



June 21, 2021

Mr. Marc Gorelnik, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, #101
Portland, OR 97220

RE: C.9 Membership Appointments and Council Operating Procedures

Dear Chair Gorelnik and Council Members:

Ocean Conservancy and Oceana appreciate the opportunity to comment on the structure and procedures of the Pacific Fishery Management Council's (Council) Advisory Bodies (ABs). ABs are important for meeting Council and NOAA goals around stakeholder inclusion, governmental transparency, and utilizing participatory science and knowledge. Balancing these goals with related pitfalls such as inequity in representation or political power imbalances is challenging, and we applaud and appreciate the efforts that the Council makes to do so.

Serving on an AB is a privilege that comes with political influence by directly providing an opportunity to advise the Council as well as financial support to attend meetings. This typically allows for AB meeting attendance, and often the additional benefit of full Council meeting attendance, thus allowing an individual access to provide comment on their personal behalf and access to the Council process.¹ How the Council grants individuals this privilege and designs its ABs is critical in realizing an equitable, inclusive, trusted, and functioning governmental process, which is vital for the long-term success of the Council process and the sustainable management of our fisheries.

To meet these goals and move toward a better system, we offer the following recommendations.

Term Limits

Some AB members have served for upwards of 15+ years. While this can provide continuity and historical knowledge of the Council process, it inhibits bringing new voices and perspectives into the Council process. It also confers outsized influence on specific individuals and limits the range of opinions and knowledge that the Council can draw upon. With our natural ecosystem, social systems, and economic structures undergoing increasingly rapid change, now more than ever the Council needs to hear from a wider and more diverse set of stakeholders that can provide a variety of viewpoints. Complex problems need new and creative solutions. Additionally, bringing in new people to the Council public process is important for the transfer of information and knowledge external to the Council process and building community and public trust.

¹ See agenda item C.10, attachment 3, June 2021 *Council Staff Proposed September Meeting Arrangements* report regarding AB attendance at the September 2021 meeting: "...traveling to Spokane will allow these people to attend the Council and state delegation (if any) meetings, testify in person to the Council, and socialize with others that are present in Spokane."

We recommend that the Council establish AB term limits similar to those of Council members; three-year terms, with the possibility of reappointment two times. If an individual serves three terms, they may be reappointed for a fourth term only if there are no other applicants. Such appointments will thus likely need to be staggered to help promote continuity.

AB Seat Composition

Every AB is different, thus selecting specific seats is difficult and an ongoing challenge for the Council. The need to evolve over time as our fisheries and ecosystems change is an issue the Council addresses regularly, and we continue to support examining and improving ABs every three years as outlined by the existing Council Operating Procedures (COP 2). We offer the following recommendations for selecting membership for all ABs:

- Appoint at least 2 members of each major stakeholder group - conservation, recreational, commercial. While the differences in recreational and commercial groups may be obvious, within the conservation community there are differences of perspective, expertise, and experience as well.
- Consider diversity of geographic location when possible.
- Change or add seats as needed to represent new and emerging gear types, such as deep-set buoy gear on the HMSAS.
- Develop at-large community seats that encourage inclusion of individuals who are not part of a major stakeholder group but have interests in sustainable fisheries. For example, ecotourism businesses, chefs and food providers, local government officials, etc.
- Create a new non-voting position on each standing AB that facilitates scientific advice and fluency during meetings. Such a position could be filled by the NOAA Fisheries Science Centers.

Majority/Minority Opinions

The current format of holding votes and presenting majority vs. minority opinions on Council ABs undermines the Council's goal to be inclusive and to value and consider diverse opinions. To better promote collaboration and respect for differing perspectives, we suggest changes to the COPs in the way recommendations by ABs are presented to the Council. Specifically, we believe it is problematic to present an extended "majority report" primarily presenting industry views, while truncated "minority reports" often present the views of the conservation community, because such vote counts merely reflect the composition of ABs.

We suggest that the Council amend its COPs to encourage consensus whenever possible, but in situations where consensus cannot be reached, to present various perspectives equally regardless of the number of votes. The reports can indicate members' respective rationale without presenting perspectives differently based on number of votes. The California Dungeness Crab Fishing Gear Working Group presents their management recommendations regarding whale entanglement prevention to state fishery managers in this way. We have included the relevant excerpt from their charter as an Appendix, and request the Council consider adopting a procedure like this example.

Chair Training and Meeting Inclusiveness

To encourage efficient and productive meetings that also facilitate inclusion of new and/or different voices, we recommend that AB chairs receive training in harassment, bullying, equity and inclusion, similar to training that Council and NOAA staff are required to attend. We also recommend that any person applying for an AB seat review and sign a statement signifying that they have read and

understand the COPs regarding conduct at AB meetings and pledge to uphold them as part of their membership. Finally, we recommend any new AB members attend an introduction to the Council process. Such a session could occur once every three years following appointments.

Meeting Timing and Format

Per recommendations made in public comment under agenda item C.10 at this meeting, the COVID-19 pandemic has shown us collectively the value and opportunities that virtual meetings can have. AB meetings do not need to be in-person to be effective, and thus provide opportunities to a wider range of people to attend and participate in addition to Council cost savings. We recommend that ABs continue to meet remotely going forward, with the option to meet in-person once a year.

Public Comment and Participation

Transparency and inclusion are core tenets of a working public process. Currently, ABs are not required to include public comment on their agenda. We recommend revising the COPs to clarify that public comment is a mandatory and necessary part of any AB meeting.

We thank the Council for its ongoing work to be as inclusive and transparent as possible and uphold the goals of the Magnuson-Stevens Act and the council system in general. We are fortunate to have a system of fishery management that values stakeholder inclusion and participation as a core principle. But more work must be done to ensure our ABs are truly representative of all communities that depend on sustainable fisheries. We encourage the Council to continue their work in this vein to make our fisheries and communities as strong and resilient as possible.

Sincerely,



Corey Ridings, MPH
Ocean Conservancy



Geoffrey Shester, Ph.D.
Oceana

Appendix: Examples of non-ranked recommendation process from an advisory body

Excerpt from California Dungeness Crab Fishing Gear Working Group Charter (October 2020):

Management Action Recommendation Making Process

In the spirit of collaboration and developing recommendation(s) that reflect the Working Group's shared vision, an Evaluation Team will strive towards consensus (no opposition) for all recommendation(s) forwarded to the Director. Recommendation(s) with no opposition will be identified as 'consensus' and likely to be prioritized by the Director in their deliberations. All recommendation(s) developed by an Evaluation Team, including any that do not have consensus support, will be captured in a Recommendations Memo and submitted to the Director. To help focus the Director's review, an Evaluation Team will aim for no more than five (5) management recommendations. The memo will not specify the number of individuals supporting a particular recommendation and no formal voting will take place. Each recommendation presented will include its rationale, including its conservation and socioeconomic benefits/merits and any limitations or tradeoffs to consider for each option and how the option was arrived at, as well as how broadly supported a recommendation was.

https://www.opc.ca.gov/webmaster/media_library/2020/11/CAWhaleWorkingGroup_UpdatedCharter_October2020.pdf

Example of preface to Working Group non-consensus recommendations from December 11, 2020:

"Multiple management options were put forward by Working Group members. They are listed below in the order they were raised during the discussion. Their order does not reflect a ranked level of support by Working Group members."

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184975&inline>