

North Pacific Research Board

Statement of Organization, Practices and Procedures

(Originally approved in October 2002; revised through December 2008)



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(Originally approved on October 31, 2002; subsequently revised as indicated)

1. LEGISLATIVE AUTHORITY, FUNCTION, MISSION, AND GOALS

A. Legislative Authority and Function

The North Pacific Research Board (Board) was created by Congress under Title IV of H.R. 2107, signed into law on November 14, 1997 as P.L. 105-83, and codified as 43 U.S.C. §1474d. The Board is authorized to recommend marine research to the U.S. Secretary of Commerce (Secretary), who makes final funding decisions. Research is funded by part of the interest earned by the Environmental Improvement and Restoration Fund (EIRF) created under 43 U.S.C. §1474d. Each year, 20 percent of the interest earned and transferred to the EIRF is made available to the Secretary without further appropriation to carry out marine research activities. The enabling legislation requires EIRF funds to be used to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water). Research priorities and grant requests are reviewed by the Board which will seek to avoid duplicating other research and will place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

B. Vision, Mission, and Goals

The Board's vision statement is as follows:

A clear understanding of the North Pacific, Bering Sea, and Arctic Ocean ecosystems that enables effective management and sustainable use of marine resources.

The Board's mission statement is as follows:

To develop a comprehensive science program of the highest caliber to enhance understanding of the North Pacific, Bering Sea, and Arctic Ocean ecosystems and fisheries. It will conduct its work through science planning, prioritization of pressing fishery management and ecosystem information needs, coordination and cooperation among research programs, competitive selection of research projects, increased information availability, and public involvement.

To carry out its mission, the NPRB has adopted the following supporting goals:

- Improve understanding of North Pacific marine ecosystem dynamics and use of the resources;
- Improve ability to manage and protect the fish and wildlife populations that comprise the ecologically diverse marine ecosystems of the North Pacific, and provide long-term, sustained benefits to local communities and the nation;
- Improve ability to forecast and respond to effects of changes, through integration of various research activities, including long-term monitoring;
- Foster cooperation with other entities conducting research and management in the North Pacific, and work toward common goals for North Pacific marine ecosystems; and
- Support high quality projects that promise long-term results as well as those with more immediate applicability.

The Board has written criteria for submission of proposals through a competitive process and for deciding upon the funding awards. These review criteria are incorporated in all annual and special requests for proposals issued by the Board and may be revised from time to time as appropriate. Research proposals are recommended by the Board based on scientific merit and must be responsive to research priorities identified annually by the Board on the basis of its science plan. The Secretary, through his designee, the Alaska Regional Administrator of the National Marine Fisheries Service, reviews proposals recommended by the Board. The enabling legislation stipulates that the Secretary must explain in writing why he or she disapproved a Board recommendation. Further, the Secretary cannot choose to fund another project unless it has been recommended by the Board. The Secretary also must provide the Board such administrative and technical support as is necessary for the effective functioning of the Board.

(Note: Original Section 2 on NORTH PACIFIC MARINE RESEARCH INSTITUTE was deleted because NPMRI has not been funded since 2001 and no longer is active.)

2. BOARD ORGANIZATION

A. Membership

The Board has twenty members. Five members are designated as voting members by the enabling legislation. These five members comprise the executive committee of the Board, and all decisions of the Board, including grant recommendations, require a majority vote of the five members. The five voting members may act on behalf of the Board in all matters of administration, including the disposition of research funds. The five voting members include the following representatives or their designees:

1. Secretary of Commerce,
2. Alaska Commissioner of Fish and Game,
3. Chairman of the North Pacific Fishery Management Council,
4. Director of the Alaska SeaLife Center, and
5. One member who shall represent fishing interests and shall be nominated by the Board and appointed by the Secretary of Commerce.

The Board has fifteen other members comprised of the following representatives or their designees:

1. Secretary of State,
2. Secretary of Interior,
3. Commandant of the Coast Guard,
4. Director of Office of Naval Research,
5. Chairman of the Arctic Research Commission,
6. Director of the Oil Spill Recovery Institute,
7. Five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, of whom one each shall represent fishing interests, Alaska Natives, environmental interests, academia¹, and oil and gas interests,
8. Three members nominated by the Governor of Washington and appointed by the Secretary of Commerce, and
9. One member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the North Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations must be submitted for each member appointed under provisions 7-9 above, and those members are appointed by the Secretary of Commerce for three-year terms and may be reappointed.

B. Special Fishing Industry Seat

The fishing industry seat on the executive committee is nominated by the Board and subject to approval and appointment by the Secretary of Commerce. Though there is no term length or limit for this seat specified in the enabling legislation, the Secretary has applied a three-year term for this special seat. The call for nominations for the fishing industry seat is published on the Board's website and advertised in the North Pacific Fishery Management Council newsletter which is distributed widely to the fishing industry. The executive committee uses the following criteria in reviewing nominations:

1. Knowledge or experience regarding commercial fishing, processing, or marketing of fish in one or more commercial fisheries off Alaska;
2. Knowledge or experience regarding management, conservation, and stewardship of natural resources, including related interactions with industry, government bodies, academic institutions, and public agencies;
3. Experience in a state or regional organization whose members participate in an Alaska fishery;
4. Experience serving as a member of the NPRB, North Pacific Council, or Alaska Board of Fisheries or their associated committees;
5. Knowledge or experience regarding marine research organizations and activities off Alaska; and
6. Minimum potential for conflict of interest in funding decisions of the Board, as defined in NPRB policy.

C. Officers and Terms of Office

A Chairman and Vice Chairman are elected from the members of the executive committee by a majority vote of the executive committee and a majority vote of the other members present and voting. Both officers serve for one year and may succeed themselves. They are elected at the first regular Board meeting held during any calendar year and their terms of office expire at the next regular Board meeting held after the first of any calendar year. If the *ex-officio* status changes for any of the officers, then at the next regular meeting, the Board shall appoint interim officers to serve until the next regular election meeting.

The Chairman, or in his absence the Vice Chairman, has authority to convene and adjourn meetings and public hearings and designate members of the Board and its standing committees to attend meetings and public hearings. He will control meetings and hearings by recognizing speakers and establishing the order of business. The Chairman certifies the minutes of the meeting as complete and accurate before they are available for general distribution.

D. Designees and Alternates

Designees of *ex-officio* members may have an alternate with voting privileges, so long as the Board is notified before a meeting that the alternate will be attending in place of the designee. Reimbursement of travel expenses to any meeting is limited to the member or one designee or alternate. State-nominated members that are appointed by the Secretary may have designees, in accordance with the enabling legislation, but they have not been granted voting privileges by the executive committee. (May 2003)

E. Advisory Groups

The Board has established two formal advisory groups, a 16-member Science Panel and a 13-member advisory panel. Standard operating procedures for the Science Panel and Advisory Panel are described in Attachments 1 and 2, respectively.

F. Committees

The Board may appoint other standing and ad hoc committees as deemed necessary, and will specify the purpose and duration of each committee.

G. Expenses

Enabling legislation states that members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. The Board reimburses such costs while at Board and executive meetings, only for those members not affiliated with federal agencies. The Board does not reimburse costs for preparation time away from Board meetings. The Board reimburses travel costs for members to the annual marine science symposia.

H. Cooperative Arrangements

The Board may enter into cooperative arrangements with other groups and organizations with similar goals and activities for the purpose of furthering cooperation, collaboration, coordination, and communication. In May 2003 the Board stated its intention that any joint meetings would be held in association with regularly scheduled Board meetings to reduce travel time and costs.

I. Miscellaneous Fiscal Policy Decisions

Though the SOPP's were not formally amended, the Board from time to time has adopted additional policies and procedures that relate to its finances and expenditures. They are referenced to the Board meeting(s) when they were considered or acted upon.

- Forward fund the budget by one year. For example, apply FY2003 earnings to FY2005, FY2004 earnings to FY2006, and so forth. (general budget approach starting in 2002)
- Do not compensate Board members for participation, but do reimburse travel costs. (February 2002)
- Decision matrix in SOPP specifies that full Board is needed to approve annual budgets, but the Executive Committee reviews periodic audits and monitors grant performance. (October 2002)
- Board will not compensate for proposal reviews. (June 2002)
- Science Panel members will not be compensated. (October 2002, July 2004)
- Make maximum use of the 15% cap on administration funding, applying it as broadly as possible to current and future grants. (March 2003)
- Cap funds annually available for outside meetings at \$50,000, exclusive of NPRB-initiated workshops, synthesis meetings, and the annual science symposium. Criteria for vetting meeting requests are as follow:
 - Is symposium directly related to NPRB-sponsored research? Are our principal investigators involved? How broadly representative are the participants?
 - Is it relevant to key research issues/questions of interest to NPRB?
 - How does it fit with our science plan and policies?
 - What will we learn from the event? Are the symposium products clearly identified and will they help the NPRB achieve its goals and objectives?
 - Is the funding for a one-time meeting or a series of meetings?
 - How much is being requested and are other sponsors identified?
 - If it has resource management implications, are other resource management agencies co-funding the meeting?
 - Is it being held in the Pacific Northwest (WA, OR, BC) or Alaska?

The executive director is delegated authority to approve amounts of \$5,000 or less, and report to the Board at the next regular meeting. Individual requests exceeding \$5,000 will be brought to the Board for approval. (March 2004)

- Board member travel expenses to annual Alaska Marine Science Symposium will be reimbursed. (September 2004)
- Adopt general practice of using all of the appropriated funds (starting with FY2005 appropriations) for science planning and research, instead of using any for administrative costs.
- Keep in reserve at all times at least two fiscal years requirements for administrative funding, but review budget needs each March for the coming two years and redirect excess administrative funds to science. This later was reduced to a one-year buffer in 2008 to make funding available to support the Gulf of Alaska integrated ecosystem research program. (September 2005, September 2008)

3. BOARD MEETINGS

The Board is considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801 et seq.)(Act) for the purposes of section 302(i)(1) of the Act, which states that the Board and its advisory panels shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.2). The Board and the executive committee will meet at the call of the Chair or upon request of a majority of the executive committee. The following guidelines, as stipulated under section 302(i) of the Act, shall apply to the extent practicable to the conduct of meetings and hearings of the Board and its advisory panels.

A. Notice

Timely notice of meetings and hearings, including the time, place, and agenda of the meeting, shall be widely distributed to appropriate media sites and made available on the Board's website.

B. Conduct of Meetings

Board meetings will be conducted according to Roberts Rules of Order and will be open to the public. Public testimony will be taken on matters on the agenda. All written information submitted to the Board by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

A quorum (which also applies to teleconferences) is defined as the presence of at least three executive committee members and nine other members. A quorum is required to convene a meeting, but once established, the Board may continue without a quorum to conduct its business in accordance with its operating procedures.

The Board will adhere to the following voting procedures:

- a. For any motion, the Chairman will ask first if there are any objections.
- b. If there are no objections, a motion passes unanimously. If there are objections, then:
 - i. A motion is considered approved by "useful consensus," if three or less members object.
 - ii. If at least 20% of the members present and voting object, then a poll is taken.
 - iii. For a motion to pass by polling there must be (1) an affirmative vote of a simple majority of the Executive Committee, and (2) an affirmative vote of a simple majority of other members present and voting.

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The use of a proxy is not permitted. At the request of any member of the Board, the Board shall hold a roll call vote on any matter before the Board. The official minutes and other appropriate records of any Board meeting shall identify all roll call votes held and the final vote tallies for the executive committee and the other members. How each member voted will not be identified by name in the meeting summary.

The above procedures apply to major decisions that must be made by the full Board, rather than by the executive committee. The Board has distinguished between major decisions that must be made by the full Board and those that may be made by the executive committee (Table 1 adopted May 2003).

The Board will follow standard sequence of procedures during meetings. Agenda items and times will be posted. Each agenda issue will be taken up in the following sequence: the Board will hear staff reports and ask any clarifying questions, and then, committee and/or work group reports will be presented. These will be followed by public comments. Five minutes will be allowed for each person to provide comment. Board members may ask up to two clarification questions per commenter. Sign-up sheets will be made available for persons to register to give public comment. After the close of the public comment session, the Board will discuss the issue and take action as necessary. Notebook materials should clearly identify the actions required. (adopted in October 2002)

C. Record

Detailed minutes of each meeting of the Board, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chairman shall certify the accuracy of the minutes of each such meeting and submit a copy to the Secretary. Subject to confidentiality procedures established by the Board, the administrative record and minutes of each meeting and records or other documents which were made available to or prepared for or by the Board, executive committee, or panel incident to the meeting, shall be available for public inspection and copying at a single location in the offices of the Board, or the Secretary, as appropriate.

D. Closed Meetings

The Board and its executive committee may close any meeting, or portion thereof, that concerns matters that pertain to international fisheries negotiations, personnel matters, or briefings on litigation in which the Board is interested. During executive sessions, the Board will waive the requirement to operate in accordance with Roberts Rules of Order when considering the memberships of its advisory committees and panels, or personnel matters. For closed meetings, a general list of topics discussed and people present will be maintained as a record of that meeting. This does not require notification regarding any brief closure of a portion of a meeting to discuss employment or other internal administrative matters.

E. Frequency and Duration

The Board normally meets approximately two times each year. Each meeting generally lasts two to three days. The executive committee may meet more frequently at the call of the Chairman.

F. Emergency Meetings

In the event of an emergency requiring Board action, the executive committee will be convened to address the emergency. The Executive Director will poll other Board members on their opinion on how to address the emergency, but final resolution will be left to the discretion of the executive committee.

G. Location

The Board normally will meet in Anchorage, Alaska, but may meet, as appropriate and if funding allows, in other communities in any of the constituent States of the Board.

H. Conflicts of Interest and Recusal

Board members must refrain from voting under three circumstances: (1) on approval of funding for a research project if the Board member is listed as a principal investigator or collaborator whose curriculum vitae is included in the proposal, (2) if the decision would have a significant and predictable effect on their financial interest, or (3) if the Board member believes he/she has a conflict of interest.

Examples of instances covered under (3) include:

- Current employment in the specific department of the applicant for research funds
- Ownership of the institution's securities or other evidences of debt
- Known family or marriage relationship, if relationship is with a principal investigator or collaborator whose curriculum vitae is included in the proposal
- Business or professional partnership with a principal investigator or collaborator whose curriculum vitae is included in the proposal (Adopted March 2003)

Conflict of interest procedures for the Science Panel and Advisory Panel are incorporated in their operating procedures, attachments 1 and 2, respectively. Conflict of interest procedures for technical reviewers are included in the Science Panel procedures.

I. Miscellaneous Science Policies and Procedures Adopted by the Board

Though the SOPP's were not formally amended, the Board from time to time has adopted additional policies and procedures that relate to conduct of its science and research activities. They are referenced to the Board meeting(s) when they were considered or acted upon.

Confidentiality of Proposals. In processing its first RFP in 2002, the Board considered confidentiality of proposals. At first the Board made available to the public the proposal titles, authors, duration and funding requests, but kept the full text of the proposals confidential until approved for funding. Once funded, they were considered the property of NPRB and the full proposal was published on the website, without sensitive budget information. (June, October 2002) The Board subsequently decided to make proposal summary pages available to the public. (March 2003) In summary, the current practice is that research proposals shall be deemed proprietary and confidential until the Board approves them for funding. Funded proposals then may be released to the public. Unfunded proposals remain proprietary and confidential, with the exception that project title, author(s), funds requested, and duration will be disclosed to the public. Proposal summary pages for all proposals will be made public (adopted in March 2003).

Grievance Procedures. There is no formal grievance procedure for applicants for research funds. Submitters of rejected proposals will have the opportunity to re-submit rejected proposals in the next annual cycle with changes and/or responses to technical evaluations. (October 2002)

Supplementing Agency Programs. The Board considered whether to fund research which it believes is more an agency responsibility. While the Board needs to coordinate and cooperate with agencies conducting research in the North Pacific, and attempt to address gaps in research, it does not want to be

placed in the position of making up shortfalls in agency funded research. The Board will review proposals in that light, and make decisions on a case-by-case basis. (June 2002)

Equipment Purchases. The Board considered whether to set policy on funding equipment purchases. Some proposals were for the purchase of equipment such as a bomb calorimeter, but no actual research. The Board decided to fund several equipment purchases in anticipation of potentially valuable, future research that may be performed using that equipment. (June 2002)

Interagency Agreements with Other Research Entities. In addition to the periodic memoranda of understanding the Board signs with federal agencies to fund research by federal scientists, the Board is party to the following extant interagency agreements which are kept on file at the Board office:

- (1) A memorandum of understanding signed in 2001 by NOAA, the Alaska SeaLife Center and the Board concerning the establishment of the North Pacific Marine Research Institute and the administration of the Environmental Improvement and Restoration Fund;
- (2) A memorandum of agreement signed in 2003 by the Board, the *Exxon Valdez* Oil Spill Trustee Council (EVOSTC), and the University of Alaska, for establishing shared research priorities, coordination of research programs and cooperation in developing a network of people to assist with proposal and program reviews;
- (3) A memorandum of agreement signed in 2004 by the EVOSTC and the Board concerning a combined Linux server purchase and use;
- (4) A joint protocol signed in 2005 by the Board and the Oil Spill Recovery Institute to facilitate a partnership for funding research; and
- (5) A management plan signed in 2006 by the Board and the National Science Foundation for the joint partnership for funding and managing the Bering Sea ecosystem studies.

Pre-proposal Process. The Board considered a pre-proposal process for its annual RFPs, but concerns were raised over the time that would be necessary to conduct the preliminary review, and the expectations that an applicant might have if requested to submit a full proposal, but then subsequently be denied funding. Requesting pre-proposals might also encourage many applicants to submit a one or two-page proposal which would require an inordinate amount of time to screen, leading to larger expenditure of staff time than is currently required to review full proposals. The Board decided against calling for pre-proposals for the annual RFP (but they did decide to call for pre-proposals for the BSIERP and GOAIERP in 2007 and 2008). (May 2003)

Initial Screening of Proposals. This subject was considered by the Board initially in March 2005 and a policy was adopted in September 2005. It resulted in authorization for the staff to screen applications for conformance with requirements set forth in the RFP notice. The evaluation also will consider whether the proposal is responsive to NPRB enabling legislation and criteria and adequately addresses one or more of the research priorities and program needs listed in this notice. The Executive Director will request an ad hoc committee of available Science Panel members to help in the initial screening. Those proposals that are found by the Executive Director and the ad hoc committee to not comply with the requirements of the RFP will be rejected without further processing. (March and September 2005)

Confidentiality of Video and Photographic Information. In March 2003 the Board had approved two proposals that would involve taking photos or video footage of operations on commercial fishing vessels. Fishing companies then raised concerns that these images might be obtained through Freedom of

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Information Act requests or court subpoenas and used for unintended purposes, such as evidence in injury cases. Board members noted that protecting fishermen privacy must be balanced against providing access to raw data sufficient to allow for peer review and validation of research results. The Board requested a legal opinion from NOAA General Counsel, but none was forthcoming. The issue was never resolved. The statement of work for one of the projects was revised to have private industry purchase the imaging equipment and thus the raw footage was not the property of the Board. (May and October 2003)

Out-of-Cycle Proposals. In 2006, the Board had to deal with a proposal that was received out-of-cycle. It was an ADFG proposal to collect information on direct mortality inflicted on Steller sea lions by humans, and the North Pacific Fishery Management Council needed the information quickly, which meant it could not go through the regular annual RFP process. The following approach was used to process that proposal:

1. It was sent to the executive committee to determine if there was interest in moving forward.
2. Anonymous technical reviews were gathered.
3. It was considered scientifically meritorious and sent out to full Board for comments.
4. On basis of comments and reviews, executive committee made the final decision whether to fund.

The critical factor in processing this proposal was the need for the information for an ESA-related issue. It must be determined on a case-by-case basis whether a proposal is sufficiently important to require immediate processing rather than delaying it to the annual RFP cycle. The bar should be placed very, very high for an out-of-cycle proposal to be considered. A proponent must make a very compelling case why proposed work cannot wait until the next RFP, and not just be on a fishing expedition for funds. The Board agreed that the staff should be delegated the authority to make the decision about whether a proposal needs to be processed immediately or not. The applicant can always walk it up the line to the Executive Committee and then Board if the staff turns the proposal down. Otherwise, the proposal will need to go through the annual RFP process. The Board requested the staff to send it the results of any final decisions on out-of-cycle proposals. (September 2006)

Related to this issue is a request that came to the Board in April 2008 for additional funds for an ongoing project that had been funded earlier by the Board. Additional funds were requested for additional analysis of extra samples to study squid biology and life-history information. The Board voted against providing extra funds, noting that it would set precedence and that funding requests should come to the Board under the regular requests for proposals.

Subaward Compliance Policy. The Board approved a policy on subaward compliance in April 2009. (Attachment 3)

[Note: Additional policies on scientific quality and integrity, data management and quality control, and other issues directly relating to NPRB's science program may be found in Chapter 5 (p. 155-163) of the 2005 Science Plan. The Board's report titled *The Foundational Years: 2001-2008*, also should be consulted for additional information on policies and procedures adopted during that period.]

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Table 1. Decision Matrix for Full Board and Executive Committee

	<u>Full Board</u>	<u>Executive Committee</u>
Standard Operating Procedures		
Annual schedule	X	
Full Board dates and location	X	
Full Board draft agendas	X	
Board officers and elections	X	
Committee structure	X	
Standing Committee memberships	X	
Ad hoc Committee memberships		X
Approval of MOA/MOUs w/ other orgs.	X	
Executive Committee meetings		X
Annual Research Cycle		
Annual schedule	X	
Annual science plan & research priorities	X	
Request for proposals	X	
Public hearing schedule and locations	X	
Approach for technical review of proposals	X	
EIRF research project approval	X	
NPMRI project approval	X	
Non-EIRF research project approval	X	
Coordination and Outreach		
Educational activities	X	
Outreach activities	X	
Fiscal Matters		
Annual budget	X	
Review of periodic audits		X
Staff administration/oversight		X
Personnel issues		X
Grant Performance Monitoring		
		X

NPRB Science Panel and Affiliated Work Groups Policy and Procedures

1. Purpose and Need

The overall mission of the North Pacific Research Board is to develop a comprehensive science program of the highest caliber that will provide better understanding of the North Pacific, Bering Sea, and Arctic Ocean ecosystems and their fisheries, and help to sustain and enhance the living marine resources. The Board strongly supports extensive science planning, coordination, and review to enhance its high quality research program, taking into account regional needs. The program will strive to produce scientific knowledge that provides a reference point for understanding the marine ecosystem and impacts of human activities and natural variability on that system.

The Science Panel established by the Board will help shape its comprehensive research program and provide other scientific advice. The Panel's membership will be drawn from experts in fields of science most relevant to the Board's interests, such as oceanography, ecosystems dynamics, fish ecology, marine mammal and seabird biology, fisheries management, and socioeconomics. The Board will have access to all areas of knowledge necessary to the development of its research program through the combination of the expertise of the Panel and its supporting peer review process.

2. Objectives and Duties

As requested by the Board, through its Chairman or Executive Director, the Science Panel shall:

- a. Advise the Board on science planning and identification of research priorities;
- b. Help develop a science plan that includes a conceptual foundation, central hypotheses and questions for research;
- c. Advise the Board in identification, development, collection, and evaluation of statistical, biological, oceanographic, ecological, economic, social and other scientific information relevant to the Board's mission;
- d. Review proposals and technical evaluations received by the Board;
- e. Review reports and advise the Board on how to ensure the quality of reports and other products generated by funded research;
- f. Provide annual reviews of funded research to ensure stated goals and milestones of the research are on schedule; and
- g. Provide other scientific advice as requested by the Board.

The Panel also will interface with work groups and committees appointed by the Board to develop science plans and research priorities. Minutes shall be kept of each Science Panel meeting and shall be provided to the Board and the public.

3. Members and Officers

The Science Panel will have up to 16 members, all of whom shall be appointed by the Board, with the advice of the existing Panel, if applicable. They should include individuals with expertise in fields of science most relevant to the Board's interests, including but not limited to oceanography, ecosystems dynamics, fish ecology, marine mammal and seabird biology, fisheries management, and socioeconomics. They may be drawn from state/federal agencies, academia, or private organizations. They shall be selected for their expertise, broad perspective, long experience, and leadership in areas important to the Board's research program. They may have a direct interest in Board funding, but must adhere to recusal procedures prescribed by the Board. They shall be appointed for staggered 2-year terms and may be reappointed. Vacancies may be filled for the remaining unexpired term. The Science Panel Chair and

Vice Chair shall be elected by the Panel from among its members for 1-year terms. Members may not designate alternates. The Panel shall attempt to operate by consensus, however, decisions will be made by majority vote in accordance with Roberts Rules of Order whenever necessary.

4. Administrative Provisions

The Panel shall meet as a whole, or in part, at the request of the Chairman of the Panel, with the approval of the Chairman of the Board, as often as necessary to fulfill the Panel's responsibilities, taking into consideration time and budget constraints. It is anticipated that the Panel will meet at least three to four times a year on the following occasions: (1) in late summer to develop recommended research priorities for the coming year, (2) in early winter to review research proposals received in response to the annual request for proposals, (3) in the spring to review research results and assist in science planning, and (4) at other times deemed necessary by the Chairman of the Board. The Executive Director shall provide such staff and other support as the Board considers necessary for Panel activities, within budgetary limitations. Panel members will be paid their actual travel expenses in performing their duties in accordance with applicable law and Board travel policy.

5. Science Panel Member Selection Process

The Executive Director shall issue a public call for nominations to serve on the Science Panel. It will identify the types of expertise and qualifications the Board is seeking in nominees. Any person (including oneself) or organization is free to make a nomination. A one to two page curriculum vitae and three letters of reference must be provided for each nominee. The letters of reference should come from people who have worked with the nominee on a range of relevant research activities. The list of nominees will be reviewed by a nominating committee of Board members which will develop a recommended list of nominations based on criteria set forth by the Board. The list of nominees, the committee's recommendations, and any related information shall be forwarded to the Board for consideration and approval. Additional nominations may be solicited by the Board at its discretion.

6. Affiliated Work Groups

The Board, or the Science Panel, subject to the approval of the Board, and subject to budget limitations, may establish work groups to provide guidance on research topics, testable hypotheses and other topics for consideration by the Board. Work groups shall identify implementation strategies and possible locations for measuring and monitoring variables that are relevant to the key questions and testable hypotheses. Work groups may help organize peer review on proposals and project reports and may recommend appropriate peer reviewers.

Initially, work groups may be organized along the lines of the seven primary categories of research priorities: marine ecosystem structure and processes, endangered and stressed species, fish habitat, fishery management and economics, bycatch, stock assessment and recruitment processes, and contaminants. Work group structure may evolve as a result of future science planning efforts, particularly as they relate to the Board's science planning process being assisted by the National Research Council.

Work groups may be composed of 5-8 individuals: scientists, resource managers, and/or experts selected primarily for disciplinary expertise and familiarity with the broad research priorities of the Board. Other criteria include institutional and professional affiliations in order to promote collaboration and cooperation. They may include principal investigators of Board projects. Work groups shall strive for consensus, and meetings will be run in accordance with Roberts Rules of Order. Subject to availability of funds, work group members shall be reimbursed for travel, meals, and lodging not covered by their respective agency/employer.

(Approved October 31, 2002)

NPRB Science Panel Members and Independent Technical Reviewers Conflict-of-Interest and Confidentiality Requirements

Conflict of Interest

The success of the North Pacific Research Board (Board) in performing its functions depends on the effectiveness and integrity of its decision-making processes. If Board decisions are tainted by conflicting interests, its integrity is severely compromised. The Board must earn the confidence of the scientific community, of the Congress, and of the general public in the integrity, effectiveness, and evenhandedness of its decision-making processes. It will not do so if these processes are seen to be compromised by conflicts of interests. Science Panel members and independent technical reviewers should consider potential conflict situations that may arise in their review of research proposals and in other activities related to the Board. The Board decided in October 2002 that an individual may serve on the Science Panel despite a personal conflict, but must recuse him/herself from voting under three broad affiliations characterized below. The member may remain in the meeting for discussion purposes for all affiliations except item 2, bullet 4, wherein the member must leave the room during discussions and voting. Independent technical reviewers should recuse themselves from evaluating proposals if any of the following circumstances apply.

1. Affiliation with an Applicant Institution

- Current employment at the applicant institution or agency within the specific department of the applicant, or being considered for employment in that department
- Ownership of the institution's securities or other evidences of debt
- Current membership on a visiting committee or similar body that directly relates to the proposal.
- Current enrollment as a student at a department or school submitting a proposal if the proposed project will be of direct professional or financial benefit
- Received and retained an honorarium or award related to work or activities in the specific department of the applicant within the last 12 months

2. Affiliation with an Investigator, Project Director, or Other Person with Personal Interest in the Proposal

- Known family or marriage relationship, if relationship is with a principal investigator, collaborator (if curriculum vitae is included in proposal) or project director
- Business or professional partnership
- Past or present association as major thesis/dissertation advisor or thesis/dissertation student to one of the principal investigators
- Science Panel member is a principal investigator on a proposal or is listed as a collaborator and a curriculum vitae is included in the proposal package (for this case only, the panel member must leave the room during discussion and voting on that particular proposal)
- Technical reviewers who have submitted a proposal may be called on to review other proposals, but only if there is a shortage of available reviewers.

3. Other Affiliations or Relationships

- Interests of the following persons must be treated as if they were that of the Science Panel member or technical reviewer: any affiliation or relationship of member's spouse or minor child or sibling, of a relative living in the immediate household or of anyone who is legally a partner of the member, that would be covered by the affiliations listed above
- Other relationship, such as a very close personal friendship or open antagonism that might tend to affect a member's judgment or be seen as doing so by a reasonable person familiar with the relationship

Confidentiality of Documents and Restriction on Contact

Unfunded proposals will remain proprietary and confidential, though the title, author, requested funding amount, performance period, and proposal summary page will be made available to the public. Science Panel members will be given access to the full text of proposals and associated technical reviews, but cannot use that information for personal benefit or make it available for the personal benefit of any other individual or organization. Technical reviewers must follow the same requirements, but will not be given access to other reviews. Proposals and materials

NPRB SOPP – Science Panel
Attachment 1

from unfunded proposals must not be copied, quoted or otherwise disclosed outside official Science Panel meetings, or for non-NPRB related purposes. Panel members and reviewers must not retain copies of proposals in full or part, after completing the review process. They must not contact the originators of proposals under review concerning any aspect of the contents, without NPRB approval. (Adopted March 2003)

NPRB Advisory Panel Policy and Procedures

1. Purpose and Need

The overall mission of the North Pacific Research Board is to develop and maintain a comprehensive science program of the highest caliber that will provide better understanding of the North Pacific, Bering Sea, and Arctic Ocean ecosystems and their fisheries, and help to sustain and enhance the living marine resources. The Board strongly supports extensive science planning, coordination, and review to enhance its high quality research program, taking into account regional needs. The program will strive to produce scientific knowledge that provides a reference point for understanding the marine ecosystem and impacts of human activities and natural variability on that system.

The Advisory Panel will advise the Board on accomplishing its overall mission by providing a mechanism for meaningful community involvement throughout the science program from planning to oversight and review. The Advisory Panel will have a significant advice-giving role, with active involvement in setting research priorities, defining questions, and helping the Board field an effective and meaningful education and outreach program.

2. Membership

The Advisory Panel will have up to 10 members and will be representative of user groups and other interested parties from the various regions within the Board's purview. The Board will not identify specific areas of expertise for potential Panel members, but rather it will retain the flexibility needed to consider applicants in terms of current research priorities and requirements for balanced representation across regions and topical research areas. The Board intends to refresh and redirect committee membership as new research directions and issues emerge over time.

3. Call for Nominations

The Executive Director shall issue a public call for nominations to serve on the Advisory Panel. Nominations will be called for every other year, most likely in January, so that appointments may be made at the March Board meeting. It is the desire of the Board to have new members of the Advisory Panel appointed and available to meet in May or early June of each year to help in identifying draft research priorities that will be considered for incorporation in the request for proposals that normally will be released each fall. Any person (including oneself) or organization is free to make a nomination. A one to two page resume must be provided for each nominee. Letters of reference also may be submitted. The list of nominees will be reviewed by the Board in March for possible approval for membership. Additional nominations may be solicited by the Board at its discretion.

The Board will consider the following attributes when deciding on appointments to the Advisory Panel:

- Candidates should have a demonstrated ability to be objective in considering research activities and science planning;
- Candidates should be of top quality and caliber and be committed to full and active participation for each meeting during their term;
- Candidates should be considered because of the experience they bring to the Board rather than their political clout or connection;
- Candidates should be active, involved members of their community and business to ensure the best and most pertinent input into the Board and likewise should be responsible and diligent in reporting on Board activities back to their communities.

In selecting Panel members, the Board recognizes that constituencies from Washington, Oregon, and other areas may have direct interest in its activities, in addition to people throughout Alaska from Southeast to the Arctic Ocean. Various ad hoc working groups also may be appointed as needed to focus on specific issues.

4. Terms of Membership

Advisory Panel members serve for 2-year terms. A member may serve two consecutive 2-year terms, if reappointed by the Board. Vacancies may be filled for the unexpired term. The Board, acting through its Chairman, may remove a member of the Advisory Panel for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.

5. Meetings

The Advisory Panel shall meet as a whole, or in part, at the request of the Chairman of the Panel, with the approval of the Chairman of the Board, as often as necessary to fulfill the Advisory Panel's responsibilities, taking into consideration time and budget constraints. There is no set number of meetings prescribed during the year; rather, the Panel will meet as required and appropriate. The Advisory Panel likely will meet in advance of Board meetings to allow sufficient time for the Panel to prepare recommendations for the Board. All meetings are open to the public.

6. Operations

The Advisory Panel Chair and Vice Chair shall be elected by the Panel from among its members for 1-year terms. Members may not designate alternates. The Panel shall attempt to operate by consensus, however, decisions will be made by majority vote in accordance with Roberts Rules of Order whenever necessary. Minutes shall be kept of each Advisory Panel meeting and shall be provided to the Board and the public. The Executive Director shall provide such staff and other support as the Board considers necessary for Panel activities, within budgetary limitations. Panel members will be paid their actual travel expenses in performing their duties in accordance with applicable law and Board travel policy.

7. Conflict of Interest and Recusal

Advisory Panel members must refrain from voting if the decision would have a significant and predictable effect on their financial interest or if the member believes he/she has a conflict of interest.

(Originally adopted March 2003; revised May 2005)

**North Pacific Research Board Policy
Compliance with Subaward Agreements
(Adopted March 2009)**

Purpose

The North Pacific Research Board (NPRB) supports marine research activities in the North Pacific based on highly competitive requests for proposals. Projects are funded through NPRB subawards with subrecipients who agree to comply with subaward provisions and all applicable federal law, and perform the work in the research plan. The research plan is the primary basis for selecting proposals by NPRB. It identifies hypotheses, conceptual approach, experimental design, and timelines and measurable milestones used to monitor progress based on periodic financial reports, semi-annual progress reports, and a final report. When approved and subsequently attached as an appendix 1 to the subaward, it becomes the primary basis for evaluating success or failure of the project.

In funding many research projects at institutions across the U.S. and beyond since 2002, NPRB has been fortunate to have supported many very capable principal investigators who have managed their projects successfully. The Board wishes to maintain that high success rate and intends to continue working closely with subrecipients toward successful completion of individual projects.

There are, however, the rare occasions when a project is not progressing satisfactorily. This may happen for a variety of very legitimate reasons, for example, bad weather, absence of animals, equipment failures in remote locations, acts of God, or other factors that may be outside the control of the principal investigators. NPRB fully understands there is risk inherent in conducting scientific research, especially in remote locations, and intends to work closely with subrecipients to bring about a reasonable and acceptable conclusion to those projects.

The procedures herein cover such inadvertence, but this policy is aimed more squarely at situations where principal investigators diverge from their research plan, fail to manage or report properly, or fail to meet other subaward provisions, without prior approval of NPRB. This policy describes steps that NPRB will take to address such deficiencies. Its provisions are derived mainly from a close reading of OMB Circular A-110 (referenced by § in text), NSF Award and Administration Guide (AAG), and the US Department of Commerce Financial Assistance Standard Terms and Conditions (DOC). Part 180 – OMB Guidelines on Governmentwide Debarment and Suspension also is referenced.

Guiding Principles

In general NPRB will strive to adhere to two guiding principles in taking steps to resolve issues that may arise with research projects. The first guiding principle will be to identify performance problems as early as possible so the subrecipient, working with NPRB, has the opportunity to resolve problems before the situation worsens. NPRB will review progress reports to assess performance. It must be noted, however, that NPRB does not have the primary responsibility for detecting emerging issues. OMB A-133 §215.51(f) requires subrecipients to immediately notify NPRB, as the awarding agency in this case, of developments that have a significant impact on the subaward-supported activities, including any problems, delays, or adverse conditions which may materially impair the ability to meet the objectives of the subaward.

The second guiding principle will be to strive to resolve problems at the lowest point of potential failure, normally at the principal investigator level. Working with the principal investigators, and then the grants managers as appropriate, NPRB will strive to resolve issues at the staff level before elevating the situation to higher authority at the subrecipient or NPRB, as provided for in this policy.

51 Non-compliance

52

53 In agreeing to the subaward provisions, the subrecipient accepts full responsibility for managing and
54 monitoring its NPRB-funded project to a successful conclusion (§215.51(a)). Subrecipients must report
55 performance in accordance with subaward provisions, which at a minimum, require brief information on
56 each of the following: a comparison of actual accomplishments to stated goals and objectives, research
57 findings and quantitative data as appropriate, reasons why established goals were not met, if appropriate,
58 and any cost overruns (§215.51(d)). It has been NPRB's experience that when problems occur, they
59 generally involve: (1) incomplete or late finance, progress, and final reports; (2) non-achievement of
60 objectives or milestones or pursuit of new ones without prior approval; or (3) incomplete reporting of data
61 or metadata. These problems, as well as any other occasion when subaward provisions are not followed
62 without prior approval of NPRB, may be viewed as instances of non-compliance.

63

64 Problem Resolution

65

66 Successful completion of individual research projects is of paramount importance. NPRB will proceed in
67 good faith to work with recipients and their respective principal investigators and grants managers to
68 resolve potential issues early and at the lowest level necessary in accordance with the two guiding
69 principles stated above. To facilitate resolution, subrecipients are reminded that they are required to:

70

- 71 • Report deviations from budget and program plans and request prior NPRB approval for any
72 change in scope or objective, even if there is no associated budget revision (§215.25(c)).
- 73 • Immediately notify NPRB of any development that may significantly impact their subaward-
74 supported activities, particularly problems, delays, or adverse conditions which may materially
75 impair the ability to meet their objectives and milestones. The notification must describe the
76 action taken or contemplated and any assistance needed to resolve the situation (§215.51(f)).

77

78 Staff Resolution

79

80 Problems and issues will be resolved to the extent possible through communication between NPRB staff,
81 normally the Science Director, and the principal investigators. If the issue cannot be resolved, the NPRB
82 Executive Director will review the situation and notify the subrecipient, normally through the grants
83 manager, in writing of the circumstances, the nature of the problem, citing the specific deficiency, and the
84 status and outcomes of direct negotiation with the principal investigators to date. A copy of the written
85 communication will be provided to the principal investigator(s). The subrecipient will be requested to
86 respond in writing within 30 calendar days of the date of such communication, describing the steps and
87 schedule for correcting the deficiency (AAG VII.A.2.b(i)). If the prospective actions are deemed
88 satisfactory by the Executive Director, the grants manager will be notified of that decision in writing.

89

90 Elevation to NPRB

91

92 If deficiencies remain unresolved, or the subrecipient has not provided a satisfactory response within the
93 30-day period or requests to elevate the decision to the Board, the Executive Director will refer the matter
94 in a written report to the NPRB Executive Committee. The report will present the facts as understood,
95 describe the situation and deficiencies, provide responses from the subrecipient, and recommend remedial
96 action as appropriate.

97

98 The subrecipient will be notified in writing of this elevation. Upon notification, the subrecipient will have
99 up to 15 calendar days to provide additional information. The NPRB Executive Committee then will
100 review the report and any additional information and take action as appropriate. All actions will be taken
101 by unanimous vote of the members eligible to vote in accordance with NPRB recusal policies. Following

102 a decision, the NPRB Executive Committee will formally notify the subrecipient by certified mail, with
 103 copies to the principal investigator(s). The full Board will be informed of the actions taken at their next
 104 regularly scheduled meeting.

105
 106 **Mediation**

107 If the above procedures fail to resolve the situation, NPRB or the subaward recipient may request formal
 108 mediation. In that event, the subaward recipient and NPRB agree to participate in at least two hours of
 109 mediation with an independent, professional mediator, with both parties agreeing to share equally in the
 110 costs of the mediation. The costs will not include costs incurred by a party for representation by counsel
 111 at the mediation. Mediation involves each side of the dispute sitting down with an impartial person, the
 112 mediator, to attempt to reach a voluntary settlement. Mediation involves no formal court procedures or
 113 rules of evidence, and the mediator does not have the power to render a binding decision or force an
 114 agreement on the parties.

115 **Suspension without Prior Notice**

116
 117 NPRB may temporarily withdraw its sponsorship under a subaward, pending corrective action by the
 118 subrecipient or a decision to terminate the subaward, if the subrecipient has failed to comply with the
 119 project objectives, the terms and conditions of the subaward, or reporting requirements (§215.2(ii),
 120 §215.22(h)(1), and §215.62(a)). Action by NPRB to suspend an award normally will be taken only after
 121 the grants manager has been informed by NPRB of the proposed action and provided an opportunity for
 122 hearing, appeal, or other administrative proceeding to which the subrecipient is entitled (§215.62(b)), or
 123 the steps described above have been taken, and there has been an opportunity to correct the problem(s).
 124

125 The Executive Director may immediately suspend a subaward without prior notice when it is believed
 126 that such action is reasonable to protect the interests of NPRB and the federal government (AAG
 127 VII.A.2.a(ii)). No costs incurred during a suspension period will be allowable, except those costs
 128 approved by NPRB in the suspension notice, or which, in the opinion of NPRB, are necessary and not
 129 reasonably avoidable (§215.62(c)).
 130

131 The Executive Director then will send a follow-up notice of suspension by certified mail to the
 132 subrecipient (normally the grants manager), with a copy to the principal investigator(s), setting forth the
 133 reasons for suspension and its effective date. The NPRB Executive Director will inform the NPRB
 134 Executive Committee of any such action and provide a written report fully describing the situation, the
 135 need for immediate suspension, and the conditions under which the suspension may be lifted. The NPRB
 136 Executive Committee will meet as appropriate to determine the next steps for resolving the situation.
 137

138 **Remedies**

139
 140 After carefully reviewing the situation and responses from the subrecipient, NPRB will consider taking
 141 action as appropriate. NPRB may impose temporary special subaward conditions in accordance with
 142 §215.14. NPRB also may take actions as allowed under 215.62(a):
 143

- 144 1. Temporarily withhold cash payments pending correction of the deficiency.
- 145 2. Disallow all or part of the cost of the activity or action not in compliance.
- 146 3. Wholly or partly suspend or terminate the current award.
- 147 4. Withhold further awards for the project or program.
- 148 5. Take other remedies that may be legally available.

149

150 NPRB also may prohibit participation by an individual as a principal investigator, co-investigator or
151 collaborator on new projects for a specified time and under specified conditions until problems are
152 deemed to be resolved by NPRB. Failure to provide required reports within the period specified in the
153 subaward could delay NPRB review and processing of pending proposals for all identified principal
154 investigators and co-PIs on a given subaward (AAG Chapter II.E.4). NPRB also may call for a full audit
155 of expenses for the subaward in question and other subawards to the institution as appropriate.
156

157 Remedial actions will stay in effect until all issues identified in writing have been fully resolved to the
158 satisfaction of NPRB. NPRB reserves the right to terminate a subaward if it has attempted to resolve
159 issues under the guidance provided in this policy, but has failed to do so. In cases of termination, NPRB
160 will adhere closely to requirements set out in §215.61 and §215.62.
161

162 **Research Misconduct**

163
164 Research misconduct means fabrication, falsification, or plagiarism in proposing or performing research
165 funded by NPRB, reviewing research proposals submitted to NPRB, or in reporting research results
166 funded by NPRB. In determining if misconduct has occurred and in taking action, NPRB will adhere as
167 closely as possible to procedures described at AAG Chapter VII.C.
168

169 **Debarment and Suspension**

170
171 This policy does not refer to debarment or suspension as covered by Part 180 – OMB Guidelines to
172 Agencies on Government-wide Debarment and Suspension (Nonprocurement), in Federal regulations at
173 70 FR 51865, August 31, 2005, and Executive Orders 12549 and 12689. Under those regulations, certain
174 parties who are debarred, suspended or otherwise excluded may not be participants or principals in
175 Federal assistance awards and subawards, and in certain contracts under those awards and subawards
176 (§215.13). NPRB is not defined as a Federal agency pursuant to §180.950, and thus can only make
177 recommendations to the Secretary of Commerce regarding debarment and suspension. The above
178 procedures and remedies do not preclude a subrecipient from being subject to debarment and suspension
179 (§215.62(d)).
180

181 **Notification**

182
183 This policy was approved by NPRB on March 2, 2009. By reference, it is made part of all NPRB
184 subaward agreements beginning in 2009. Subrecipients will be notified of this policy during each NPRB
185 request for proposals, and must acknowledge and agree to it when accepting subawards. Current and past
186 subawards are covered by their subaward provisions and all applicable Federal law.