

Council of Great Lakes Fishery Agencies

Terms of Reference¹

The following terms of reference were adopted by the Council of Great Lakes Fishery Agencies (Council) on October 28, 2015. They were approved by the Great Lakes Fishery Commission (Commission) on December 4, 2015. Terms of Reference approved by the Commission on June 3, 2009 are hereby rescinded.

PURPOSE OF THE COUNCIL

The Council was created in *A Joint Strategic Plan for Management of Great Lakes Fisheries*, as revised 10 June 1997 (Plan), and replaced the Committee of the Whole, Operations Subcommittee. The Council's membership consists of representatives from agencies who are signatory to the Plan (Parties).

Structure

The Council shall function as a Management Committee of the Commission. The Council and the Commission will cooperatively determine the appropriate mechanisms for Commission support of the Council.

As background, Management Committees (e.g., Lake Committees) were created by the Commission in 1964 to serve the needs of the Commission and Fishery Management Agencies in the Geographic Area of Concern. With the adoption of the Plan in 1981, Management Committees, while remaining committees of the Commission, were re-constituted to serve the needs of the Parties, thus becoming the means by which the Plan is to be implemented. Technical committees and other subcommittees were formed after the Plan's adoption. Meetings of Management Committees are regularly convened by the Commission and may also occur at the request of the Parties.

Geographic Area of Concern

Lake Ontario, including the St. Lawrence River from Lake Ontario to the 45th parallel of latitude; Lake Erie; Lake Huron, including Lake St. Clair; Lake Michigan; Lake Superior; and their connecting waters. In addition, tributaries to the above waters to the extent necessary to protect, manage, or investigate any stock of fish of common concern.

Responsibilities

The primary responsibility of the Council is to guide and support the process of implementing the Plan. In so doing, the Council may consider issues pertinent to, or referred by, the Commission. Likewise, the Council may develop issues or recommendations for referral to the Commission, other Management Committees of the Commission, or other organizations. Resolutions of the Council may also be implemented under the authority of represented agencies. The Council shall not duplicate the tasks of other Management Committees of the Commission, but rather reinforce, add value, and support them.

¹ Revisions to these Terms of Reference shall only be made with the consent of the Council and the approval of the Commission.

- 1) **To ensure mutual accountability of the Parties to the Plan.** The Council shall periodically review the processes for implementing strategies in the Plan, as well as assuring that the Plan remains relevant through time. In so doing, the Council shall be responsible for initiating discussions that may lead to further enhancement or refinement of the Plan.
- 2) **To provide guidance and support to the Plan's institutional arrangements.** Upon request, the Council shall provide assistance to other Management Committees of the Commission in the form of administrative guidance, determination of membership on Management Committees of the Commission, and advocacy.
- 3) **To encourage and support timely and effective information exchange between fishery law enforcement personnel and fishery managers.** The Council shall maintain a role as liaison for information exchange and coordination of activities between enforcement and fishery management agencies to address the priorities and problems related to management of fisheries in the Geographic Area of Concern.
- 4) **To ensure that environmental objectives are articulated and reciprocal strategies with environmental agencies are developed.** The Council shall foster development of cooperative arrangements and promote collaboration between fisheries and environmental management agencies.
- 5) **To ensure the priorities and interests of the Parties related to management of fisheries in the Geographic Area of Concern are represented in decision-making processes undertaken by entities that exist outside the framework of the Management Committees.** The Council shall maintain a role as liaison with non-signatory agencies, Congress, Parliament, State and Provincial legislatures, Tribal leadership, and commissions who have mandates or programs that may affect fisheries in the Geographic Area of Concern, and work to focus the appropriate resources of the Parties on issues that may broadly affect fisheries across the Geographic Area of Concern.
- 6) **To inform and educate on a basin-wide perspective, including the development and implementation of a strategic communications framework that details the roles and responsibilities of the Parties and the Great Lakes Fishery Commission.** The Council shall communicate about the Plan and support coordinated efforts to identify and communicate important messages of broad relevance across the Basin to ensure consistency, thus enhancing the individual efforts of management agencies on the Great Lakes to inform the public.

OPERATIONAL PROTOCOLS OF THE COUNCIL

The Council shall use consensus when making decisions, since achieving consensus is an essential feature of the Plan². If consensus cannot be achieved, the concerns of

² Definitions of consensus can be found in the text and Appendix of the Plan.

dissenting Parties shall be described in the meeting minutes of the Council and in the report of the Council to the Commission.

Membership

Each Party to the Plan will name its fish chief or functional equivalent as a member of the Council. Although a Party may send additional delegates to the meetings, the member shall be the spokesperson for the Party in the development of a consensus decision. Members should be knowledgeable about issues under discussion and may bring staff to assist as necessary.

The Council shall provide for non-Party participation by Environment Canada, the U.S. Environmental Protection Agency, the International Joint Commission, and other agencies as appropriate. Non-Party participants are expected to bring information relevant to issues before the Council, participate in discussions and speak for their agencies, and play an active role in the development of consensus. Assent from non-Party participants, however, is not a prerequisite for, and dissent from non-Party participants may not block, the consensus of the Parties.

Officers

During the annual meeting that occurs in odd-numbered years, the Vice-Chair shall become the Chair of the Council for a term of two years. The Council shall elect from its members a Vice-Chair for a term of two years. One of the officers is to be from the United States or a tribal agency and the other from Canada, even in the scenarios that follow below.

In the event that the Chair is unable to complete his or her two-year term, then the Vice-Chair shall assume the duties of the chair until elections occur in the next odd-numbered year. At that time, if the Vice-Chair and the Council agree, the Vice-Chair will become Chair for the next two years and a new Vice-Chair will be elected. If this scenario is not agreed to, then a new Chair and a new Vice-Chair shall be elected. In the event that both the Chair and the Vice-Chair are unable to complete their terms, then there will be an immediate call for nominations and an election will take place electronically. The newly elected Chair and Vice-Chair will then serve out the remainder of the terms until regular elections take place at the annual meeting that occurs in the next odd-numbered year.

In the event that only the Vice-Chair is unable to complete his or her two-year term, then the council will immediately proceed to hold an electronic election and choose a new Vice-Chair from the same country.

Executive Committee

The Council shall establish an Executive Committee to ensure efficient and responsive feedback on behalf of the Council regarding rapidly emerging issues, and to provide a forum for the Chair and Vice Chair to seek guidance on operations, planning, and oversight of the Council and its activities. The Executive Committee shall not take an action on behalf of the Council without the full consensus of the Council. Meetings of

the Executive Committee shall occur at the discretion of the Chair or Vice-Chair, or upon request of any member of the Executive Committee.

The Executive Committee shall consist of the Chair, Vice Chair, and no more than three other members of the full Council. Interest in serving on the Executive Committee shall be solicited from the membership of the Council and appointed by the Chair for a term of two years. In lieu of volunteers, the Chair may appoint members to the Executive Committee as necessary.

Subcommittees and Advisors

The Council may establish subcommittees or seek advisors to undertake specific business tasks of the Council or to inform the Council about specific issues.

Meeting Schedule

The Council shall meet at least once annually in conjunction with the spring meeting of the Council of Lake Committees, and shall conduct at least two conference calls during the year. Additional meetings of the Council may be convened by the Chair to address items of special concern or that require immediate attention.

Reporting

Activities of the Council and consensus decisions reached by the Council shall be recorded in the minutes for each meeting. The Council shall report to the Commission during the Commission's annual meeting, and at any time upon a request from the Commission.

ROLE OF SECRETARIAT

The Secretariat of the Commission will be the liaison between the Council and Commission. Specifically, the Senior Fisheries Manager will assist both the Council and the Executive Committee of the Council in 1) developing and distributing agendas and minutes for each meeting, 2) preparing briefing materials, reports, letters, and other communications, and 3) making meeting arrangements.