

CANADA/US TREATY ON PACIFIC HAKE
ADVISORY PANEL

TERMS OF REFERENCE
(Adopted March 14, 2012)

A. Purpose

The Advisory Panel (AP) was established by the Agreement between Canada and United States of America on Pacific Hake/Whiting (*Merluccius productus*) resource off the Pacific coast of Canada and the United States of America.

The AP is structured to allow an open, transparent and accountable process that ensures stakeholder involvement and advice on the effective management and implementation of the Canada/US Pacific Hake treaty.

The AP membership is made up of representatives of the commercial hake fishing industry and other stakeholders from within each country. Members of the Advisory Panel shall be individuals knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the Pacific hake/whiting fisheries. AP members are appointed by each Party and comprise the national section of that Party.

The following sections detail the principles, mandate and operational aspects under which the AP functions. These Terms of Reference have been established jointly by the National Sections and are subject to change as required by consensus of the National Sections.

B. Principles

The following principles serve as guidance to the AP in its work.

1. Conservation and Sustainability

Conservation will continue to be the first priority in managing the Pacific Hake/Whiting resource pursuant to the Treaty. This resource should be managed in a sustainable manner to ensure continued viability and contribution to the economy and society.

2. Accountability

Members of the AP are expected to bring to discussions the views, knowledge and experience of those whom they represent, while promoting awareness and understanding within their constituents about deliberations of the AP and reasons for advice provided to the JMC. Members of the National Sections will be encouraged to seek support for consensus-based advice formed in the AP.

3. Balance and Representation

In addition to adhering to legal, fiduciary and policy parameters, it is important that the advice provided by the AP reflects the experience and knowledge of a valid cross-section of commercial fishing interests, stakeholders, state and provincial interests. A balance of interests is necessary from each sector to ensure the provision of valuable and effective advice, yet not so many as to make discussion unnecessarily difficult.

4. Economy and Efficiency

Membership numbers, meeting schedules, the use of technology and the use of experts will all be considered with the intent of keeping costs and inconvenience to a minimum while achieving effectiveness and efficiency in developing advice on Pacific Hake/Whiting pursuant to this Treaty.

5. Transparency

There will be transparency throughout the process based on open lines of communication and the provision of timely, accurate, clear and objective information. All meetings of the AP will be open to the public.

6. Conflict

If a conflict arises or exists between the AP's Terms of Reference and the Treaty, then the Treaty prevails and the AP's Terms of Reference will be amended to be consistent with the Treaty.

C. Mandate

The AP shall meet annually prior to the meeting of the JMC, or more often as necessary, to:

- a) Establish or review and confirm its terms of reference;
- b) Compile and provide to the Parties, by no later than March 25 of each year, the names of three scientific experts as candidates for the JTC and the names of at least five scientific experts as candidates for the SRG, for appointment in the following year;
- c) Review the advice of the SRG and JTC;
- d) Review the management of the fisheries of the two Parties during the previous year;
- e) Make recommendations to the JMC regarding the overall Total Allowable Catch (TAC). and
- f) Nominate, for appointment by the Parties, two public advisors to participate in SRG meetings.

D. Organization

Membership

Each National Section will be comprised of no more than twelve (12) members representing a broad cross section of the Pacific hake industry, including but not restricted to the harvesting, processing, marketing, management, conservation, or research of the Pacific hake/Whiting fisheries.

AP members will be appointed by the respective Parties. The members appointed by each Party shall comprise the National Section of that Party.

The makeup of the AP may be reviewed to ensure continued provision of effective advice and representation of a cross section of the Pacific coast Hake industry.

The AP will be co-chaired by a representative from each National Section, as appointed by the respective National Sections. It is the intent of both National Sections to reach agreement on matters brought before it. Decisions of the AP shall be made by the agreement of the two National Sections with each National Section having one vote. In the event an agreement cannot be reached by the AP, each National Section shall provide their respective position to the Joint Management Committee.

Decisions of the AP

Representatives of National Marine Fisheries Service (NMFS), Fisheries and Oceans Canada (DFO), the PFMC, the States of Washington, Oregon and California and the Province of British Columbia may attend all meetings and may be invited by the Co-Chairs to sit at the AP table and participate in the discussion. Experts may be invited to attend at the invitation of the Co-Chairs, to participate in a technical capacity, focused particularly on areas of interest based on the agenda being discussed.

Members of the public will be permitted to attend all meetings. Participation in AP discussions by members of the public will be through the expressed consent of the Co-Chairs. Time may be set aside at each meeting for members of the public to provide presentations to the AP or have written submissions read for consideration.

Sub-committees and technical working committees may be struck as needed with the agreement of the National Sections, but will normally be short-term and specific task oriented.

E. Procedures

Relevant documents to be discussed and agendas for meetings will be distributed to participants in advance of scheduled meetings. Relevant documents may be available on websites identified by the National Sections:

In the United States:

<http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Whiting-Management/Treaty.cfm>

F. Roles and Responsibilities

The following information will be made available to the AP by the Parties post season as soon as it is available:

- report on catches for the previous season;
- report on activities relevant to the fishery;

The National Section Co-Chairs will, with the support of the respective Parties:

- send out a call letter reminding each member of the upcoming meeting and outlining a tentative agenda. It is expected that feedback on the agenda should be provided 5 days prior to the meeting date; and
- organize meetings and all logistical aspects for the meeting;
- distribute sufficiently in advance materials for discussion at scheduled meetings.

AP members will:

- provide advice that represents the views, knowledge and experience of those whom they represent;
- communicate information to constituents;
- develop advice taking into account the Hake Treaty and known policies and international agreements;
- conduct themselves in a respectful manner during meetings (see Code of Conduct in Appendix 1).

Both DFO and NMFS will provide assistance and work with the respective National Section Co-Chairs to:

- produce agenda requirements for upcoming meeting(s);
- during the meeting(s), provide where possible clarification on issues relevant to the AP deliberations.
- provide information, expertise and represent the public interest and policies of the two agencies;

- post the proceedings documents on the both countries agency websites.

APPENDIX 1.

Code of Conduct for Meetings of the Pacific Hake Advisory Panel

Participants in the AP processes should:

1. Maximize the exchange of information among parties and minimize misunderstandings.
2. Ensure that all participants have the opportunity to speak and all perspectives are taken into account.
3. Maintain a respectful atmosphere.
4. Negotiate in good faith and support the agreements reached.