *NOAA Records Management Program*

DAO 205-1 *Department of Commerce Program for Records Management*

NAO 216-100 *Protection of Confidential Fisheries Statistics*

Records Disposition Handbook, with particular attention paid to section 1504, *Fisheries Management and Coordination Files*

4. SOPP Amendments. Per 50 CFR 600.115(b), any amendments to Council SOPPs must be consistent with the Subpart B and Subpart C guidelines, terms and conditions of the Council's financial assistance award from NOAA (cooperative agreement), as well as the Magnuson-Stevens Act and other applicable law. Amendments are to be approved by the Secretary, however, the functions of the Secretary related to implementation of the Magnuson-Stevens Act are delegated to the Assistant Administrator for Fisheries (NOAA Organizational Handbook, Transmittal No. 61, Section II.C.26). Upon approval of a Council's SOPP amendment, a Notice of Availability will be published in the Federal Register. Procedures for the government's review and approval of SOPP amendments are described under the Policy Directives System and NMFS Instruction 01-114-01.

Signed _____/s/_____
James W. Balsiger
Acting Assistant Administrator
National Marine Fisheries Service

09-08-09 _____
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